

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred House Bill No. 452 entitled “An act relating to expanding
4 apprenticeship and other workforce opportunities” respectfully reports that it
5 has considered the same and recommends that the bill be amended by striking
6 out all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 21 V.S.A. chapter 13 is amended to read:

8 Chapter 13: Apprenticeship

9 §§ 1101–1105. [Repealed.]

10 § 1111. DEFINITIONS

11 As used in this chapter:

12 (1) “Accessibility” means the design, construction, development, and
13 maintenance of facilities, information and communication technology,
14 programs, and services so that all people, including people with disabilities,
15 can fully and independently use them. “Accessibility” includes the provision
16 of accommodations and modifications to ensure equal access to employment
17 and participation in activities for people with disabilities, the reduction or
18 elimination of physical and attitudinal barriers to equitable opportunities, a
19 commitment to ensuring that people with disabilities can independently access
20 every outward-facing and internal activity or electronic space, and the pursuit
21 of best practices such as universal design.

1 (2) “Advanced standing” means a process for reviewing and granting
2 credit for prior related work experience or related technical instruction for an
3 incoming apprentice or career seeker that allows the individual to accelerate
4 the completion of the registered apprenticeship program.

5 (3) “Apprentice” means an individual who is:

6 (A) 16 years of age or older, except when a higher minimum age
7 standard is otherwise fixed by law;

8 (B) employed to learn an apprenticeable occupation under the
9 standards of apprenticeship established under section 1117 (standards of
10 apprenticeship) of this title; and

11 (C) registered with the Department.

12 (4) “Apprenticeable occupation” means an occupation approved by the
13 federal Office of Apprenticeship or by the Department as an occupation that:

14 (A) is specified, identified, and commonly recognized throughout an
15 industry;

16 (B) involves skills that are customarily learned in a practical way
17 through a structured, systematic program of on-the-job supervised learning;

18 (C) involves the progressive attainment of manual, mechanical, or
19 technical skills and knowledge that, in accordance with the industry standard
20 for the occupation, would require the completion of a minimum of 2,000 hours
21 or one-year of on-the-job learning to attain; and

1 (D) requires related technical instruction to supplement the on-the-
2 job learning.

3 (5) “Apprenticeship agreement” means a written agreement, on forms
4 approved by the Department under section 1119 (registered apprentices) of this
5 title, between an apprentice and either the apprentice’s program sponsor or an
6 apprenticeship committee acting as agent for the program sponsor, that
7 contains the terms and conditions of the employment and training of the
8 apprentice.

9 (6) “Apprenticeship program” or “local apprenticeship training
10 program” means a program registered with the Department or the federal
11 Office of Apprenticeship that includes a written plan containing all terms and
12 conditions for the qualification, recruitment, selection, employment, and
13 training of apprentices, as minimally required under 29 CFR parts 29 and 30.

14 (7) “Certificate of completion” means a document issued by the
15 Department that certifies that the named apprentice has met all the
16 requirements set forth in an apprenticeship program.

17 (8) “Certificate of registration” means a document issued by the
18 Department that certifies that the named sponsor’s apprenticeship program
19 meets the requirements for registration under section 1115 (program
20 registration) of this title and identifies the registration status as either
21 provisional or permanent.

1 (9) “Competency” means the attainment of knowledge, skills, and
2 abilities in a subject area, as specified by an occupational skill standard and
3 demonstrated by an appropriate written or hands-on proficiency measurement.

4 (10) “Commissioner” means the Commissioner of the Vermont
5 Department of Labor.

6 (11) “Department” means the Vermont Department of Labor.

7 (12) “Director” or “State Director” means the director of the Vermont
8 Registered Apprenticeship Program.

9 (13) “Diversity” means the practice of including the many communities,
10 identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of
11 Vermonters, including underserved communities.

12 (14) “Equity” means the consistent and systemic fair, just, and impartial
13 treatment of all individuals, including individuals who belong to underserved
14 communities that have been denied such treatment.

15 (15) “Interim credential” means a credential issued by the Department,
16 upon request of a sponsor, that certifies specific competency attainment by an
17 apprentice.

18 (15) “Fringe benefits” means benefits, including health insurance,
19 retirement benefits, paid vacations and holidays, sick leave, and similar
20 benefits that are incidents of employment.

1 (16) “Inclusion” means the recognition, appreciation, and use of the
2 talents and skills of employees of all backgrounds.

3 (17) “Interim credential” means a credential issued by the Department,
4 upon request of a sponsor, that certifies specific competency attainment by an
5 apprentice.

6 (18) “Journey-worker” means a worker who has attained a level of skill,
7 abilities, and competencies recognized within an industry as having mastered
8 the skills and competencies required for the occupation. The term may also
9 refer to a mentor, technician, specialist, or other skilled worker who has
10 documented proficient skills and knowledge of an occupation, either through
11 formal apprenticeship or through practical on-the-job experience and formal
12 training, or to describe any person who has achieved recognition in their
13 profession as a “master.”

14 (19) “Mentor” or “supervisor” means a journey-worker who assists in a
15 registered apprenticeship program and who works with or oversees the work of
16 an apprentice, assigns tasks, reviews performance, and is generally someone
17 who facilitates personal and professional growth in the apprentice by sharing
18 the knowledge they have learned through years of experience on the job.

19 (20) “National Guideline Standards” means a template of high-quality
20 apprenticeship program standards submitted by a labor union, trade or industry
21 association, employer, workforce intermediary, education provider, or other

1 organizations with national scope, which standards may be certified by the
2 federal Office of Apprenticeship.

3 (21) “National Program Standards of Apprenticeship” or “National
4 Program Standards” (NPS) are programs that are registered by the federal
5 Office of Apprenticeship on a national basis and that consist of occupational
6 standards that any Vermont employer may sign on to or under which any
7 individual may be apprenticed.

8 (22) “Nontraditional apprenticeship population” means a group of
9 individuals, such as individuals from the same gender, race, or ethnicity, the
10 members of which comprise fewer than 25 percent of the program participants
11 in an apprenticeable occupation.

12 (23) “Nontraditional apprenticeship industry or occupation” refers to an
13 industry sector or occupation that represents fewer than 10 percent of
14 apprenticeable occupations or the programs under the national apprenticeship
15 system.

16 (24) “Office of Apprenticeship” means the part of the U. S. Department
17 of Labor responsible for the National Apprenticeship System and the
18 implementing regulations.

19 (25) “Pre-apprentice” means a participant in a registered pre-
20 apprenticeship program.

1 (26) “Pre-apprenticeship program” means a training model or program
2 that prepares individuals for acceptance into an apprenticeship program and
3 that is registered by the Department as provided in section 1123 of this title
4 (pre-apprenticeship program) or, as applicable, federal Office of
5 Apprenticeship.

6 (27) “Provisional registration” or “provisional approval” means a
7 temporary approval status granted to newly registered programs that lasts one
8 year and is followed by an evaluation to determine whether it will:

9 (A) qualify for permanent recognition;

10 (B) maintain provisional status until more information is available to
11 make a complete program assessment; or

12 (C) commence the process for deregistration.

