

From the Desk of the Director



Apprenticeship

May 2015



As the weather warms, and many of you begin your annual recruitments, I want to expand on the topic of program recruitment and selection methods. This newsletter provides information regarding the Equal Employment Opportunity (EEO) requirements under the regulations, how diversity goals will be reviewed by the NYS Department of Labor (Department) and ways to help improve diversity in your programs. As always, if you have any questions, please contact us.

Jane Thompson

Equal Employment Opportunity Overview

What is Equal Employment Opportunity

EEO promotes equality in apprenticeship by requiring affirmative action and prohibiting discrimination for the recruitment, selection, employment, and training of apprentices during their apprenticeship based on the following protected classes: Race; Creed; Color; Religion; National Origin; Age; Sex; Disability; Veteran Status; Marital Status; or, Arrest Record. EEO influences the policies and regulations which oversee recruitments and rank lists. Apprentice recruitment and selection information can be found in NYS's Equal Employment Opportunity in Apprenticeship Training Regulations, Part 600, which is located on the Department's website at the following link: <http://www.labor.ny.gov/apprenticeship/general/lawsandregs.shtm>

What is Affirmative Action

The EEO Regulations define affirmative action as not mere passive nondiscrimination. It includes procedures, methods, and programs for the identification, positive recruitment, training and motivation of present and potential minority and female (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.

EEO Review

Department staff will be conducting EEO reviews based on information sponsors provide on the Apprentice Training Program Affirmative Action Plan (AT 603). These reviews will compare the demographics of women and minority populations in NYS Registered Apprenticeship (RA) programs to the demographics of the local labor force where sponsors perform business and recruit apprentices. In addition, we will be reviewing the goals sponsors set in their Affirmative Action Plan for registering new minority and women apprentices to see if progress is being made toward alignment with the local labor force.

Making a Good Faith Effort to Meet EEO Goals

It's important to remember that EEO goals are not quotas. Sponsors should make a good faith effort to ensure their overall Affirmative Action Plan works. This means making an effort and

attempting to reach goals, including reevaluating and revising the Affirmative Action Plan where necessary. The EEO Regulations require sponsors to review their Affirmative Action Plans annually and update them where necessary, including the goals and timetables. Sponsors should routinely review their current workforce and compare it to the composition of the local labor force. Labor force information can be found on the Department's website at the following link: <http://www.labor.ny.gov/stats/lseeo.shtm>. Additionally, Apprentice Training Representatives (ATRs) can provide sponsors with a Program Roster Report (AT 1003) to review apprentice demographic information. ATRs are available to assist sponsors, especially those who recruit in more than one county, to compute the total demographics of their local labor force and to help set appropriate goals. To improve EEO performance, sponsors should:

- Review where recruitments are publicized and make changes to tap into additional apprentice applicant populations.
- Review the type of recruitment currently being used and determine if it is maximizing the candidate pool.
- Utilize Direct Entry.

Review Where Recruitments are Publicized

The following are examples of publications and/or Community Based Organizations that sponsors may wish to build rapport with and reach out to in order to increase access to underserved populations:

- Local and/or community newspapers.
- Local National Association for the Advancement of Colored People organizations.
- Minority churches and organizations.
- A Minority Chamber of Commerce (e.g. Capital District Black Chamber of Commerce).
- Minority local and national radio stations.
- The National Urban League.

Review the Type of Recruitment

Sponsors should review the type of recruitment they conduct with their ATR to ensure they will reach a population that is sufficient to achieve their goals. The following are types of recruitments available to sponsors.

- **Area-Wide:** This type of recruitment is most commonly used by large programs with five or more apprentices. Apprenticeship opportunities are publicized to a broad base of potential applicants located in a sponsor's labor market area. There are two types of Area-Wide Public Recruitments: Periodic Recruitments and Continuous Recruitments.
- **Local:** Sponsors are required to list all Apprenticeship openings with their local Career Center and/or in the NYS Job Bank for a minimum of five full work days before any selections are made. All eligible applicants referred by the Department must be considered for selection along with candidates from other sources.
- **Limited to Current Employees:** This type of recruitment is an internal recruitment which is limited to current employees. Internal recruitments should be part of an established personnel policy or incorporated in a collective bargaining agreement (e.g. in a manufacturing plant). The sponsor should have an adequate number of qualified existing employees to assure affirmative action goals can be achieved. Resulting vacancies must be listed with the local Career Center and/or in the NYS Job Bank.
- **Online:** Any sponsor may request to conduct an Area-Wide Public Recruitment (Periodic or Continuous) online. Staff will work with sponsors to develop an online recruitment which best meets their needs.

Direct Entry

Direct Entry may be used by sponsors as an alternative method to indenture apprentices in order to reach underrepresented populations and to help sponsors meet their EEO goals. It provides successful participants of apprenticeship preparation programs who meet the minimum requirements for a NYS RA program with a direct opportunity for an interview with the program sponsor. Apprentices are indentured through agreements with local, state and national organizations. National Direct Entry programs such as Helmets to Hardhats, Job Corps, and YouthBuild are recognized by the US Department of Labor and also by the Department. Sponsors using Direct Entry must indicate on their AT 603 which provider programs they have agreements with.

All Direct Entry programs must be pre-approved by the Department prior to sponsors listing them on the AT 603. The training is reviewed to ensure candidates have basic work readiness and

basic skills. A Direct Entry Provider Application form is under development and will be posted to the Department's website upon completion. Direct Entry programs will receive final approval after a revised AT 603 is received from a NYS RA program sponsor demonstrating their agreement. Direct Entry programs which are approved may undergo a recertification review subsequently. Note, NYS RA program sponsors are not required to hire the individuals interviewed through this process.

The Direct Entry Workgroup that was convened took its mission very seriously and recommended standards for the approval of Direct Entry Programs. The Workgroup, chaired by Apprenticeship & Training Council member Bill Macchione, met several times and created a report which can be found on the Department's website at: <http://www.labor.ny.gov/apprenticeship/atc.shtm>. While this report has not yet been finalized (look for the final product very soon) -- the Department has been using its report as a guideline to approve new Direct Entry Programs.

The following are some of the components the Workgroup recommended for Direct Entry approval:

- Direct Entry providers are required to have agreements with NYS RA programs to ensure there is a linkage and potential for real jobs (e.g. a NYS RA program must list the Direct Entry program in their AT 603).
- Direct Entry programs must target women and/or minorities and may also target veterans.
- A due diligence review will be conducted on Direct Entry providers at time of application and when deemed appropriate by the Department.
- Direct Entry programs will not exempt candidates from having to meet a NYS RA program's minimum qualifications such as standardized testing.
- Apprenticeship Preparation programs which are approved for Direct Entry status will be placed on NYS's Eligible Training Provider List (ETPL) by the Department.
- Direct Entry providers may not charge tuition.
- Industry Overview/Basic Skills.
- Skills Assessment (e.g. how applicants are assessed to determine if they meet a NYS RA program's minimum qualifications).
- Employability Skills/Work Readiness (e.g. assistance in obtaining High School Equivalency Diploma, basic workplace literacy and math, life skills, time management, team skills, working independently, job search, and/or soft skills).
- Classroom Instruction.
- Physical Fitness Training (as appropriate and contingent upon the demands of the trade).
- Safety Training.

Contact Information: For additional information on recruitments and rank lists, please contact your Apprentice Training Representative (ATR) or e-mail the Apprenticeship Training Central Office at: ATCO@labor.ny.gov. ATR contact information can be found on the Apprenticeship website at: <https://labor.ny.gov/apprenticeship/contactus.shtm>

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