

DISTRICT OF COLUMBIA
OFFICE OF APPRENTICESHIP, INFORMATION
AND TRAINING

DRAFT
STATE PLAN

EQUAL EMPLOYMENT OPPORTUNITY
IN APPRENTICESHIP TRAINING

SCOPE AND PURPOSE

This plan sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the District of Columbia Apprenticeship Council. These policies and procedures apply to the recruitment and selection of apprentices and to all conditions of employment and training during apprenticeship. The procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering non-complying apprenticeship programs. The purpose of this plan is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex in apprenticeship programs, by requiring affirmative action to provide equal opportunity in such apprenticeship programs, and by coordinating this State Plan with other equal opportunity programs. The authority for the implementation and adoption of these policies and procedures affecting the registration of apprenticeship programs is the District of Columbia Apprenticeship Act. The United States Department of Labor has the authority to conduct compliance reviews and complaint investigations to determine whether this plan is administered in accordance with federal regulations.

DEFINITIONS

- (a) ***The D.C. Apprenticeship Act***—means the act of May 21, 1946 (PL 79-387) (DC Code Title 32, Section 1401 – 1413 – 1431) which provides young people in the District of Columbia with planned apprenticeship training that will equip them for profitable employment and citizenship and to encourage and render technical assistance to qualified D.C. employers.
- (b) ***State Apprenticeship Council***—means the council established by the District of Columbia pursuant to the D.C. Apprenticeship Act.
- (c) ***Registration Agency***—means the District of Columbia Office of Apprenticeship, Information and Training within the Department of Employment Services which is recognized by U.S. Department of Labor to register apprenticeship programs for Federal purposes.

- (d) **Department**—means the D.C. Department of Employment Services
- (e) **State Apprenticeship Program**—means a program registered with the Registration Agency and evidenced by a Certification of Registration or other appropriate document as meeting the apprenticeship standards of the agency.
- (f) **Sponsor**—means any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.
- (g) **Director**—means the Director of the D.C. Department of Employment Services or any person designated by the Director to supervise the administration of the provisions of the D.C. Apprenticeship Act. The Mayor of the District of Columbia designated the Director of the D.C. Department of Employment Services as the person to administer the provisions of the D.C. Apprenticeship Act.
- (h) **Secretary**—means the Secretary of the United States Department of Labor, the Assistant Secretary of Labor for Employment and Training or any person specifically designated by either of them.
- (i) **Minorities**— means persons who are Black or African American; American Indian or Alaska Native; Asian; Native Hawaiian or other Pacific Islander; or Hispanic or Latino.
- (j) **Employer** - means any person or organization employing an apprentice whether or not the person or organization is party to an apprenticeship agreement with the apprentice.

SECTION I – EQUAL OPPORTUNITY STANDARDS

- A. **Obligation of Sponsors.** Each sponsor with a registered apprenticeship program shall:
1. Recruit, select, employ, and train apprentices during their apprenticeship, without discrimination because of race, color, religion, national origin, or sex;
 2. Uniformly apply rules and regulations concerning apprentices, including but not limited to, equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties or other disciplinary action, and administration of all other aspects of the apprenticeship program by the program sponsor; and

3. Take affirmative action to provide equal opportunity in apprenticeship, including adoption of an affirmative action plan as required by this plan.

B. Equal Opportunity Pledge. Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge:

The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30, and the equal employment opportunity regulations of the District of Columbia State Plan.

C. Programs Presently Registered. Each sponsor of a program registered with the Registration Agency as of the effective date of this plan shall within 90 days following the effective date of this plan take the following action:

1. Include in the standards of its apprenticeship program the equal opportunity pledge prescribed by paragraph "B." of this section;
2. Adopt an affirmative action plan required by Section II; and
3. Adopt a selection procedure required by Section III. A sponsor adopting a selection method under Section III, B. 1, 2, or 3, shall prepare, and have available for submission upon request, copies of its amended standards, affirmative action plans, and selection procedure.

A sponsor adopting a selection method under Section III B. 4 shall submit to the Registration Agency copies of its standards, affirmative action plan and selection Procedures in accordance with the requirements of Section III B. 4 (i) (a).

D. Sponsors Seeking New Registration. A sponsor of a program seeking new registration with the Registration Agency shall submit copies of its proposed standards, affirmative action plan, selection procedures, and such other information as may be required. The program shall be registered if such standards, affirmative action plan, and selection procedure meet the requirements of this plan.

