

## DRAFT PROPOSED REGULATORY TEXT

### **Part 600**

**Subpart 600.1 is repealed and replaced as follows:**

600.1: New York State Plan for Equal Employment Opportunity in Registered Apprenticeship Programs

(a) [The Draft New York State Plan for Equal Employment Opportunity in Registered Apprenticeship Programs \(the EEO Plan\)](#), pursuant to 29 CFR Part 30, is adopted and incorporated by reference as if fully set forth in these rules.

(b) Purpose. The purpose of the EEO Plan is to promote equal opportunity for apprentices and applicants for apprenticeship in registered apprenticeship programs by prohibiting discrimination based on race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability, as well as any classes or categories within the protected coverage of Article 15 of the New York State Executive Law and the regulations adopted thereunder including, but not limited to, the protections contained in Section 296(1-a) of the Executive Law. The EEO Plan also prescribes affirmative action efforts sponsors must take to ensure equal opportunity for apprentices and applicants for apprenticeship. The EEO Plan sets forth the equal opportunity obligations of sponsors, the contents of affirmative action programs, procedures for the filing and processing of complaints, and enforcement procedures. The EEO Plan also

establish procedures for deregistration of an apprenticeship program in the event of noncompliance by a sponsor.

(c) Applicability. The EEO Plan applies to, and must be abided by, all sponsors of apprenticeship programs registered pursuant to 12 NYCRR Part 601.

(d) Relationship to other laws. The EEO Plan and this Part do not invalidate or limit the remedies, rights, and procedures under any Federal law or the law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for individuals based on race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, or disability, as well as any classes or categories within the protected coverage of Article 15 of the New York State Executive Law and the regulations adopted thereunder including, but not limited to, the protections contained in Section 296(1-a) of the Executive Law than are afforded by this part. It may be a defense to a charge of a violation of this part or the EEO Plan that a challenged action is required or necessitated by a Federal law or regulation, or that a Federal law or regulation prohibits an action that would otherwise be required by this part or the EEO Plan.

**Subparts 600.2 through 600.20 are repealed.**



Kathy Hochul, Governor  
Roberta Reardon, Commissioner

**Part 601**

**Subparts 601.1, 601.3, 601.4, 601.5, 601.6, 601.7, 601.8, 601.9, 601.10, 601.11, 601.12, 601.13, 601.15, 601.16, and 601.18 are amended to read as follows:**

601.1: Purpose of Part.

This Part establishes procedures and standards for the approval and registration of Apprenticeship Programs and agreements in furtherance of the public policy of this State as enunciated in section 810 of the Labor Law to develop sound Apprenticeship training standards and to encourage industry and labor to institute training programs. This Part is intended to ensure that Apprenticeship Programs developed and registered in accordance with public policy are of the highest possible quality in all aspects of [on-the-job training] On-the-job Training, [related and supplemental] Related instruction, and in providing meaningful employment and relevant training for all Apprentices.

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601.3: Definitions

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(b) *Apprentice* means a person who is at least 16 years of age who has entered into a written agreement with a Sponsor to provide for his or her participation in an

approved Program of training through employment and [related and supplemental instruction] Related Instruction.

(c) *Apprentice Probation* means the number of months following the execution of an Apprenticeship Agreement when such Agreement may be cancelled by either party, upon written notice to the Department, without any adverse impact on the Sponsor's Completion Rate. Said period shall be twenty-five percent (25%) of the time set [in the Apprenticeship Training Program Registration Agreement (Program Registration Agreement)] for the length of the Program, or one (1) year, whichever is shorter. Program length for purposes of determining the Apprentice Probation period in Competency-Based and Hybrid Programs shall be that which a Time-Based Program in the same trade or occupation would require.

(d) *Apprenticeable Trade or Occupation* means a skilled trade or occupation which possesses all of the following characteristics:

- (1) Is customarily learned in a practical way through training and work on the job;
- (2) Is, in the judgment of the Commissioner, clearly identified and commonly recognized throughout an industry;
- (3) Is, in the judgment of the Commissioner, not a part of of a[n] trade or occupation previously recognized as Apprenticeable unless such part is practiced industry-wide as an identifiable and distinct trade or occupation;
- (4) Requires the completion of at least 2,0000 hours of On-the-job Training to learn and master[significant on-the-job training to learn and master.