13 (28) “Quality assurance assessment” means a comprehensive review
14 conducted by the Department regarding all aspects of an apprenticeship
15 program's performance, including determining whether:

16 (A) apprentices are receiving on-the-job training consistent with the
17 schedule outlined in the registered standards for the apprenticeship program;

18 (B) scheduled wage increases are consistent with the registered
19 standards for the apprenticeship program;

1 (C) related technical instruction through the appropriate curriculum
2 and delivery systems is compliant with any relevant federal and State
3 standards; and

4 (D) the Department is receiving notification of all new apprentices in
5 a registered apprenticeship program, apprentices who leave a registered
6 apprenticeship program, and apprentices who complete the registered
7 apprenticeship program within 45 business days of those changes.

8 (29) “Registration agency” means the Vermont Department of Labor
9 acting as the designated State Apprenticeship Agency, which may also be
10 referred to as the “Vermont Registered Apprenticeship Program.”

11 (30) “Related technical instruction” or “related instruction” means an
12 organized and systematic form of instruction, concurrent with on-the-job
13 training, designed to provide an apprentice with the knowledge of the
14 theoretical and technical subjects related to the apprentice’s occupation. Such
15 instruction may be accomplished through classroom, occupational, or
16 industrial courses, or by correspondence courses of equivalent value, electronic
17 media, or other forms of self- study approved by the Department.

18 (31) “Sponsor” means an employer, a joint labor-management
19 organization, a trade association, a professional association, a labor
20 organization, an education and training provider, or a qualified intermediary

1 that is applying to register, administer, and operate an **registered** apprenticeship
2 program.

3 (32) “State Apprenticeship Agency” means the Vermont Department of
4 Labor as the federally designated apprenticeship agency and may also refer to
5 the “Vermont Registered Apprenticeship Program.”

6 (33) “Underserved communities” means the populations sharing a
7 particular characteristic, as well as geographic communities, who have been
8 systematically denied a full opportunity to participate in aspects of economic,
9 social, and civic life. This term includes individuals who belong to
10 communities of color, such as Black and African American, Hispanic and
11 Latino, Native American, Alaskan Native and Indigenous, Asian American,
12 Native Hawaiian and Pacific Islander, Middle Eastern, and North African
13 persons. It also includes individuals who belong to communities that face
14 discrimination based on sex, sexual orientation, and gender identity, including
15 lesbian, gay, bisexual, transgender, queer, gender non-conforming, and non-
16 binary (LGBTQ+ persons; persons who face discrimination based on
17 pregnancy or pregnancy-related conditions; parents; and caregivers. It also
18 includes individuals who belong to communities that face discrimination based
19 on their religion and disability; first-generation professionals or first-
20 generation college students; individuals with limited English proficiency;
21 immigrants; individuals who belong to communities that may face employment

1 barriers based on older age or former incarceration; persons who live in rural
2 areas; veterans and military spouses; and persons otherwise adversely affected
3 by persistent poverty, discrimination, or inequality. Individuals may belong to
4 more than one underserved community and face intersecting barriers.

5 (34) “Vermont Apprenticeship Advisory Board” or “Board” means the
6 entity created in section 1114 of this title (Vermont Apprenticeship Advisory
7 Board) and described as a “State Apprenticeship Council” in 29 CFR 29 that
8 supports Vermont’s registered apprenticeship system.

9 (35) “Youth apprentice” means a participant, aged 16 or 17, in a youth
10 apprenticeship program.

11 (36) “Youth Apprenticeship program” means a program registered by
12 the Department as provided in section 1124 of this title (youth apprenticeship
13 programs) or, as applicable, by the federal Office of Apprenticeship.

14 § 1112. STATE APPRENTICESHIP AGENCY

15 (a) The Department is the federally designated State Apprenticeship
16 Agency and has the responsibility to oversee apprenticeship programs and
17 apprentices in Vermont.

18 (b) The Department shall take all necessary steps as required and permitted
19 by law to maintain its status as the State Apprenticeship Agency and
20 recognized by the federal Office of Apprenticeship under Code of Federal
21 Regulations, title 29, part 29, section 29.13.

1 § 1113. VERMONT REGISTERED APPRENTICESHIP PROGRAM

2 (a) Purpose.

3 (1) The Vermont Registered Apprenticeship Program shall develop and
4 regulate apprenticeship programs, pre-apprenticeship, and youth
5 apprenticeship programs that are industry-driven, high-quality career pathways
6 in partnership with employers to attract, train, and develop talent.

7 (2) The Vermont Registered Apprenticeship Program shall coordinate
8 with State and local workforce development entities that serve individuals
9 seeking employment and shall partner with State and local education and
10 economic development leaders to expand the use of apprenticeship programs
11 as a workforce and economic development strategy.

12 (b) Administration. The Vermont Registered Apprenticeship Program shall
13 be administered by the Department and shall employ a Director of
14 Apprenticeship who shall serve as the primary point of contact with the federal
15 Office of Apprenticeship and who shall have overall responsibility for the
16 administration of the Vermont Registered Apprenticeship Program.

17 (c) Operation. The Vermont Registered Apprenticeship Program shall:

18 (1) develop, register, monitor, and maintain records of program
19 standards for apprenticeship programs, pre-apprenticeship programs, and youth
20 apprenticeship programs;

- 1 (2) promote and provide technical support to employers, sponsors,
2 education and training providers, workforce and economic development
3 providers, jobseekers, and apprentices related to apprenticeship programs;
- 4 (3) develop and support strategies that promote diversity, equity,
5 accessibility, and inclusion in apprenticeship programs;
- 6 (4) expand the number of apprenticeship programs and opportunities to
7 meet employer and worker needs;
- 8 (5) administer apprenticeship programs and apprenticeship agreements,
9 including issuing certificates of program registration, certificates of
10 completion, interim credentials, and apprentice registration cards to comply
11 with intra- and inter-state requirements;
- 12 (6) maintain a publicly available list and information about
13 apprenticeship programs and sponsors;
- 14 (7) determine, evaluate, and approve standards for the registration of an
15 apprenticeship program;
- 16 (8) perform quality assurance assessments and monitor programs;
- 17 (9) maintain records related to program registration and deregistration,
18 apprentices enrollment and completion, compliance reviews and investigations,
19 and any other matters required by State or federal law;
- 20 (10) report on program outcomes;

1 (11) deregister programs that are not in compliance with the
2 requirements of **this chapter**;

3 (12) develop and submit regular strategic and implementation plans,
4 including the State Plan for Equal Employment Opportunity **in** Apprenticeship,
5 as required by 29 CFR part 30;

6 (13) promote and develop reciprocity agreements with other states to
7 support the recognition of apprenticeship programs and enable portability of
8 credentials;

9 (14) assist in the adoption and implementation of National Guideline
10 Standards or National Program Standards;

11 (15) coordinate alignment in apprenticeship program development and
12 implementation with employers, sponsors, education and training providers,
13 and other stakeholders; and

14 (16) maximize available State and federal funding to expand the
15 availability of apprenticeship programs to Vermont employers and workers.

16 (d) Powers and duties.