- E. Programs Subject to Approved Equal Employment Opportunity Programs.** A sponsor shall not be required to adopt an affirmative action plan under Section II or a selection procedure under Section III if it submits to the Apprenticeship Council satisfactory evidence that it is in compliance with an equal employment opportunity program providing for the selection of apprentices and for affirmative action in apprenticeship including goals and timetables for women and minorities which has been approved as meeting the requirements of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.) and its implementing regulations published in title 29 of the Code of Federal Regulations, or Executive Order 11246, as amended (30 F.R. 12319/ 32 F.R. 14303/ 34 F.R. 12986) and the implementing regulations published in Title 41 of the Code of Federal Regulations, Chapter 60: Provided that programs approved, modified, or renewed subsequent to the effective date of this amendment will qualify for this exception only if the goals and timetables for minorities and women for the selection of apprentices provided for in such programs are equal to or greater than the goals required under this Section.
- F. Programs with Fewer than Five Apprentices.** A sponsor of a program in which fewer than five apprentices are indentured shall not be required to adopt an affirmative action plan under Section II or a selection procedure under Section III: Provided That such program was not adopted to circumvent the requirements of this plan.

SECTION II – AFFIRMATIVE ACTION PLANS

- A. Adoption of Affirmative Action Plans.** A sponsor's commitment to equal opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action plan.
- B. Definition of Affirmation Action.** Affirmative action is not mere passive nondiscrimination. It includes procedures, methods, and programs for the identification, positive recruitment, training, and motivation of present and potential minority and women (minority and non-minority) apprentices including the establishment of goals and timetables. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of the work potential of minorities and women. The overall result to be sought is

equal opportunity in apprenticeship for all individuals participating in or seeking entrance to the Nation's labor force.

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

1. Dissemination of information concerning the nature of apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor. For programs accepting applications only at specified intervals, such information shall be disseminated at least 30 days in advance of the earliest date for application at each interval. For programs customarily receiving applications throughout the year, such information shall be regularly disseminated but not less than semiannually. Such information shall be given to the Registration Agency, local schools, the Employment Services One Stop Centers, women's centers, outreach programs and community organizations which can effectively reach minorities and women and shall be published in newspapers which are circulated in the minority community and among women as well as in the general areas in which the program sponsor operates.

2. Participation in annual workshops conducted by the employment services agency for the purpose of familiarizing school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.
3. Cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.
4. Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under this plan.
5. Engaging in programs such as outreach for the positive recruitment and preparation of potential applicants for apprenticeship; where appropriate and feasible, such programs shall provide for pre-testing experience and training. If no such programs are in existence, the sponsor shall seek to initiate these programs, utilizing technical assistance from the D.C. Department of Employment Services, Office of Apprenticeship. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations. The sponsor shall also initiate programs to prepare women and encourage women to enter traditionally male programs.
6. To encourage the establishment and utilization of programs of preapprenticeship, preparatory trade training, or others designed to afford related work experience or to prepare candidates for apprenticeship, a sponsor shall make appropriate provisions in its affirmative action plan to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program\.
7. Utilization of journeyman to assist in the implementation of the sponsor's affirmative action program.
8. Granting advance standing or credit on the basis of previously acquired experience, training, skills, or aptitude for all applicants equally.

9. Admitting to apprenticeship programs persons whose age exceeds the maximum age for admission to the program, where such action assists the sponsor in achieving its affirmative action obligations.

10. Other appropriate action to ensure that the recruitment, selection, employment, and training of apprentices during apprenticeship shall be without discrimination because of race, color, religion, national origin, or sex (e.g. general publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc; use of present minority and female apprentices and journeypersons as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and employers of apprentices to ensure that equal employment opportunity is being granted, including reporting systems, on-site reviews, briefing sessions, etc.).

The affirmative action program shall set forth the specific steps the sponsor intends to take in the above areas. The D.C. Department of Employment Services may provide technical assistance as it deems necessary to implement the above requirements.

D. Goals and Timetables.

1. A sponsor adopting a selection method under Section III, B. 1. Or 2. which determines on the basis of the analysis described in paragraph “E” of this section that it has deficiencies in terms of underutilization of minorities and/or women (minority and non-minority) in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the admission of minority and female (minority and non-minority) applicants into the eligibility pool.