(a) In a program using a time-based approach, involves the progressive attainment of manual, mechanical or technical skills and knowledge which would require a minimum of 4,000 hours of work and on-the-job training. Such hours may include, at the commissioner's discretion, the time spent at related and supplemental instruction, except that a trade may require a minimum of 2,000 hours if the commissioner finds, after reviewing written substantiation of the sponsor and the recommendation of the apprenticeship council, that the particular trade can be learned within such time.

(b) In a program using a competency-based or hybrid approach, in order for a trade to be considered apprenticeable, it must be a trade which, if learning were conducted in the traditional time-based approach, would require at least 2,000 hours of on-the-job training];

(5) Requires [related and supplemental instruction] Related Instruction to supplement the [on-the-job training] On-the-Job Training, provided in accordance with section 812 of the Labor Law; and

(6) Involves the development of skill sufficiently broad to be applicable in like trades or occupations throughout an industry, rather than restricted application to the products of any one company.

\* \* \*

(f) Apprenticeship Council means the State Apprenticeship and Training Council established pursuant to section 813 of the Labor Law. [The repealed text from section 601.3(b) is amended and added as new text as subsection (g) and amended as follows:]

(g) *Apprenticeship Program (or "Program")* means a training program subscribed to by a Sponsor which implements an organized, written plan [which contains] containing all terms and conditions for the qualification, recruitment, selection, employment, and training of Apprentices in an Apprenticeship Trade or Occupation, including such matters as the requirement for a written Apprenticeship Agreement. The following types of programs are eligible and recognized by the Department:

(1) Individual Non-Joint Programs consisting of a single employer without the participation of a union representing employees (irrespective of whether the employees are union represented), in which the employer acts as Sponsor;

(2) Group non-joint programs consisting of a [group or association of employers without the participation of a union representing employees, in which the group or association of employers acts as sponsor,] Sponsor and at least two Signatories, where the Sponsor and its Signatories are bound by a Department approved agreement signed, collectively or individually, by the Sponsor and all the Signatories;

(3) Individual Joint Programs consisting of a single employer and a union representing employees in accordance with a collective bargaining

agreement which provides for participation in an approved Apprenticeship Program;

(4) Group Joint Programs consisting of a group or association of employers, a minimum of at least two Signatories, and a union representing employees in accordance with a collective bargaining agreement which provides for participation in an approved Program, in which a Joint Apprenticeship Committee (JAC) acts as the Sponsor. JAC means a group composed of an equal number of representatives of the employer and union who are parties to a bona fide collective bargaining agreement and created for the purpose of Sponsoring an Apprenticeship Program(s);

(5) [The New York state department of correctional services may sponsor programs for inmates confined to the custody of the department of correctional services pursuant to section 803-b of the correction law without the participation of an employer or union] Governmental Entities, including New York State agencies, may sponsor programs. Certain governmental entities may be permitted to have apprenticeship programs for individuals in their care or custody without the participation of an employer; provided that the agency has sufficient statutory authority to maintain such a program. For example, the New York State Department of Corrections and Community Supervision may sponsor Programs for incarcerated individuals in the custody of the New York State Department of Corrections and Community Supervisor, pursuant to section 803-b of the Correction Law and without the participation of an employer or union.

\* \* \*

(j) Competency means the attainment of manual, mechanical, or technical skills and knowledge, as specified by the training outline and demonstrated by appropriate, nationally and industry recognized, written and hands-on proficiency measurements. All testing and evaluation of the identified competencies shall occur in a controlled learning environment that permits accurate and verifiable results and shall be conducted by a[n] competent, independent, third-party provider approved by the department such as, but not limited to, trade associations, community colleges, and industry recognized experts.

\* \* \*

(o) Journeyworker means a worker who has mastered the skills, abilities and competencies recognized within a given trade or occupation as essential to the trade or occupation, and is qualified to supervise and train Apprentices.

(p) Probation means provisional approval by the department of an apprenticeship program for a two-year period following [its initial registration] the Apprenticeship Program approval date or the date the first apprentice is enrolled in the program, whichever is later.



