

## Apprenticeship Final Rule: Title 29, CFR Part 29 Questions and Answers

**Q1: The new section on program performance standards [§ 29.6(a)] requires that every registered apprenticeship program must have at least one registered apprentice. Does this requirement mean at least one apprentice per program, or at least one per sponsor?**

**A1:** Each *program* must have at least one registered apprentice. If a sponsor operates more than one registered apprenticeship program, each program must have at least one registered apprentice. There may be periods, not to exceed one year, where a program does not have an apprentice. Such periods can occur between the date when a program is registered and the date of registration for its first apprentice(s); and between the date that a program cancels or graduates an apprentice and the date of registration for the next apprentice(s) in the program.

**Q2: Are programs currently using the time-based approach required to use the competency-based or hybrid approach for progression through an apprenticeship program?**

**A2:** No. Program sponsors have the option to choose which type of approach to use and can continue to use the time-based approach. The final rule simply makes it explicit that a program sponsor can register program standards that utilize a competency-based or hybrid approach for progression through apprenticeship program.

**Q3: Are all apprenticeship programs required to offer interim credentials?**

**A3:** No. Apprenticeship programs are not required to offer interim credentials. If a program sponsor *chooses* to register program standards that use a competency-based or hybrid approach and *chooses* to issue use interim credentials, the program sponsor must follow the requirements set forth in § 29.5(b)(16).

**Q4: Will currently registered apprenticeship programs have to modify or alter the program standards under the final rule, and re-sign the program standards?**



**A4:** No. The final rule does not require registered apprenticeship programs that currently comply with the existing regulations to revise and re-sign program standards for approval by a registration agency.

**Q5: Does the competency-based approach to progression through an apprenticeship program require an apprentice to complete related instruction or on-the-job learning?**

**A5:** Yes. An apprenticeship program's use of a competency-based or hybrid approach includes the fundamental elements of registered apprenticeship: on-the-job learning (OJL) and related instruction. Section 29.5(b)(2)(ii) provides that programs using the competency-based approach must still require an apprentice to complete OJL without specifying the duration of the OJL. Section 29.5(b)(4) requires *all* program standards to include related instruction.

**Q6: The provisions for related technical instruction now include the term "electronic media." What does "electronic media" mean?**

**A6:** The term is meant to permit technical instruction through computer-based applications, distance learning and similar technologies. The definitions section of the regulations (§ 29.2) defines "electronic media" as "media that utilize electronics or electromechanical energy for the end user (audience) to access the content; and includes, but is not limited to, electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic media and/or interactive distance learning."

**Q7: Why is there provisional registration for new apprenticeship programs?**

**A7:** The provisional registration and reviews are intended to increase the quality and success rate of new programs. Such programs will receive provisional approval for one year and then will undergo review by the respective registration agencies. After one year, programs meeting the regulatory standards may either be permanently approved or have their provisional registration extended through the end of the first training cycle.

**Q8: How will stakeholders be involved in the roll-out and implementation of the final rule?**

**A8:** The Office of Apprenticeship (OA) recognizes the need for a coordinated effort to help program sponsors and SAAs understand and successfully implement the revised





regulations through extensive training and policy guidance. OA plans to offer training to stakeholders and engage in dialogue with them to answer questions, address concerns and gather feedback. Stakeholders can offer input and submit questions about the implementation of the regulations to the designated U.S. Department of Labor (USDOL) e-mail address: [Regs.Apprenticeship@dol.gov](mailto:Regs.Apprenticeship@dol.gov).

**Q9: The previous regulations provide for recognition of both State Apprenticeship Councils (SACs) and SAAs. Why is USDOL recognizing only SAAs, not SACs?**

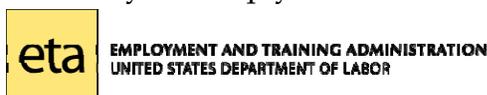
**A9:** In an effort to establish a clear path of accountability between USDOL and the state agency that oversees apprenticeship, the updated regulations grant registration agency recognition solely to SAAs. This change was made to ensure that a government entity is held accountable for the oversight and management of a state's apprenticeship system for Federal purposes. SACs will continue to be required, serving advisory or regulatory roles for the SAAs.

**Q10: Why does the final rule specify that SAAs must send all prospective changes regarding the state's Registered Apprenticeship program to OA?**

**A10:** Reviewing potential changes allows OA to safeguard conformity with Federal apprenticeship regulation and legislation. This review process also affords a SAA and OA the opportunity to identify and work out issues that potentially affect a state's recognition status before proposals take effect and must be undone to preserve recognition. In recent reviews of SAAs, OA has often identified provisions of state laws and regulations that were not consistent with Federal apprenticeship regulations. In turn, such circumstances have forced SAAs to make modifications and corrections to conform to the National Apprenticeship Act. By adding this provision, the final rule will help ensure that state laws and policies do not conflict with Federal apprenticeship regulation and legislation.

**Q11: Previously, USDOL's recognition of SAAs was open-ended. Why must currently recognized SAAs re-apply for recognition within two years of the final rule's effective date?**

**A11:** The final rule makes significant changes to federal apprenticeship requirements. Therefore, USDOL seeks to ensure that SAAs remain in conformity with these requirements while maintaining consistency across the National Apprenticeship System. To do so, we are requiring states recognized under prior regulations to re-establish recognition under the new requirements. To ease this transition, we are providing states with a period of up to two years, in which to make the changes necessary to comply with the new requirements. To minimize burdens associated





with the re-recognition process, OA will offer technical assistance to SAAs seeking recognition, and will continue to provide technical assistance throughout the term of recognition.

**Q12: How does the final rule provide for a transition period for SAAs to make changes necessary to comply with the revised regulations?**

**A12:** Originally proposed for a one-year period, SAAs will now have up to a two-year transition to apply for continued recognition. SAAs seeking continued recognition will submit certain documentation demonstrating conformity with the final rule. Some examples of the types of documentation needed include policies and procedures to promote equal employment opportunity, a description of apprenticeship agreements, and proposed modifications in legislation, regulation, policies and operational procedures. OA will provide extensive technical assistance to help SAAs make the changes necessary for compliance with the final rule.