2. A sponsor adopting a selection method under Section III “B” 3 or 4 which determines on the basis of the analysis described in Paragraph “E” of this section that it has deficiencies in terms of the under-utilization of minorities and/or women in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the selection of minority and female (minority and non-minority) applicants for the apprenticeship program.

3. “Underutilization” as used in this paragraph refers to the situation where there are fewer minorities and/or women (minority and non-minority) in the **particular** craft or crafts represented by the program than would reasonably be expected in view of an analysis of the specific factors in subparagraphs 1 through 5 in Paragraph “E” of this section. Where, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action plan shall include a detailed explanation why no goals and timetables have been established.

4. Where the sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals and timetables which are unacceptable, and the Registration Agency determines that the sponsor has deficiencies in terms of underutilization of minorities or women (minority and non-minority) within the meaning of this section, the Registration Agency shall establish goals and timetables applicable to the sponsor for the admission of minority and female (minority and non-minority) applicants into the eligibility pool or selection of apprentices, as appropriate. The sponsor shall make good faith efforts to attain these goals and timetables in accordance with the requirements of this section.

E. Analysis to Determine if Deficiencies Exist. The sponsor’s determination as to whether goals and timetables shall be established shall be based on an analysis of at least the following factors, which analysis shall be set forth in writing as part of the affirmative action plan.

1. The population size of the working age minority and female (minority and non-minority) population in the program sponsor’s labor market area;
2. The size of the minority and female (minority and non-minority) labor force in the program sponsor’s labor market area;
3. The percentage of minority and female (minority and non-minority) participation as apprentices in the particular craft as compared with the percentage of minorities and female (minority and non-minority) in the labor force in the program sponsor’s labor market area;

4. The percentage of minority and female (minority and non-minority) participation as journeypersons employed by the employer or employers participating in the program as compared with the percentage of minorities and female (minority and non-minority) in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices; and

5. The general availability of minorities and female (minority and non-minority) with present or potential capacity for apprenticeship in the program sponsor's labor market area.

F. Establishment and Attainment of Goals and Timetables. The goals and timetables shall be established on the basis of the sponsor's analyses of its underutilization of minorities and females and its entire affirmative action program. A single goal for minorities and a separate single goal for women are acceptable unless a particular group is employed in a substantially disparate manner in which case separate goals shall be established for such group. Such separate goals would be required, for example, if a specific minority group of women were underutilized even though the sponsor had achieved its standards for women generally.

In establishing the goals, the sponsor should consider the results which could be reasonably expected from its good faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by whether the sponsor has met its goals within its timetables, or failing that, whether it has made good faith efforts to meet its goals and timetables. Its "good faith efforts" shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals. However, in order to deal fairly with program sponsors, and with women who are entitled to protection under the goals and timetables requirements, during the first 12 months after the effective date of these regulations, the program sponsor would generally be expected to set a goal for women for the entering year class at a rate which is not less than 50 percent of the proportion women are of the workforce in the program

sponsor's labor market area and set a percentage goal for women in each class beyond the entering class which is not less than the participation rate of women currently in the preceding class. At the end of the first 12 months after the effective date of these regulations, sponsors are expected to make appropriate adjustments in goal levels. *See* Section V, B.

G. Data and Information. The Director of the D.C. Department of **Employment Services** or a person designated by the Director shall make available to program sponsors data and information on minority and female (minority and non-minority) population and labor force characteristics for each Standard Metropolitan Statistical Area and for other special areas as appropriate.

SECTION III—SELECTION OF APPRENTICES

A. Obligation of Sponsors. In addition to the development of a written affirmative action plan to ensure that minorities and/or women (minority and non-minority) have an equal opportunity for selection as apprentices and otherwise insure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that the selection of apprentices shall be made under of the methods specified in the following subparagraphs 1. through 4. of B. of this section.

B. Selection Methods. The sponsor shall adopt one of the following methods for selecting apprentices.

1. Selection on basis of rank from pool of eligible apprentices.

(i) **Selection.** A sponsor may select apprentices from a pool of eligible applicants created in accordance with the requirements of subdivision (iii) of this subparagraph on the basis of the rank order of scores of applicants on one or more qualification standards where there is a significant statistical relationship between rank order of scores and performance in the apprenticeship program.

In demonstrating such relations, the sponsor shall follow the procedures set forth in the Uniform Guidelines on Employee Selection Procedures published at 41 CFR Part 60-3.