17 (1) The Commissioner shall:

18 (A) promulgate rules to implement the Vermont Registered
19 Apprenticeship Program, ensuring that it complies with State and federal
20 regulations;

1 (B) promote equality of opportunity in apprenticeship programs
2 pursuant to the State Plan for Equal Employment Opportunity in
3 Apprenticeship as required by 29 CFR part 30;

4 (C) support the integration of apprenticeship programs into the
5 education, workforce, and economic development systems in the State;

6 (D) establish journey-worker to apprentice ratios and procedures for
7 variance requests for ratios in accordance with section 1116 of this title
8 (ratios), except that the ratio in a youth apprenticeship programs shall not
9 exceed 1:1;

10 (E) safeguard the rights of employers and apprentices engaged in an
11 apprenticeship program; and

12 (F) direct the distribution of funds to support apprentices and
13 apprenticeship programs.

14 (2) The Director shall:

15 (A) advise the Commissioner on the adoption of rules concerning the
16 Vermont Registered Apprenticeship Program;

17 (B) approve new apprenticeable occupations in consultation with the
18 Board;

19 (C) approve and oversee the development, registration, monitoring,
20 and maintenance of program standards for apprenticeship, pre-apprenticeship,
21 and youth apprenticeship programs; and

1 (D) approve and oversee the registration of apprentices, maintenance
2 of apprenticeship agreements, and issue certificates of completion and interim
3 credentials.

4 (e) Strategic planning and reporting. The Vermont Registered
5 Apprenticeship Program shall:

6 (1) develop and disseminate a strategic plan once every five years,
7 beginning July 1, 2024;

8 (2) prepare and submit to the Vermont General Assembly an annual
9 report on the status of the Vermont Registered Apprenticeship Program on or
10 before December 1 of each year that includes:

11 (A) general program statistics, including a list of programs by
12 county;

13 (B) an analysis of apprentices in the program disaggregated by age,
14 race, sex, gender identity, New American status, Veteran status, disability,
15 industry, and education status, including participation in career and technical
16 education;

17 (C) non-traditional occupations by gender and race;

18 (D) new occupations approved;

19 (E) an analysis of the average starting and ending wage by
20 occupation;

1 (F) new sponsors, employers, or industries involved with programs
2 over the previous period;

3 (G) a summary of how allocated funds were used and analysis of the
4 impact of those funds; and

5 (H) summary of significant activities of the program.

6 § 1114. VERMONT APPRENTICESHIP ADVISORY BOARD

7 (a) Creation and purpose. The Vermont Apprenticeship Advisory Board is
8 established to advise the Department, sponsors, employers, and related-
9 instruction providers and to promote the development and strengthening of
10 apprenticeship programs.

11 (b) Members and terms.

12 ~~(1)(A) The Board is composed of eleven voting members.~~

13 ~~(B) All members shall be familiar with apprenticeable occupations.~~

14 ~~(C) The Commissioner shall serve as chair and the Director shall~~
15 ~~serve as Secretary.~~

16 ~~(D) Terms of Service for appointed members shall be three years and~~
17 ~~shall be staggered equitably across membership types.~~

18 ~~(E) If a member fails to complete their term, the Governor shall~~
19 ~~appoint a new member to complete the remainder of the term.~~

20 ~~(2) The Governor shall appoint the following members:~~

21 ~~(A) two representatives of the public;~~

1 ~~(B) two representative employees of registered apprenticeship~~
2 ~~programs;~~

3 ~~(C) one representative of a recognized major union organization;~~

4 ~~(D) two representatives of employer program sponsors; and~~

5 ~~(E) one representative of related instruction or training provider.~~

6 ~~(3) The following persons shall serve as ex officio members on the~~

7 ~~Board:~~

8 ~~(A) the Commissioner of Labor as Chair;~~

9 ~~(B) the Vermont Registered Apprenticeship Program Director as~~

10 ~~Secretary; and~~

11 ~~(C) a member of Vermont's State Workforce Development Board, as~~

12 ~~appointed by the Chair of the State Workforce Development Board.~~

13 ~~(1) The Board shall be composed of the following members:~~

14 ~~(A) the Commissioner of Labor, or designee, who shall serve as the~~

15 ~~Chair;~~

16 ~~(B) the Director who shall serve as the Secretary;~~

17 ~~(C) the Secretary of Education, or designee;~~

18 ~~(D) a member of the State Workforce Development Board appointed~~

19 ~~by the Chair of the Board;~~

1 (E) two representatives of a recognized union organization
2 representing occupations with an apprenticeship program appointed by the
3 Governor;

4 (F) two representatives of employer program sponsors appointed by
5 the Governor;

6 (G) one representative of related instruction or training from an adult
7 or secondary career technical education program appointed by the Governor;

8 (H) two representatives of underserved communities [appointed by
9 the Governor?].

10 (2) A member other than the Commissioner of Labor, the Director, and
11 the Secretary of Education shall be appointed to a term of three years, except
12 as follows:

13 (A) The member appointed pursuant to subdivision (1)(D) of this
14 subsection shall serve an initial term of one year.

15 (B) The members appointed pursuant to subdivisions (1)(E)–(F) of
16 this subsection shall serve initial terms of two years.

17 (3) If a member fails to complete the member’s full term, the Governor
18 shall appoint a new member to complete the remainder of the term.

19 (4) Members not compensated for their time otherwise shall receive a
20 per diem stipend for days of service to the Board and may be reimbursed for

1 their necessary expenses incurred in attendance at meetings and in the
2 performance of their official duties.

3 (c) Duties. The Board may:

4 (1) Receive and review reports from the Department regarding
5 provisional and registered apprenticeship programs, including programs under
6 development.

7 (2) Advise the Department on the creation of new apprenticeable
8 occupations.

9 (3) Advise the Commissioner on requests for ratio variances.

10 (4) Advise the Department on policies and procedures developed by the
11 Department and on establishment of rules.

12 (5) Provide technical guidance for identifying and promoting best
13 practices in operating apprenticeship programs.

14 (6) Create and convene working groups that are tasked with specific
15 activities related to improving the quality, safety, diversity, and alignment of
16 apprenticeship programs. Working group membership is not limited to
17 appointed members of the board and shall be selected and serve at the
18 discretion of the Chair.

19 (d) Meetings.

1 (1) The Board shall meet at least quarterly, or more frequently at the
2 request of the Chair, to accomplish the objectives of the Vermont
3 Apprenticeship Advisory Board.

4 (2) The Board shall adhere to Vermont’s Open Meeting law including
5 requirements for public meeting notices, publishing agendas, and recording
6 minutes.

7 (e) The Board shall have the administrative, technical, and legal assistance
8 of the Department.

9 § 1115. PROGRAM REGISTRATION AND OPERATION

10 (a) Application.

11 (1) A sponsor may apply with the Vermont Registered Apprenticeship
12 Program for review and approval of a request to register a local apprentice
13 training program within the State.

14 (2) A local apprentice training program is registered upon its acceptance
15 and recording by the Vermont Registered Apprenticeship Program as meeting
16 the basic standards and requirements for approval of such a program and in
17 compliance with rules established by the Commissioner.

