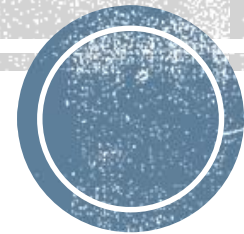


# Apprenticeship Requirements

An Analysis of Federal and State Law Regarding Apprenticeships



# Basic Information

- For Apprenticeships to be recognized by the Federal Government, they must be registered either with the US Department of Labor or a State Apprenticeship Agency (“SAA”)
- The SAA must establish a State Apprenticeship Council (“SAC”)
- The SAC is ineligible for recognition as the SAA
- The SAC may be either advisory or regulatory (can make rules at the direction of the SAA)
- The SAC must be composed of people familiar with apprenticeable occupations
- The SAC must include an equal number of representatives of employers and employees



# Federal Requirements?

- State law requires compliance with federal law NAC 610.950(1)
- Federal apprenticeship law requires compliance with federal law 29 CFR 29.13(1)
- If a State is not in compliance, the Office of Apprenticeship may deregister the State Apprenticeship Agency. This would eliminate any federal recognition of any apprenticeship registered through the State Apprenticeship Agency



# Apprenticeship Program

## - IMPORTANT REQUIREMENTS -

REQUIREMENTS	FEDERAL LAW	STATE LAW
OWINN must review all programs at least every five years	29 CFR 29.3(h)	
The staff of the OWINN* may review the compliance of any employer and program with the standards approved by SAC		NAC 610.495
SAC will review the program standards for a program at least once every 5 years		NAC 610.310(5)

\*says Labor Commissioner in NAC 610



# Continued

<b>REQUIREMENTS</b>	<b>FEDERAL LAW</b>	<b>STATE LAW</b>
Apprenticeable occupation must involve the progressive attainment of skills and knowledge which would require completion of at least 2,000 hours on-the-job learning	29 CFR 29.4(c)	



# Apprenticeship Program Standards

## - IMPORTANT REQUIREMENTS -

REQUIREMENTS	FEDERAL LAW	STATE LAW
Program standard must only allow apprentices with a high school diploma or equivalent unless modified by SAC		NAC 610.833
A local committee may change the term of an apprenticeship which must be approved by SAC		NAC 610.250
Program standards must comply with 29 CFR 30 and include the equal opportunity pledge in 29 CFR 30.3(c)	29 CFR 29.5(b)(21)	NAC 610.144(2)



# Continued

<b>REQUIREMENTS</b>	<b>FEDERAL LAW</b>	<b>STATE LAW</b>
Program must have program standards, a sponsor, be an apprenticeable occupation and address the supervision of apprentices	29 CFR 29.5(a)	
Program standards must address the employment and training of the apprentice	29 CFR 29.5(b)(1)	NRS 610.144(3)(a)
Program standards must provide for a minimum of 144 hours each year of related instruction	29 CFR 29.5(b)(4)	NRS 610.144(3)(d)
Program standards must have a progressive increasing schedule of wages	29 CFR 29.5(b)(5)	NRS 610.144(3)(e)



# Apprentice Agreement

## - IMPORTANT REQUIREMENTS -

REQUIREMENTS	FEDERAL LAW	STATE LAW
Apprentice agreement must include statement regarding equal opportunity without discrimination because of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, or disability	29 CFR 29.7(j)	
Apprentice agreement must include a statement that the apprentice will be accorded equal opportunity without discrimination because of race, color, creed, sex, sexual orientation, gender identity or expression, religion or disability		NRS 610.150(10)





# Equal Opportunity & Non-Discrimination

## - IMPORTANT REQUIREMENTS -

<b>REQUIREMENTS</b>	<b>FEDERAL LAW</b>	<b>STATE LAW</b>
Apprenticeship complies with 29 CFR 30	29 CFR 29.3(b)(2)	NRS 610.144(3)(t)
Programs must adopt an affirmative action program	29 CFR 30.4(b)	NAC 610.610, NAC 610.570
Sponsors must provide written notice to apprentices of their right to file a discrimination complaint. The notice must be in the application for apprenticeship and a publicly available location	29 CFR 30.14(b)	
Sponsors must collect data and maintain records as required by OWINN to make sure they are complying with 29 CFR 30	29 CFR 30.12(a)	

# Continued

<b>REQUIREMENTS</b>	<b>FEDERAL LAW</b>	<b>STATE LAW</b>
Each sponsor shall retain a statement of its plan for affirmative action, including all data and analyses		NAC 610.915(1)
Sponsors must analyze the race, sex and ethnic composition of their apprentice workforce. Must be updated every compliance review and not less than every 3 years	29 CFR 30.5(b)	
If minority participation is too low then sponsors are required to establish a utilization goal of the minority group	29 CFR 30.5(d)	
Sponsors must engage in an annual review of its personnel processes as part of its affirmative action plan	29 CFR 30.9(a)	NAC 610.915(2)