(ii) **Requirements.** The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (iii) through (vii) of this subparagraph.

(iii) **Creation of pool of eligible(s).** A pool of eligible(s) shall be created from applicants who meet the qualifications of minimum legal working age, or from applicants who meet qualification standards in addition to minimum legal working age: *Provided*, that any additional qualification standards conform to the following requirements:

(a) **Qualification standards.** The qualifications standards, and the procedures for determining such qualification standards, shall be stated in detail and shall provide criteria for the specific factors and attributes to be considered in evaluating applicants for admission to the pool. The score required under each qualification standard for admission to the pool shall also be specified. All qualification standards and the score required on any standard for admission to the pool shall be directly related to job performance, as shown by a significant statistical relationship between the score on the standards, the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall follow the procedure set forth in 41 CFR Part 60-3. Qualifications shall be considered as separately required so that the failure of an applicant to attain the specified score under a single qualification standard shall disqualify the applicant from admission to the pool.

(b) **Aptitude Tests.** Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical relationships between the score on the aptitude test required for admission to the pool and performance in the apprenticeship program. In determining such relationships, the sponsor shall follow the procedures set forth in the 41 CFR Part 60-3. The requirements of this subparagraph (b) shall also be

applicable to aptitude tests utilized by a program sponsor which are administered by the D.C. Department of Employment Service, or any other person, agency or organization engaged in the selection or evaluation of personnel.

(c) **Educational Attainments.** All educational attainments or achievements as qualifications for admission to the pool shall be directly related to job performance, as shown by a significant statistical relationship between the score required for admission to the pool and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall meet the requirements of 41 CFR Part 60-3. School records or the passing grades on the general education development test recognized by the State or local public instruction authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.

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

(v) **Notification of Applicants.** All applicants who meet the requirements for admission shall be notified and placed in the eligibility pool. The program sponsor shall give each rejected applicant notice of his or her rejection including the reasons

for the rejection, the requirements for admission to the pool of eligible(s), and the appeal rights available to the applicant.

(vi) **Goals and Timetables.** The sponsor shall establish where required by Section II, percentage goals and timetables for the admission of minorities and women (minority and non-minority) applicants into the pool of eligibles in accordance with the provisions of Section II,

(vii) **Compliance.** A sponsor shall be deemed to be in compliance with its commitments under subdivision (vi) of this subparagraph if it meets its goals or timetables or if it makes a good faith effort to meet these goals and timetables. In the event of the failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every “good faith effort” to meet its commitments. *See* Section II, F.. All the actions of the sponsor shall be reviewed and evaluated in determining whether such good faith efforts have been made.

2. Random selection from pool of eligible applicants.

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

(ii) **Requirements.** The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (iii) through (v) of subparagraph 1 of this paragraph relating to the creation of pool of eligible(s), oral interviews and notification of applicants.

(iii) **Goals and timetables.** The sponsor shall establish, where required by Section II D., percentage goals and timetables for minorities and/or women (minority and non-minority) persons into the pool of eligibles in accordance with the provisions of Section II D. E. and F.

(iv) **Compliance.** Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph 1 of this paragraph (b).

3. Selection from pool of current employees.

(i) **Selection.** A sponsor may select apprentices from an eligibility pool of the workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's established promotional policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for the selection of minorities and/or women (minority and non-minority) apprentices, unless the sponsor concludes in accordance with the provisions of Section II D. E. and F. that it does not have deficiencies in terms of underutilization of minorities and/or women (minority and non-minority) in the apprenticeship of journey person crafts represented by the program.

(ii) **Compliance.** Determination as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph 1 of this paragraph (b).

4. Alternative selection methods.

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

(a) **Selection method and goals and timetables.** Within 90 days of the effective date of this amendment, the sponsor shall complete development of the revised selection method proposes to use along with the rest of its written affirmative action program including, where required by Section II "D," its percentage goals and timetables for the selection of minority and/or

female (minority and non-minority) applicants for apprenticeship and its written analysis, upon which such goals and timetables, or lack thereof, are based. The establishment of goals and timetables shall be in accordance with the provisions of Section II “D” “E” and “F.” The sponsor may not implement and such selection method until the Registration Agency has approved the selection method as meeting the requirements of item (b) of this subdivision and has approved the remainder of its affirmative action program including its goals and timetables. If the Registration Agency fails to act upon the selection method and the affirmative action program within 30 days of its submission, the sponsor they may implement the selection method.