(q) Projected completion date means a date computed by adding the program duration (stated in months) to an apprentice's start date (commonly known as the "date of [indenture] enrollment").

\* \* \*

(v) Signatory (Signatories) means a person, employer, association, organization, or company executing a written agreement with a Program Sponsor, or with an association which is itself a Signatory to a Sponsor, and who has agreed to be bound by the terms, standards and conditions of the Program. Signatories must have the ability to train an apprentice in the Program's trade or occupation.

(w) Sponsor means an employer, a single employer and a union, a group or association of employers, [the New York state department of correctional services] a governmental entity, a higher education institution, or a joint apprenticeship committee (JAC) representing both employers and a union or unions, which has the ability to train apprentices, and which is recognized as such by the commissioner through the registration of a program.

\* \* \*

(z) *Transfer* means the re-assignment of an Apprentice from one employer to another within the same registered Program, or from one Program to another within the same trade or occupation.

(aa) The EEO Plan means The New York State Plan for Equal Employment Opportunity in Registered Apprenticeship Programs described by Part 600 of this Title.

(bb) Building and Construction Trades means any trade or training program activity that is determined to relate to the construction or renovation of a structure, including, but not limited to altering, rehabilitating, fabricating, maintaining, remodeling, repairing, or wrecking of a structure, including plumbing, electrical, masonry, carpentry, roofing, and work necessary to the construction or deconstruction of a structure.

(cc) On-the-job Training means the process of an Apprentice learning skillsets from an experienced journeyworker by performing tasks outlined in the work process categories for specific periods of time, also known as task rotation, as described in the training outline for the trade/occupation. On-the-job training is a required component of Registered Apprenticeship. To complete a Registered Apprenticeship program, Apprentices are required to record the number of hours worked in each work process category and complete each work process category outlined in the training outline.

(dd) Related Instruction means additional instruction outside On-the-job training that supplements the skills apprentices learn and allows them to learn the theory and principals of the skills associated with the apprenticeship. Related Instruction is a required component of Registered Apprenticeship. Apprentices are required to attend related instruction throughout the course of the apprenticeship and

complete all aspects of related instruction as outlined in the training outline for the trade/occupation.

§ 601.4 Eligibility and Procedure for Registration.

(a) [No] An apprenticeship program shall be eligible for registration by the commissioner [unless] if the commissioner finds that:

\* \* \*

(2) It complies with the requirements of the commissioner's regulation on "equal employment opportunity in apprenticeship training" set forth in [Part 600.4 of this title] the EEO Plan;

\* \* \*

(4) The sponsor does not require any applicant to pay an application, processing, or other similar fee unless approved by the department pursuant to [Part 600.4 of this title] the EEO Plan; and

(5) The Sponsor has a permanent facility located in New York State, which serves as a base of operations for the Program, and where it maintains a plant, office or other facility containing:

- (i) Employment records, maintained in the ordinary course of the employer's business, documenting work performed by the employer's Journeyworkers on job sites within the State of New York;
- (ii) Office equipment that demonstrates an ongoing administrative operation; and
- (iii) The equipment necessary to fully train Apprentices for the duration of the training Program in accordance with the approved work processes for the trade or occupation. For group programs, the equipment to train apprentices may be at the location of the signatory employers, rather than at the sponsor's permanent facility.

(b) Program Application Requirements:

(1) Applications for registration of Programs shall be submitted for approval [on forms] in a manner prescribed by the Department, shall contain the Sponsor's agreement to comply with the standards for Programs as provided in section 601.5 of this Part, and shall include the Sponsor's certification as to the accuracy and completeness of all information supplied in connection with the application. [Every Sponsor shall submit a completed Program Registration Agreement and Sponsor Information Sheet.] Applications for the registration of all group Programs (joint and non-joint) shall:

- (i) Identify all current Signatories to the Program by submitting a current list of Program Signatories' names, addresses, Federal Employer Identification Numbers, or New York State Unemployment

Insurance Employer Numbers in an electronic format as specified by the Department; [and]

(ii) Provide written assurances to the Department that the Sponsor will hold all Signatories to the standards of their [Program Registration Agreement] approved program; and

(iii) Have a minimum of two current signatories.