18 (b) Eligibility for registration of an apprenticeship program.

19 (1) To be eligible for registration an employer or sponsor must:

1 (A) be registered as a business in “active” status with the Secretary of
2 State’s Office and the business name and address must match that of the
3 business requesting to be registered as a program;

4 (B) be current and in good standing with the Department of Taxes;

5 (C) be current and in good standing with the Department of Labor’s
6 Unemployment Insurance program;

7 (D) be compliant with the Department of Labor’s Workers’
8 Compensation program; and

9 (E) meet any occupation specific requirements as established by the
10 Vermont Registered Apprenticeship Program for specific occupations.

11 (2) Employers or sponsors found not to meet the requirements of
12 subsection (b) of this section shall be given notice and allowed 30 business
13 days to resolve any outstanding issue before action is taken on the registration
14 request.

15 (3) An employer that seeks to register using National Program Standards
16 (NPS) or National Guideline Standards (NGS) shall meet the requirements of
17 this section.

18 (c) Procedure for registering an apprenticeship program.

19 (1) An employer or sponsor’s request to register an apprenticeship
20 program shall be submitted to the Director using the form and submission
21 method published on the Department’s website.

1 (2) Incomplete submissions shall not be considered.

2 (3) A complete request shall include:

3 (A) written and complete standards of apprenticeship, including
4 minimum qualifications;

5 (B) a work process schedule for each occupation;

6 (C) related technical instruction outline for each occupation;

7 (D) selection procedures, including procedures for advanced
8 standing; and

9 (E) a wage schedule for each occupation.

10 (4) An employer or program sponsor shall identify any proprietary

11 information or processes within the registration request. Proprietary

12 information obtained from an employer or program sponsor in the

13 administration of this chapter shall be held confidential and shall not be

14 disclosed or open to public inspection without the written authorization of the

15 employer or program sponsor.

16 (d) Review; provisional and permanent approval.

17 (1) The Vermont Registered Apprenticeship Program shall review all

18 requests to register an apprenticeship program for initial conformity with

19 requirements established in 29 CFR §29.4, 29 CFR part 30, this chapter, and

20 with any additional requirements established by the Vermont Registered

21 Apprenticeship Program.

1 (2) An apprenticeship program that meets the standards for registration
2 shall be given provisional registration for a period of one year.

3 (3) An initial provisional registration certificate shall be issued by the
4 Director.

5 (4) The Vermont Registered Apprenticeship Program shall review an
6 apprenticeship program for quality and conformity with the requirements of
7 this chapter at the end of the first year after registration.

8 (5) An apprenticeship program that conforms to the requirements may
9 have its registration made permanent or may continue to be provisionally
10 registered until the end of its first training cycle or until enough information
11 regarding compliant operation can be made available.

12 (6) When an apprenticeship program has completed its provisional
13 review period and is found to be compliant, the Director shall issue a
14 certificate of permanent registration.

15 (e) Ongoing review.

16 (1) The Department shall conduct subsequent reviews of every
17 registered apprenticeship program every 5 years.

18 (2) If it is found that an apprenticeship program is not in operation or
19 does not conform to the requirements of this chapter, the Department shall
20 deregister that program in accordance with **section 1120 of this title**
21 **(deregistration).**

1 (f) Union participation.

2 (1) An apprenticeship program may be proposed for registration by an
3 employer, group of employers, or an industry association.

4 (2) If a standard or a collective bargaining agreement or other
5 instrument exists for one or more of the employers or industry association,
6 which provides for participation by a union, and concerns any aspect of the
7 operation of the substantive matters of an apprenticeship program, a written
8 acknowledgment by the union about the terms of the proposed program and
9 any objections it may have shall accompany the program registration request.

10 (g) Certificate. If the Vermont Registered Apprenticeship Program
11 approves an apprenticeship program, it shall register that apprenticeship
12 program and issue a sponsor approval certificate indicating the approval status
13 as provisional or permanent and may include an expiration date or similar
14 notice that communicates the relationship with the program review cycle.

15 (h) National programs.

16 (1) Organizations with a national or multi-state footprint wishing to
17 adopt and implement National Guideline Standard programs within the State
18 shall notify the Director within 45 business days of the planned start date of the
19 apprenticeship program.

20 (2) National Program Standard holders who wish to afford Vermont
21 residents the opportunity to apprentice in a NPS program shall notify the

1 Director within 45 business days and shall follow other minimal requirements
2 as may be required by the Vermont Registered Apprenticeship Program for
3 reciprocal approval.

4 (i) Program operation.

5 (1) Probationary Employment. A sponsor shall submit the name of a
6 person in a period of probationary employment as an apprentice under an
7 apprenticeship program within 45 days of the start of employment to the
8 Vermont Registered Apprenticeship Program to establish the apprentice in
9 probationary status.

10 (2) Changes in status. A sponsor shall notify the Vermont Registered
11 Apprenticeship Program, using methods and procedures approved by the
12 Director, within 45 business days of registered apprentices who:

13 (A) have successfully completed an apprenticeship program;

14 (B) transferred to other programs with the same sponsor or to other
15 sponsors;

16 (C) are suspended;

17 (D) are cancelled; or

18 (E) are reinstated.

19 (3) Program changes.

1 (A) A sponsor shall not make a change to an apprenticeship program
2 unless the change is approved by the Vermont Registered Apprenticeship
3 Program.

4 (B) To make a change to an apprenticeship program, a sponsor shall
5 submit a request to the Vermont Registered Apprenticeship Program.

6 (C) The Director shall approve or deny the requested change within
7 90 business days from receipt of the request.

8 (D) If approved, the change will be recorded and acknowledged by
9 the Vermont Registered Apprenticeship Program within 90 business days.

10 (E) If denied, the Vermont Registered Apprenticeship Program shall
11 notify the sponsor of the disapproval and the reason for the disapproval and
12 provide the appropriate technical assistance.

13 ~~(j) Information obtained from an employer or program sponsor in the~~
14 ~~administration of this chapter shall be held confidential and shall not be~~
15 ~~disclosed or open to public inspection without the written authorization of the~~
16 ~~employer or program sponsor.~~

17 § 1116. RATIOS

18 (a) Ratios; variances.

19 (1)(A) Except as otherwise provided in this section, the ratio of
20 apprentices to journey-workers shall be 1:1.

1 (B) For each apprentice who completes 2,000 hours of on-the-job
2 training, the ratio may increase to 1:2.

3 (C) The ratio shall not exceed two apprentices for each journey-
4 worker unless a variance to the ratio is approved by the Commissioner.

5 (D) Variances shall not be permitted for youth apprenticeships.

6 (2)(A) A sponsor or an employer may request to modify the ratio of
7 journey-worker to apprentices for one or more years of an apprenticeship
8 program.

9 (B) The request shall be in writing and include the following
10 information:

11 (i) the capacity of the employer to maintain the quality of
12 supervision of on-the-job training set forth their program standards with added
13 apprentices;

14 (ii) the impact of higher ratios on the learning experience of
15 existing apprentices and steps taken to ensure that apprentices are not
16 disadvantaged in the quality of their on-the-job learning, mentoring, and
17 supervision by higher ratios; and

18 (iii) an occupational safety analysis that describes the specific
19 risks to apprentices, journey-workers, and the general public and what steps
20 will be taken to mitigate each risk.