(b) **Qualification standards.**

Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of such standards are fair aptitude tests, school diplomas or equivalent, occupationally essential health requirements, fair interviews, school grades, and previous work experience. Where interviews are used, adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, and willingness to accept direction which are part of the total judgment. In applying any such standards, the sponsor shall meet the requirements of 41 CFR Part 60-3.

(ii) **Compliance:** Determinations as the sponsor’s compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph 1 of this paragraph (b). Where a sponsor, its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative action program to the extent necessary to obtain maximum effectiveness toward the attainment of its goals. The sponsor may also be required to develop and adopt an alternative selection method, including a method prescribed by the Registration Agency; where it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. Where the sponsor’s failure to meet its goals is attributable in

substantial part to its use of a qualification standard which has adversely affected the opportunities of minorities and/or women (minority and non-minority) for apprenticeship, the sponsor may be required to demonstrate that such qualification standard is directly related to job performance, in accordance with the provisions of subparagraph 1 (iii) (a) of this paragraph.

SECTION IV—EXISTING LISTS OF ELIGIBLES AND PUBLIC NOTICE

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

V—RECORDS

A. Obligations of Sponsor. Each sponsor shall keep adequate records including a summary of the qualifications of each applicant, the basis for evaluation and for selection or rejection of

each applicant, the records pertaining to interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, lay-off, or termination, rates of pay, or other forms of compensation or conditions of work, hours including hours of work and, separately, hours of training provided, and any other records pertinent to a determination of compliance with this plan, as may be required by the Registration Agency. The records pertaining to individual applicants, whether selected or rejected, shall be maintained in such manner as to permit identification of minority and female (minority and non-minority) participants.

- B. Affirmative Action Plans.** Each sponsor must retain a statement of its affirmative action plan required by Section II for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analyses made pursuant to the requirements of Section II. Sponsors shall periodically review their affirmative action plan and update them where necessary, including the goals and timetables.
- C. Qualification Standards.** Each sponsor must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in Section III B. 1. (i).
- D. Records of the Registration Agency and Council.** The District of Columbia Apprenticeship Council shall keep adequate records, including registration requirements, individual program standards and registration records, program compliance reviews and investigations, and any other records pertinent to a determination of compliance with this plan, as may be required by the U.S. Department of Labor and shall make reports as may be required by the U.S. Department of Labor. The Records shall be maintained by the Registration Agency.
- E. Maintenance of Records.** The records required by this plan and any other information relevant to compliance with this plan shall be maintained for 5 years and made available upon request to the Registration Agency, or other authorized representatives.

VI—COMPLIANCE REVIEWS

- A. Conduct of Compliance Reviews.** The Registration Agency will regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which

sponsors are complying with this plan and will also conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to Section VIII (b) 1 (i), so warrant, and take appropriate action regarding programs which are not in compliance with the requirements of this plan. Compliance reviews will consist of comprehensive analyses and evaluations of each aspect of the apprenticeship program, including onsite investigations and audits.

- B. Reregistration.** Sponsors seeking reregistration shall be subject to a compliance review as described in Paragraph (A) of this section by the Registration Agency as part of the reregistration process.
- C. New Registrations.** Sponsors seeking new registrations shall be subject to a compliance review as described in Paragraph (A) of this section by the Registration Agency as part of the registration process.
- D. Voluntary Compliance.** Where the compliance review indicates that the sponsor is not operating in accordance with this plan, the Registration Agency shall notify the sponsor in writing of the results of the review and make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before undertaking sanctions under Section X. In the case of sponsors seeking new registration, the Registration Agency will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration purposes.

VII—NON COMPLIANCE WITH FEDERAL AND THE DISTRICT OF COLUMBIA EQUAL OPPORTUNITY REQUIREMENTS

A pattern or practice of noncompliance by a sponsor (or where the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with Federal or District of Columbia laws or regulations requiring equal opportunity may be grounds for the imposition of sanctions in accordance with Section X if such noncompliance is related to the equal employment opportunity of apprentices and/or graduates of such an apprenticeship program under this plan. The sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling their equal employment opportunity obligations.