\* \* \*

(c) Processing of Applications

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(2) Applications [shall] may be rejected if [information required on the Sponsor Information Sheet, or] required information or disclosures [related thereto, is] are found to be inaccurate or incomplete[, or if the applicant is not of good character and responsibility].

(i) [Applications rejected for failing to disclose information required in the on the Sponsor Information Sheet may be resubmitted within sixty (60) days of denial] RESERVED.

(ii) [Rejected applications which are not resubmitted within sixty (60) days, or which upon resubmission the Sponsor Information Sheet, or required disclosures related thereto, is found to be inaccurate or

incomplete, may not be resubmitted, nor may the applicant submit a new application, for a period of one year] RESERVED.

(iii) Failing to provide full, accurate, and complete information in an application shall be taken into account in evaluating current and future Program applications.

(3) [The Department will conduct a review of the Applicant's history of liens and judgments to determine if the applicant has shown the type of fiscal responsibility necessary to continue the Program through to graduation] Applications will be rejected or denied if the Department determines that the applicant is not of good character and responsibility. Applications will also be rejected or denied if the Department determines that the Sponsor does not have the capacity to operate a Program that meets the requirements and standards of this Part.

(4) Applicants for all Group Programs (Joint and Non-Joint) shall make signed copies of their union collective bargaining agreements or Group/Association membership agreements (Agreements) available to the Department for review, upon request. Such Agreements shall include language that makes the provisions [included on the Program Registration Agreement] of the Sponsor's approved program applicable to their Signatories, either in the terms of the Agreement itself, or in an ancillary agreement that is approved by the Department. [If the applicant does not have written Agreements or approved ancillary agreements with its

members, it may submit signed copies of the Department's Ancillary Group Sponsor Signatory Agreement.]

\* \* \*

(6) A denial of an application for registration of a Program may be appealed [by filing a written request to the Commissioner within thirty (30) days of notification of the denial, stating the reasons why the application should have been granted] in accordance with section 601.11(b) of this Part.

(7) The [Commissioner] Department may refuse to accept or deny an application for registration if[, in his/her judgement,] the Program, the Sponsors, or any of its signatories are determined unable to conduct the Program in accordance with this Part, [the Equal Employment Opportunity regulations([Part 600 of this Title])], or Article 23 of the Labor Law.

(d) Approved Apprenticeship Programs shall be accorded registration, evidence by [a fully executed Program Registration Agreement] the Department's approval of the application.

(e) Any modification or change in the essential elements of a Program as indicated in [Part] section 601.5(c)(15) of this [Title] Part shall be submitted to the [Commissioner] Department, and acknowledged or approved by the [Commissioner] Department within ninety (90) days of receipt[, and recorded as an amendment to the Program Registration Agreement upon approval].

(f) Under a Program proposed for registration by an employer or employers' association, which is a party to a collective bargaining agreement:

(1) Where employees are represented by a union and the standards, collective bargaining agreement, or other instrument describing the relationship between the parties provides for participation by the union in the Program, the employer or employers association shall furnish the union with a copy of its application for registration of the Program. The participating union shall provide written acknowledgment of its concurrence [by signing the Program Registration Agreement] in order for the Department to process the application.

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(g) [A] Public Comment Periods

(1) For programs in the Building and Construction trades, a written public comment period is required for all new Apprenticeship program applications, applications seeking Reciprocal Approval, proposed new trade, training outlines (i.e. the combined work process and [r]Related [i]Instruction outline) for new Approaches to existing trades, and training outline updates. Such updates shall include, but not be limited to, changes to the duration of the Program, or the addition or elimination of job skills or Related [and



Supplemental i] Instruction topics are essential to the integrity of the Building and Construction [t]Trades.

[1] (i) A list of all such new trades, Approaches, training outlines, and applications will be posted on the Department's website for a minimum period of thirty (30) calendar days. The posting shall include the [U.S. postal and e-mail addresses to which comments may be submitted] instructions for submitting comments to the Department and the last day by which any public comment must be received.

[2] (ii) All comments shall be submitted in writing and shall include: the name, title, and organization name, if applicable, of the party submitting the comment(s). [Comments may be submitted via mail or e-mail.]