1 (3)(A) The Commissioner, with advice from the Director, the Director
2 of the Vermont Occupational Safety and Health Administration, and the Board
3 shall review the request and respond in writing within 90 days of receipt of the
4 request.

5 (B) In evaluating a request, the Commissioner may affirm or modify
6 a ratio upon a determination that the new ratio:

7 (i) will not endanger the safety of apprentices or the journey-
8 worker; and

9 (ii) will not materially impair the quality of the on-the-job
10 training.

11 (4) Nothing in this section shall be construed as prohibiting a sponsor or
12 employer from establishing a ratio that permits or requires more than one
13 journey-worker for each apprentice or as invalidating a collective bargaining
14 agreement that permits or requires more than one journey-worker for each
15 apprentice.

16 (5)(A) In a period of emergency **declared by the Governor**, the
17 Commissioner may approve a higher ratio for one or more employers or
18 sponsors without the need for an individual written request. The
19 Commissioner shall receive advice from the Board prior to issuing a blanket
20 ratio variance under this subsection.

1 (B) When the period of emergency expires, any ratio variances
2 approved by the Commissioner under this subsection [this subdivision (5)?]
3 shall terminate and the [employer or sponsor] [program] shall thereby comply
4 with the requirements of this section governing ratios.

5 (b) National Program Standards programs. Employers who participate in a
6 National Apprenticeship Standards Program whose approved ratio is greater
7 than 1:1 shall operate under the State’s default 1:1 ratio requirement unless a
8 variance is approved under this section.

9 § 1117. STANDARDS OF APPRENTICESHIP

10 (a) An apprenticeship program shall conform to the standards identified in
11 this section to be eligible for approval and registration by the Vermont
12 Registered Apprenticeship Program.

13 (b) A program sponsor shall have an organized, written plan specifying
14 program standards that embody the terms and conditions of employment,
15 training, and supervision of one or more apprentices in an apprenticeable
16 occupation and subscribed to by a sponsor who has undertaken to carry out the
17 local apprentice training program.

18 (c) The written plan shall contain provisions that address the following:

19 (1) Apprenticeable Occupation. The employment and training of the
20 apprentices in an apprenticeable occupation.

1 (2) Term and modality of program. The term of the program measured
2 using either a time- based approach, competency- based approach, or a hybrid
3 approach.

4 (A) The time- based approach measures skill acquisition through the
5 individual apprentice’s completion of a minimum of 2,000 hours to a
6 maximum of 10,000 hours of on-the-job learning as described in a work
7 process schedule.

8 (B) The competency-based approach measures skill acquisition
9 through the individual apprentice’s successful demonstration of acquired skills
10 and knowledge, as verified by the program sponsor, and cannot be less than
11 one year in length. Programs utilizing this approach shall require apprentices to
12 complete an on-the-job learning component. The program standards shall
13 address how on-the-job learning will be integrated into the apprenticeship
14 program, describe competencies, and identify appropriate means of testing and
15 evaluation for such competencies.

16 (C) The hybrid approach measures the individual apprentice’s skill
17 acquisition through a combination of specified minimum number of hours of
18 on-the-job learning and the successful demonstration of competency as
19 described in a work process schedule.

1 (D) The determination of the appropriate approach for the
2 apprenticeship program standards is made by the program sponsor, subject to
3 the approval by the Vermont Registered Apprenticeship Program.

4 (3) Work process. An outline of the work processes in which the
5 apprentice will receive supervised work experience and on-the-job training,
6 and the allocation of the approximate amount of time to be spent in each major
7 process;

8 (4) Related instruction and instructor requirements. An organized
9 description of related instruction and technical subjects related to the
10 occupation that shall include a minimum of 144 hours of related technical
11 instruction for each year of apprenticeship. Instruction and technical subjects
12 may be accomplished through media such as classroom, occupational or
13 industry courses, electronic media, or other instruction approved by the
14 Vermont Registered Apprenticeship Program. Every apprenticeship instructor
15 shall:

16 (A) meet the Agency of Education's requirements for a career and
17 technical education instructor or be a subject matter expert, which is an
18 individual, such as a journey-worker, who is recognized within an industry as
19 having expertise in a specific occupation; and

1 (B) have training in teaching techniques and adult learning styles.

2 This training may occur no later than one year after the apprenticeship

3 instructor has started to provide the related technical instruction.

4 (5) Wage schedule. A schedule of progressively increasing wages to be

5 paid to an apprentice consistent with the skill acquired. The entry wage shall

6 not be less than minimum wage or 50 percent of the journey-worker rate,

7 whichever is highest, for adult registered apprentices, unless a higher wage is

8 required by other applicable State or federal law, rule, or by collective

9 bargaining agreement. For purposes of this subdivision (5), "journey-worker

10 rate" is the rate of pay established by the sponsor for an apprentice who has

11 met all of the skill, knowledge, and competency requirements for that

12 occupation.

13 (6) Fringe benefits. Fringe benefits made available to non-apprentices

14 within the company shall also be available to apprentices registered in the

15 company's apprenticeship program.

16 (7) Apprentice performance evaluation. Provision for periodic review

17 and evaluation of the apprentice's performance on the job and in related

18 instruction and the maintenance of appropriate progress records, including

19 maintaining records of hours worked for those apprentices in time-based

20 programs.

1 (8) Ratio. Provision for a numeric ratio of apprentices to journey-
2 workers consistent with proper supervision, training, safety, and continuity of
3 employment and with applicable provisions in collective bargaining
4 agreements, except where such ratios are expressly prohibited by the collective
5 bargaining agreement. The ratio language shall be specific and clearly
6 described as to its application to the job site, workforce, department, or plant.
7 The ratio shall comply with the requirements set forth in this chapter. Any
8 variances requested to the set ratio shall be approved in advance of the
9 variance being applied to the apprenticeship program.

10 (9) Probationary period. A probationary period reasonable in relation to
11 the full apprenticeship term, with full credit given for such period toward
12 completion of apprenticeship. The probationary period cannot exceed 25
13 percent of the length of the apprenticeship program, or one year, whichever is
14 shorter.

15 (10) Equipment and facilities. Provision for adequate and safe
16 equipment and facilities for training and supervision, and safety training for
17 apprentices on the job and in related instruction.

18 (11) Minimum qualifications. Facially neutral, minimum qualifications
19 required by the sponsor for persons entering the apprenticeship program, with
20 an eligible starting age of not less than 16 years of age, or 18 years of age if
21 required by State or federal laws or regulations.

1 (12) Placement. Provision for the placement of an apprentice under a
2 written apprenticeship agreement that meets the requirements of this chapter
3 and 29 CFR, Section 29.7, is approved by the Vermont Registered
4 Apprenticeship Program, and directly, or by reference, incorporates the
5 standards of the apprenticeship program as part of the agreement.

6 (13) Registration cards. Provision that identifies the need for a card to
7 be produced that confirms the registration status of an apprentice in an
8 approved occupation.