VIII—COMPLAINT PROCEDURE

A. Filing:

1. Any apprentice or applicant for apprenticeship who believes that he has been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards with respect to this selection have not been followed in the operation of an apprenticeship program may, personally or through an authorized representative, file a complaint with the Registration Agency, or, at the apprentice's or applicant's election, with a private review body established pursuant to subparagraph 3 of this paragraph. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances of the failure to apply the equal opportunity standards provided for in this plan.
2. The complaint must be filed not later than 180 days from the date of the alleged discrimination of specified failure to follow the equal opportunity standards; and, in the case of complaints filed directly with review bodies designated by program sponsors to review such complaints, any referral of such complaint by the complainant to the Registration Agency must occur within the time limitation stated above or 30 days from the final decision of such review body, whichever is later. The time may be extended by the Registration Agency for good cause shown.
3. Sponsors are encouraged to establish fair, speedy and effective procedures for a review body to consider complaints of failure to follow the equal opportunity standards. A private review body established by the program sponsor for this purpose should number three or more responsible persons from the community

serving in this capacity without compensation. Members of the review body should not be directly associated with the administration of apprenticeship programs. Sponsors may join together in establishing a review body to serve the needs of programs within the community.

B. Processing of Complaints:

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

SECTION IX—ADJUSTMENTS IN SCHEDULE FOR COMPLIANCE REVIEW OR COMPLAINT PROCESSING

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

SECTION X—SANCTIONS

- A. Where the Registration Agency, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with this plan and voluntary corrective action has not been taken by the program sponsor, the Registration Agency shall institute proceedings to deregister the program or it shall refer the matter to the D.C. Office of Human Rights for referral to the D.C. Office of **Attorney General** with recommendations for the institution of a court action by the Office of the **Attorney General** under Title VII of the Civil Rights Act of 1964, as amended, or to the Office of the **Attorney General** for other court action as authorized by law.
- B. Deregistration proceedings shall be conducted in accordance with the following procedures:
1. The Registration Agency shall notify the sponsor, in writing, that a determination of reasonable cause has been made under Paragraph “A” of this section and that the apprenticeship program may be deregistered unless, within 15 days of the receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.
 2. If within 15 days of the receipt of the notice provided for in subparagraph 1 of this paragraph the sponsor mails a request for a hearing, the Director of the D.C. Department of Employment Services shall convene a hearing in accordance with Section XIII

3. The Director of the D.C. Department of Employment Services or his/her designee shall make the final decision on the basis of the record presented, which shall consist of the compliance review file and other evidence presented, and, if a hearing was conducted pursuant to Section XIII, the proposed findings and recommended decision of the hearing officer. In his/her discretion, the Director may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Director or his/her designee's decision is that the apprenticeship program is not operating in accordance with this plan, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the Director of the D.C. Department of Employment Services or his/her designee shall make public notice of the order and shall notify the sponsor and the complainant, and, the Office of Apprenticeship, U.S. Department of Labor..

SECTION XI---APPEAL TO THE U.S. DEPARTMENT OF LABOR

Any state apprenticeship program deregistered by the D.C. Apprenticeship Council for noncompliance with requirements of this plan may, within 15 days of the receipt of a notice of deregistration, appeal to the U.S. Department of Labor, Office of Apprenticeship, 200 Constitution Avenue, NW, Washington, DC 20210, to set aside the determination of the D.C. Apprenticeship Council.

SECTION XI—REINSTATEMENT OF PROGRAM REGISTRATION

Any apprenticeship program deregistered pursuant to this plan may be reinstated upon presentation of adequate evidence to the Director of the D.C. Department of Employment Services that the apprenticeship program is operating in accordance with this plan.

SECTION XII—HEARINGS

Hearings shall be conducted in accordance with the following procedures:

1. Within 10 days after receiving a request for a hearing, the Director shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by certified

mail, return receipt requested, to the appropriate sponsor, the Registration Agency or both, as the case may be. Such notice shall include (1) a reasonable time and place of hearing; (2) a statement of the provisions of this Section, pursuant to which the hearing is to be held, and (3) a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

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

SECTION XIV—INTIMIDATORY OR RETALLATORY ACTS

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

SECTION XV—NONDISCRIMINATION

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

SECTION XVI—EXEMPTIONS

Requests for exemption from these regulations, or any part thereof, shall be made in writing to the Director of the D.C. Department of Employment Services and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause.

The Director of the D.C. Department of Employment Services will immediately notify the Mayor of the District of Columbia of any such exemptions granted affecting a substantial number of employers and the reasons thereof.

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