[3] (iii) Comments received will not be individually acknowledged, but will be reviewed in connection with the issue in question.

[4] (iv) Written comments received will be posted on the Department's website at the end of the time period provided, with appropriate redactions to protect privacy and decorum.

(2) For any programs outside of the Building and Construction Trades, the Department may elect to post for public comment in the same manner as described in (1) above.

[5](3) Nothing in this section shall be construed as creating an entitlement on the party submitting public comments to further

participation in the deliberation or determination regarding the application, trade, occupation, or training outline at issue, except as deemed appropriate by the Department.

(h) Apprentices submitted for registration after Program approval shall be recruited using the approved recruitment method. Programs [not registering] in the Building and Construction Trades that fail to register their first Apprentice within six (6) months of Program approval shall be deemed [Deregistered] cancelled. All other Programs shall be deemed canceled if they fail to enroll their first apprentice within nine (9) months of Program approval.

601.5: Standards for Apprenticeship Programs.

\* \* \*

(a) The Program shall be conducted under an organized, written plan embodying the terms and conditions of employment, training, and supervision of one or more Apprentices in an Apprenticeable Trade or Occupation, as defined in this Part, and subscribed to by a Sponsor who has undertaken to carry out the Program.

(b) The Program documents shall contain the equal opportunity pledge prescribed by the EEO Plan [in section 600.4 of this Title] and, in Programs having five (5) or more registered Apprentices:

- (1) An affirmative action plan in accordance with the EEO Plan [section 600.5], and

(2) A selection method authorized by the EEO Plan [in section 600.6].

(c) The Program plan shall incorporate the following standards and provisions:

(1) The employment and training of the Apprentice in a skilled trade or occupation, and the required minimum qualifications for persons entering the Program, including an eligible starting age of not less than sixteen years, except where a higher minimum age standard is fixed by law;

(2) The term of Apprenticeship, and the Approach to be utilized pursuant to section 601.7 of this Part;

(3) The work processes in which the Apprentice will receive supervised work experience and [training on the job] On-the-job Training, and the allocation of the approximate time to be spent in each major process;

(4) A comprehensive plan for the [r] Related [and supplemental i]Instruction in technical subjects related to the trade or occupation which will be provided to each Apprentice, as required by Section 812 of the Labor Law, with prescribed minimum period of instruction as determined by the State Education Department, but not less than 144 hours per year;

(i) The designation of [r]Related [and supplemental i]Instruction providers, and the medium for providing such instruction, shall be identified for the entire period of the Apprentice's Program;

(ii) All [r]Related [and supplemental i]Instruction providers, and the medium for providing the instruction, shall be identified on a form designated by the Department and approved by the State

Department of Education or its Designated Local Education Agency as provided for in 8 NYCRR Part 160.

(iii) Any modification to the provider of [r]Related [and supplemental i]Instruction must be submitted [within thirty (30) days for approval] to and approved by the Department.

(iv) [Medium for providing related instruction] Provision of Related Instruction: Related [and supplemental i]Instruction may be provided in person or via electronic media. The Sponsor shall provide the following information [in order to be granted approval for the use of electronic media] about the Related Instruction to be provided:

(a) [The rationale for implementing electronic media] The manner (including type and availability) by which the Related Instruction will be provided;

(b) [The type(s) and availability of electronic media to be utilized] The rationale for implementing the Related Instruction;

(c) A list of the courses, description, and the number of hours required to complete each course [being delivered by electronic media]; and

(d) A description of how testing and evaluation will be administered.

\* \* \*

(6) The Sponsor's plans for a periodic review and evaluation of the Apprentice's progress in job performance and [r]Related [and supplemental i]Instruction, and the manner in which the Sponsor will maintain records for each Apprentice;

(7) The numeric ratio of Apprentices to Journeyworkers under the Program as determined by the Commissioner and posted on the Department website, taking into consideration factors including, but not limited to: proper supervision, training, continuity of employment, safety, geographic region within the state, and applicable provisions in collective bargaining agreements;

(i) Where the Commissioner sets different ratios for specific geographic regions, the ratio applicable to the Apprentices and Journeyworkers is the ratio for the region in which the work is performed.