9 (14) Advanced Standing. Provision for the granting of advanced
10 standing or credit for demonstrated competency, acquired experience, training,
11 or skills, that shall be applied to all applicants equally with commensurate
12 wages for any progression step so granted.

13 (15) Transfer. Provision for transfer of an apprentice between
14 apprenticeship programs and within an apprenticeship program. Such a transfer
15 shall be based on agreement between the apprentice and the affected
16 apprenticeship committees or program sponsors, and shall comply with the
17 following requirements:

18 (A) the transferring apprentice shall be provided a transcript of
19 related instruction and on-the-job learning by the program sponsor;

20 (B) the transfer shall be to the same occupation; and

1 (C) a new apprenticeship agreement shall be executed when the
2 transfer occurs between program sponsors.

3 (16) Qualified training personnel. Assurance of qualified training
4 personnel and adequate supervision on the job.

5 (17) Completion. Provision for recognition for successful completion of
6 apprenticeship evidenced by an appropriate certificate issued by the Vermont
7 Registered Apprenticeship Program.

8 (18) Interim and stackable credentials. Apprenticeship program
9 standards that utilize the competency- based or hybrid approach for
10 progression through an apprenticeship and that choose to issue interim
11 credentials shall clearly identify the interim credentials, demonstrate how these
12 credentials link to the components of the apprenticeable occupation, and
13 establish the process for assessing an individual apprentice’s demonstration of
14 competency associated with the interim credential. Further, interim credentials
15 shall only be issued for recognized components of an apprenticeable
16 occupation thereby linking interim credentials specifically to the knowledge,
17 skills, and abilities associated with those components of the apprenticeable
18 occupation.

19 (19) Registration agency. Identification of the Vermont Department of
20 Labor as the registration agency.

1 (20) Program modifications. Provision for the registration, cancellation,
2 and deregistration of the apprenticeship program and for the prompt
3 submission of any program standard modification or amendment to the
4 Vermont Registered Apprenticeship Program for approval.

5 (21) Registering apprentices. Provision for apprenticeship agreements,
6 modifications, and amendments, notice to the Vermont Registered
7 Apprenticeship Program of persons who have successfully completed
8 apprenticeship programs within 45 days of completion of all requirements, and
9 notice of transfers, suspensions, and cancellations of apprenticeship
10 agreements and a statement of the reasons therefore.

11 (22) Cancellation. Provision for the authority to cancel an
12 apprenticeship agreement during the probationary period by either party
13 without cause.

14 (23) Equal Employment Opportunity. Provision for compliance with 29
15 CFR part 30, including the equal opportunity pledge prescribed in 29 CFR
16 30.3(c); an affirmative action program complying with 29 CFR 30.4 and a
17 method for the selection of apprentices complying with 29 CFR 30.10, or
18 compliance with parallel requirements contained in the Department’s State
19 Plan for Equal Employment Opportunity in Apprenticeship adopted under 29
20 CFR part 30 and approved by federal Office of Apprenticeship. The
21 apprenticeship standards shall also include a statement that the program will be

1 conducted, operated, and administered in conformity with applicable
2 provisions of 29 CFR part 30, as amended, or if applicable the State Plan for
3 Equal Employment Opportunity in Apprenticeship.

4 (24) Contact information. The name, physical address, telephone
5 number, and e-mail address for the appropriate individual with authority under
6 the apprenticeship program to receive, process, and make disposition of
7 complaints.

8 (25) Recordkeeping. Provision for recording and maintenance of all
9 records concerning apprenticeship as may be required by the Vermont
10 Registered Apprenticeship Program and other applicable law.

11 § 1118. APPRENTICESHIP PROGRAM MINIMUM ENROLLMENT;
12 EVALUATION

13 (a) Minimum number of apprentices. An apprenticeship program,
14 including occupations registered to the program, shall have at least one
15 registered apprentice, except for the following specified periods of time if the
16 periods do not exceed one year:

17 (1) between the date when the apprenticeship program is registered and
18 the date of registration for its first apprentice; or

19 (2) between the date that the apprenticeship program graduates an
20 apprentice and the date of registration for the next apprentice(s) in the
21 program.

1 (b) Evaluation. The Vermont Registered Apprenticeship Program shall
2 adopt tools and factors to evaluate the performance of apprenticeship
3 programs, including the following:

4 (1) Quality assurance assessments.

5 (2) Equal Employment Opportunity compliance reviews.

6 (3) Completion rates.

7 (A)(i) To evaluate completion rates, the Vermont Registered
8 Apprenticeship Program shall review an apprenticeship program's completion
9 rates in comparison to the national average for completion rates.

10 (ii) Based on review, the Vermont Registered Apprenticeship
11 Program may provide technical assistance to apprenticeship programs with
12 completion rates lower than the national average.

13 (B) Cancellation of apprenticeship agreements during the
14 probationary period shall not have an adverse impact on a sponsor's
15 completion rate.

16 § 1119. APPRENTICES REGISTERED; AGREEMENT

17 (a) Apprentices shall be individually registered under a registered sponsor
18 and in an apprenticeship program.

19 (b) Registration is complete when the sponsor files a signed, completed
20 apprenticeship agreement with the Vermont Registered Apprenticeship
21 Program and it is reviewed and approved by the Department.

1 (c) An apprenticeship agreement shall contain:

2 (1) The names and signatures of the apprentice, the program sponsor or
3 employer, and of a parent or guardian of the apprentice if the apprentice is a
4 minor.

5 (2) The date of birth and Social Security Number of the apprentice.

6 (3) The contact information of the program sponsor and Vermont
7 Registered Apprenticeship Program.

8 (4) A statement of the occupation in which the apprentice is to be
9 trained and the beginning date and duration of apprenticeship.

10 (5) A statement showing:

11 (A) the number of hours to be spent by the apprentice in work on-
12 the- job in a time- based program or a description of the skill sets to be attained
13 by completion of a competency- based program, including the on- the- job
14 learning component;

15 (B) the minimum number of hours to be spent by the apprentice and a
16 description of the skill sets to be attained by completion of hybrid program;
17 and

18 (C) the number of hours to be spent in related technical instruction in
19 subjects related to the occupation, which is required to be not less than 144
20 hours per year.

1 (6) A statement setting forth a schedule of the work processes in the
2 occupation or industry divisions in which the apprentice is to be trained and the
3 approximate time to be spent at each process.

4 (7) A statement of the graduated scale of wages to be paid to the
5 apprentice and whether or not the required related instruction is compensated.

6 (8) Statements providing:

7 (A) for a specific period of probation during which the apprenticeship
8 agreement may be cancelled by either party to the agreement upon written
9 notice to the registration agency without adverse impact on the sponsor; and

10 (B) that, after the probationary period, the apprenticeship agreement
11 may be:

12 (i) cancelled at the request of the apprentice; or

13 (ii) suspended or cancelled by the sponsor, for good cause, with
14 due notice to the apprentice and a reasonable opportunity for corrective action
15 and with written notice to the apprentice and to the Vermont Registered
16 Apprenticeship Program of the final action taken.

