

**SOUTHEAST ARKANSAS WORKFORCE DEVELOPMENT BOARD
P. O. BOX 6806
PINE BLUFF, AR 71611**

Phone (870) 536-1971

Fax (870) 536-7718

southeastarkansas.org/services/workforce/

Registered Apprenticeship Training Policy

Purpose

The purpose of this policy is to describe and to detail the regulations concerning registered apprenticeship training, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB) and the Southeast Arkansas Workforce Development Board (SEAWDB).

Reference: (WIOA Law)

<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

National Apprenticeship Act

(50 Stat. 664; 29 U.S.C. 50)

Policy:

Registered Apprenticeship training is defined in accordance with the requirements [WIOA § 3(14); TEGL 13-16]:

A registered apprenticeship program (RA) is one of the training services that may be provided with Adult and Dislocated Worker funds and may also be provided for out-of-school Youth (OSY) when it is determined that it is appropriate. RA may combine pre-apprenticeship class, paid on-the-job training with related instruction. It is a business-driven model that provides a way for employers to recruit, train, and retain skilled workers.

An occupation is eligible for the pre-apprenticeship and registered apprenticeship activity if,

1. The Apprenticeship Training is certified by the U. S. Department of Labor and listed on the Statewide Eligible Training Provider List.
2. The Training leads to U.S. DOL certification and wage increase.
3. The Training is conducted with a commitment by the employer to employ an individual.

No funds may be provided to employers for apprenticeship training to be used directly or indirectly to aid in the filling of a job opening which is vacant because the former employee is on strike, the former employee is being locked out in the course of a labor dispute, or the job is vacant because of an issue in a labor dispute involving a work stoppage [20 CFR 680.840].

A participant in any workforce training activity must not displace any currently employed employee (as of the date of the participation). This includes a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits. The workforce training activity must not impair existing contracts for services or collective bargaining agreements unless the appropriate labor organization and the employer provide written concurrence before the activity begins. The participant may not replace an employee who was laid off from the same or any substantially equivalent job or who was terminated with the intention of hiring the participant. The participant may not be placed in a promotional line that infringes in any way on the promotional opportunities of currently employed workers as of the date of the participation [20 CFR 683.270].

WIOA funds may not be used for the encouragement or inducement of a business or part of a business to relocate from any location in the United States if the relocation results in any employee losing his or her job at the original location. No individual may be placed in work experience in any business or part of a business that has relocated from any location in the United States until the company has operated at that location for 120 days if the relocation has resulted in any employee losing his or her job at the original location. To verify that a business that is new or expanding and is not relocating, in fact, relocating employment from another area, a standardized Arkansas pre-award review criteria must be completed and documented jointly by the SEAWDB and the business (FORM WIOA I-B – 4.1 Standardized Pre-Award Review Criteria) [20 CFR 683.260].

No funds may be used to pay a participant to construct, operate, or maintain any part of a facility used for sectarian instruction or as a place for religious worship, with the exception of maintenance of facilities that are not used primarily for sectarian instruction or worship and are operated by organizations providing services to WIOA participants [WIOA § 188(a)(3); 20 CFR 683.255(a)]. Special rules concerning training administered by religious organizations can be found in 29 CFR part 2, subpart D (Equal Treatment in Department of Labor Programs for Religious Organizations, Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries) [20 CFR 683.255(b); 20 CFR 683.285(b)].

No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual [20 CFR

683.200(g)]. The Arkansas State definition of “immediate family” is (1) a spouse and (2) any other person residing in the same household as the participant, who is a dependent of the participant or of whom the participant is a dependent. Dependent means any person, whether or not related by blood or marriage, which receives from the participant, or provides to the participant, more than one-half of his/her financial support [ADWS Certification of Local Workforce Development Boards]. (This definition is different from the definition of “family” used for eligibility purposes.)

Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants. To the extent that a State workers’ compensation law applies, workers’ compensation must be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment [20 CFR 683.280].

Approved:

 2-20-19
SEAWDB Chairperson Date

Amended:

SEAWDB Chairperson Date