(ii) The Commissioner may, upon request, also permit ratios to be modified as part of a project labor agreement.

\* \* \*

(11) The manner, if any, by which the Sponsor proposes to grant advanced standing or credit for previously acquired experience, training, skills, or aptitude for all [Time Based Program] applicants

equally. [Advanced standing for Competency Based and Hybrid Program Apprentices shall be based solely upon Competency based testing given prior to the date upon which the Apprentice is registered. Minimum time requirements will be waived for such pre-registration testing in Hybrid Programs.] Wages will be adjusted if any advanced standing or credit is granted;

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(13) The Sponsor's assurance that all training will be conducted by qualified training personnel, and that such personnel who provide [r]Related [and supplemental i]Instruction shall:

(i) Meet the State Department of Education's requirements for a vocational-technical instructor, or be a subject matter expert, which is an individual, such as a Journeyworker, who is recognized within an industry as having expertise in a specific trade or occupation; and

(ii) (Have training in teaching techniques and adult learning styles which may occur before or after the Apprenticeship instructor has started to provide the Related Instruction; The Sponsor's assurance that it will provide proof when the Apprentice has successfully completed the Apprenticeship,

such that an appropriate New York State certification of completion may be issued;

(14) [Have training in teaching techniques and adult learning styles which may occur before or after the Apprenticeship instructor has started to provide the Related Instruction; The Sponsor's assurance that it will provide proof when the Apprentice has successfully completed the Apprenticeship, such that an appropriate New York State certification of completion may be issued] RESERVED;

(15) The Sponsor's assurance that it will notify the Department in accordance with section 601.4(e) of this Part and will not implement modifications to essential elements of the Program such as type of Apprentice wage progression, Program duration, work process, [change of ownership,] affirmative action plan, Apprentice recruitment, or decreases in Apprentice wages without first submitting such modification to the Department and obtaining Department approval. Any other modifications or amendments to the Program (such as Sponsor name change, change of ownership, change of address, increase in Apprentice wages, Sponsor representative, union representative) shall be submitted to the Department within thirty (30) days of its effective date. [The ratio of apprentices to journeymen can be changed only for the entire trade and such changes can only be made by the Commissioner] Upon notification of a change in ownership, the Commissioner shall have the right to review the Program under the new ownership to determine if the Program continues to meet the

requirements of section 601.4 of this Part. If the Commissioner determines that the program no longer meets the requirements of section 601.4, the program will be deregistered in accordance with the formal deregistration process set forth in section 601.9.

\* \* \*

(e) All Sponsors of Time-Based or Hybrid Approach Programs, and their Signatories, if any, shall ensure that each of their Apprentices maintains a record that documents [task rotation] On-the-job Training and the skills acquired through the Program. The Apprentice shall maintain this record in a format and in a manner approved by the Department. The [Apprentice's Blue Book is] Department shall provide an acceptable method [of] for recording [task rotation] On-the-job Training and acquisition of skills through the Program that can be used for this purpose. Any alternative method of recording [task rotation] On-the-job Training and skills acquisition shall be submitted to the Department by the Sponsor for approval prior to implementing its use by Apprentices. The Apprentice's immediate worksite Journeyworker/supervisor, or an authorized representative of the Sponsor who can attest to the hours and type of work performed by the Apprentice during the period in question, is required to verify that the information contained in the record is accurate and shall do so by signing the record at least monthly. All sponsors of Competency-Based and Hybrid



Programs shall maintain a record for each Apprentice of the dates and results of any written or hands-on proficiency measurements administered.

(f) Transfers of Apprentices:

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(2) Inter-Program Transfers – an Apprentice registered with one Sponsor, may be [re-assigned] transferred to a different Sponsor within the same trade or occupation.

(i) The Apprentice and the Sponsors must all agree to the Transfer.

(ii) Reporting the Transfer:

(a) When an Inter-Program Transfer takes place, the transferring Sponsor shall file an updated Apprenticeship Agreement [terminating the] identifying that the Apprentice has transferred, and the new Sponsor shall executed [a new] an Apprenticeship Agreement with the Apprentice. To complete the transfer, the Apprenticeship Agreement between the Apprentice and the new Sponsor must identify the transfer and be filed with the Department [in order to complete the Transfer].