17 (9) A reference incorporating as part of the agreement the standards of
18 the apprenticeship program as they exist on the date of the agreement and as
19 they may be amended during the period of the agreement.

20 (10) A statement that the apprentice will be accorded equal opportunity
21 in all phases of apprenticeship employment and training, without

1 discrimination because of race, color, religion, ancestry, national origin, sex,
2 sexual orientation, gender identity, place of birth, crime victim status, genetic
3 information, age, qualified disability, incarceration status, or any other
4 category protected by State or federal law.

5 (11) The name, physical address, telephone number, and e-mail address
6 of the appropriate authority designated under the apprenticeship program to
7 receive, process, and make disposition of controversies or differences arising
8 out of the apprenticeship agreement when the controversies or differences
9 cannot be adjusted locally or resolved in accordance with the established
10 procedure or applicable collective bargaining provisions.

11 (12) To conform to the federal Equal Employment Opportunity Act of
12 1972, 42 United States Code, Chapter 21, subchapter VI and for affirmative
13 action compliance in apprenticeship programs, the voluntary disclosure of the
14 apprentice's race, gender sex, gender identity, sexual orientation, ethnicity, and
15 disability status.

16 (13) If the apprentice completed secondary school in Vermont and is
17 between the age of 18 and 25, the name of the secondary school from which
18 they are a graduate, and if the apprentice attended a regional CTE center, the
19 name of the center where they received technical education while in secondary
20 school.

1 (d) An apprenticeship agreement shall not be modified unless it is in
2 writing and signed by the parties.

3 § 1120. DEREGISTRATION OF A REGISTERED APPRENTICESHIP
4 PROGRAM

5 (a) Deregistration. Deregistration of an apprenticeship program shall occur
6 upon the voluntary action of the sponsor by submitting a request for
7 cancellation of the registration or by the Vermont Registered Apprenticeship
8 Program instituting formal deregistration proceedings in accordance with this
9 section.

10 (b) Deregistration at the request of the sponsor. The Vermont Registered
11 Apprenticeship Program may cancel the registration of an apprenticeship
12 program by written acknowledgement of such request stating the following:

13 (1) that the registration is cancelled at the sponsors request, and the
14 effective date thereof;

15 (2) that, within 15 business days of the date of the acknowledgment, the
16 sponsor will notify all apprentices of such cancellation and the effective date;

17 (3) that the cancellation automatically deprives the apprentice of
18 individual registration;

19 (4) that the deregistration of the program removes the apprentice from
20 coverage for federal purposes which require the U.S. Secretary of Labor's
21 approval of an apprenticeship program; and

1 (5) that all apprentices are referred to the Vermont Registered
2 Apprenticeship Program for information about potential transfer to other
3 registered apprenticeship programs.

4 (c) Deregistration by the Vermont Registered Apprenticeship Program
5 upon reasonable cause.

6 (1)(A) Deregistration proceedings may be undertaken when the
7 apprenticeship program is not conducted, operated, or administered in
8 accordance with the program's registered provisions or with the requirements
9 of this chapter, including:

10 (i) failure to provide on- the- job learning;

11 (ii) failure to provide related technical instruction;

12 (iii) failure to pay the apprentice a progressively increasing
13 schedule of wages consistent with the apprentices' skills acquired; or

14 (iv) persistent and significant failure of the program to operate or
15 perform successfully.

16 (B) For purposes of this section, persistent and significant failure to
17 perform successfully occurs when a program sponsor consistently fails to
18 register at least one apprentice, shows a pattern of poor quality assessment
19 results over a period of several years, demonstrates an ongoing pattern of very
20 low completion rates over a period of several years, or shows no indication of

1 improvement in the areas identified by the Vermont Registered Apprenticeship
2 Program during a review process as requiring corrective action.

3 (C) Where it has been determined that the program is not being
4 operated in accordance with the registered standards or with the requirements
5 of this chapter, the Vermont Registered Apprenticeship Program shall notify
6 the program sponsor in writing.

7 (2) A notice of deregistration sent to the program sponsors contact
8 person shall:

9 (A) be sent by registered or certified mail, with return receipt
10 requested;

11 (B) state the shortcomings and the remedy required; and

12 (C) state that a determination of reasonable cause for deregistration
13 will be made unless corrective action is affected within 30 business days.

14 (3) Upon request by the sponsor for good cause, the 30- business day
15 term may be extended for another 30 business days. During the period for
16 corrective action, the Vermont Registered Apprenticeship Program shall assist
17 the sponsor in every reasonable way to achieve conformity.

18 (4) If the required correction is not completed within the allotted time,
19 the Vermont Registered Apprenticeship Program shall send a notice to the
20 sponsor, by registered or certified mail, return receipt requested, stating the
21 following:

1 (A) the notice is sent under this section;

2 (B) the deficiencies that were called to the sponsors attention, the
3 remedial measures requested, with the dates of such occasions and letters, and
4 that the sponsor has failed or refused to take corrective action;

5 (C) based upon the stated deficiencies and failure to remedy them, a
6 determination has been made that there is reasonable cause to deregister the
7 program and the program may be deregistered unless, within 15 business days
8 of the receipt of this notice, the sponsor requests a hearing with the Vermont
9 Registered Apprenticeship Program and the Vermont Apprenticeship Advisory
10 Board; and

11 (D) if the sponsor does not request a hearing, the entire matter will be
12 submitted to the Commissioner for a decision on the record with respect to
13 registration.

14 (5) Every order of deregistration shall contain a provision that the
15 sponsor, within 15 business days of the effective date of the order, notify all
16 registered apprentices of the deregistration of the apprenticeship program, the
17 effective date thereof, that such cancellation automatically deprives the
18 apprentice of individual registration, that the deregistration removes the
19 apprentice from coverage for Federal purposes which require the Secretary of
20 Labor’s approval of an apprenticeship program, and that all apprentices are

1 referred to the Vermont Registered Apprenticeship Program for information
2 about potential transfer to other apprenticeship programs.

3 (d) Reinstatement. An apprenticeship program deregistered under this
4 section may be reinstated upon presentation to the Vermont Registered
5 Apprenticeship Program of adequate evidence that the apprenticeship program
6 is operated in accordance with this chapter.

7 § 1121. LIMITATIONS

8 Nothing in this chapter or in an apprenticeship agreement may be construed
9 to invalidate:

10 (1) the at-will nature of employment in Vermont;

11 (2) any apprenticeship provision in a collective bargaining agreement
12 between employers and employees establishing more stringent apprenticeship
13 standards; or

14 (3) any special provision for veterans, minorities, or women in the
15 standards, apprentice qualifications, or operation of an apprenticeship program
16 or in the apprenticeship agreement that is not otherwise prohibited by law,
17 Executive Order, or authorized regulation or rule.

18 § 1122. COMPLAINTS

19 (a) Any controversy or difference arising under an apprenticeship
20 agreement that cannot be resolved by the parties and that is not covered by a
21 collective bargaining agreement may be submitted by an apprentice, or the

1 apprentice’s authorized representative, to the Vermont Registered
2 Apprenticeship Program for review.

3 (b)(1) The complaint shall be in writing and signed by the complainant, or
4 authorized representative, and shall be submitted within 60 business days of
5 the event occurred giving rise to the complaint.

6 (2) The complaint shall set forth the specific matters complained of,
7 together with relevant facts and circumstances.

8 (3) Copies of pertinent documents and correspondence shall accompany
9 the complaint.

10 (c)(1) The Vermont Registered Apprenticeship Program shall render **an**
11 **opinion determination** within 90 business days after receipt of the complaint,
12 based upon such investigation of the matters submitted as may be found
13 necessary, and the record before it.

14 (2) During the 90 day period, the Vermont Registered Apprenticeship
15 Program shall make reasonable efforts to affect a satisfactory resolution
16 between the parties involved.

17 (3) If so resolved, the parties shall be notified that the case is closed.

18 (4) Where a **determination** is rendered, copies shall be sent to all
19 interested parties.

20 (d)(1) This section is not applicable to any complaint concerning
21 discrimination or other equal opportunity matters.

1 (2) All such complaints shall be submitted, processed, and resolved in
2 accordance with applicable provisions in 29 CFR part 30 or applicable
3 provisions of the Vermont Department of Labor State Plan for Equal
4 Employment Opportunity in Apprenticeship.

5 (e) Nothing in this section precludes an apprentice from pursuing any other
6 remedy authorized under federal or State law.

7 § 1123. PRE-APPRENTICESHIP PROGRAMS

8 (a) A pre-apprenticeship program is one that is designed to prepare
9 individuals to enter and succeed in an apprenticeship program by providing
10 instruction and skill development opportunities to attain competency needed to
11 enter a related apprenticeship program.

12 (b) A pre-apprenticeship program may be registered by the Department
13 after successfully demonstrating:

14 (1) the program is carried out by a sponsor that has a written agreement
15 with at least one sponsor of an apprenticeship program;

16 (2) engages an active, advisory partnership with an industry leader or
17 sector partnership to inform the training and education services necessary for a
18 pre- apprenticeship program;

19 (3) there is sufficient demand in an apprenticeship program at the
20 completion of a pre-apprenticeship program to support a transition from the
21 pre-apprenticeship program to an apprenticeship program;

1 (4) the program follows a written plan for related instruction and work-
2 based learning or training that was developed in consultation with the sponsor
3 or sponsors of the apprenticeship program;

4 (5) the program includes mentoring, career exposure, career planning,
5 and career awareness activities;

6 (6) the program includes paid work-based leaning or training, to the
7 extent practicable, or unpaid work-based learning or training in which an
8 employer or industry partnership and a related technical instruction provider
9 collaborate to design the learning or training that will introduce participants to
10 the skills, competencies, and materials used in one or more appreciable
11 occupations;

12 (7) to the extent appropriate and practicable, the program meets related
13 technical instruction requirements that include enabling an individual to attain
14 a secondary school diploma or its recognized equivalent that enables a pre-
15 apprentice to enter into an apprenticeship; and

16 (8) the program includes, when relevant, any agreement for advanced
17 standing for the pre-apprentice upon entering a registered apprenticeship
18 program.

19 § 1124. YOUTH APPRENTICESHIP PROGRAMS

1 (a) A youth apprenticeship program is one that prepares a youth apprentice
2 for acceptance into an apprenticeship program and is designed for youth
3 apprentices who start the program while still enrolled in high school.

4 (b) A youth apprenticeship program may be registered by the Department
5 after submitting the following information:

6 (1) a written plan that articulates the work processes and how a youth
7 apprentice will receive supervised work experience and on-the-job training or
8 in an experiential setting;

9 (2) how time spent by a youth apprentice in each major work process
10 will be spent or that specifies how competencies or proficiencies are aligned
11 between their high school education and the youth apprenticeship program, and
12 that states which graduation requirements will be met;

13 (3) a description of the mentoring that will be provided to the youth
14 apprentice;

15 (4) a description or timeline explaining the periodic reviews and
16 evaluations of the youth apprentices performance on the job and in related
17 technical instruction;

18 (5) a process for maintaining appropriate progress records, including the
19 reviews and evaluations;

1 (6) a description of related classroom- based instruction, which may be
2 fulfilled through dual or concurrent enrollment in secondary or post-secondary
3 courses;

4 (7) whether and how the program is aligned with high school diploma
5 requirements and career clusters;

6 (8) whether the program meets the related technical instruction
7 requirements for an apprenticeship program;

8 (9) if a program includes paid work, a progressively increasing, clearly
9 defined schedule of wages to be paid to the youth apprentice as skills are
10 mastered;

11 (10) how the program prepares the youth apprentice for placement in
12 further education, employment, or an apprenticeship program; and

13 (11) the terms by which the program grants advanced standing or credit
14 to individuals applying for the youth apprenticeship with demonstrated
15 competency or acquired experience, training, or skills.

16 § 1125. CAREER PATHWAY ALIGNMENT WITH APPRENTICESHIP

17 PROGRAMS

18 (a) The Vermont Registered Apprenticeship Program shall coordinate with
19 other State agencies and departments in the furtherance of Registered
20 Apprenticeship as a training model that can advance equity, provide

1 Vermonters’ access to good paying careers, and make available untapped talent
2 for Vermont employers.

3 (b)(1) The Vermont Registered Apprenticeship Program shall provide
4 technical assistance and training to sponsors on an ongoing basis related to
5 developing or modifying their minimum qualifications, equal opportunity
6 requirements, promotion of diversity, apprentice selection procedures, and
7 other requirements for advanced standing in their standards of apprenticeship.

8 (2) The Program shall provide technical assistance and training with
9 assistance from Vocational Rehabilitation, including HireAbility, and the
10 Division for Blind and Visual Impairments, the Agency of Education including
11 Adult Education and Literacy, Career Technical Education, and Special
12 Education Transition Specialists, the Office of Veterans Affairs, and other
13 workforce partners.

14 (c)(1) The Vermont Registered Apprenticeship Program shall develop
15 policies and procedures for the registration of pre-apprenticeship and youth
16 apprenticeship programs meeting the definition established in this chapter and
17 which may be included in career pathway alignment efforts.

18 (2) Pre-apprenticeship programs shall be developed for individuals with
19 disabilities, refugees, individuals for whom English is not the primary spoken
20 language, adults with limited literacy and numeracy skills, or who do not have
21 a high school diploma or equivalent, and other groups who are excluded from

1 access to high-wage careers and participation in the registered apprenticeship
2 system because they do not meet the minimum qualifications established in
3 standards of apprenticeship.

4 (d) The Vermont Registered Apprenticeship program, working with the
5 Agency of Education, shall develop program guidelines for youth
6 apprenticeships that start while an apprentice is still in high school and that can
7 be included as part of the Agency’s career pathways efforts in addition to the
8 Vermont Registered Apprenticeships Program’s efforts to align talent pipelines
9 between education providers and registered apprenticeship program sponsors.

10 Sec. 2. EFFECTIVE DATE

11 This act shall take effect on July 1, 2023.

12

13

14

15

16

17 (Committee vote: _____)

18

19

Representative _____

20

FOR THE COMMITTEE