(b) Apprenticeship Agreements need to be filed with the Department within thirty (30) days of a Transfer.

(iii) Transferring Apprentices shall be provided with a transcript of [o]On-the-job [t]Training and [r]Related [and supplemental i]Instruction by the current Sponsor for submission to the new Sponsor, including accomplishments, credits, and hours of training received by category/class name.

(3) Apprentices who leave one trade or occupation and register in another trade or occupation are not considered to be transfers. Such Apprentices must meet the new Sponsor's qualifications for the new trade or occupation. Credit for advanced standing will be given only for that portion of the [o]On-the-job [t]Training and [r]Related [and supplemental i]Instruction time as may be determined by the new Sponsor as appropriate for that trade or occupation and approved by the Department.

(g) Signatory Updating Requirements.

All Sponsors of group-joint and group non-joint programs shall notify the Department when an employer affiliates with, or disaffiliates itself from, a Program, and shall do so within ninety (90) days. Such notification shall include the employer's name, address, and either the employer's Federal Employer Identification Number (FEIN) or New York State Unemployment Insurance Employer Number in [an electronic format, as] a manner specified by the Department. Employers are considered to be associated with a program even if such association is through some intermediary organization. Employer inactivity in a program shall not, in and of itself, constitute disassociation. Programs that use the Ancillary Group-Sponsor Signatory Agreement, rather than a Department

approved agreement drafted by the Sponsor, must provide copies of the completed Ancillary Group-Sponsor Signatory Agreements along with such notification.

(h) All Apprentices, irrespective of prior credit or advanced standing, must work in the Program for a minimum of 2000 hours[ for Time-Based Programs].

(i) Approved Leaves of Absence.

(1) An apprentice shall be permitted to take a leave of absence for up to twelve consecutive months during their apprenticeship for parental leave, leave associated with a serious illness, or leave associated with the apprentice providing care to a spouse, child, or parent who has a serious illness.

(2) An apprentice shall be permitted to take a leave of absence for up to five consecutive years during their apprenticeship for military deployment.

(3) An apprentice may be permitted to take a leave of absence for up to twelve consecutive months during their apprenticeship for any other reason approved by the Department.

(4) Apprentices who are on a leave of absence shall not be counted toward program enrollment requirements in section 601.8 of this Part.

(5) An apprentice's completion date shall be extended by the amount of time attributed to the Leave of Absence.

#### 601.6 Apprenticeship Agreements.



Kathy Hochul, Governor  
Roberta Reardon, Commissioner

\* \* \*

(d) A statement of the trade or occupation in which the Apprentice is to be trained; the start date of Apprenticeship; and the duration – i.e. the length of a Time-Based Program, or for Hybrid and Competency-Based Programs the period of time it would take to complete the program if it were a Time-Based Program;

(e) A statement showing:

\* \* \*

(2) The number of hours to be spent in Related [and Supplemental] Instruction in technical subjects related to the trade or occupation. For Time-Based Approaches a minimum of 144 hours per year is required. For other Approaches, the Apprentice must be registered for at least 144 hours of Related [and Supplemental] Instruction courses but may test out earlier; and

(3) The Apprentice Probation Period, in months.

(f) A statement setting forth a schedule of the work processes in the trade or occupation [or industry divisions] in which the Apprentice is to be taught and the approximate time to be spent at each process;

\* \* \*

(i) A statement that the Apprentice will be accorded equal opportunity in all phases of Apprenticeship employment and training, without discrimination because of race, creed, color, religion, national origin, age, [or] sex, gender identity, sexual orientation, disability, veteran status, marital status, or arrest record;

(j) A statement that if the Sponsor is unable to fulfill his obligations under the Apprenticeship Agreement, the agreement may, with the consent of the Apprentice, be transferred to another Sponsor with written notice of the Transfer to the [Commissioner] Department and with full credit for the satisfactory period of the served Apprenticeship;

(k) A statement that:

\* \* \*

(2) After Apprentice Probation, the Agreement may be:

\* \* \*

(ii) Suspended or canceled by the Sponsor, for good cause[, with]. Such suspension or cancelation shall only occur after the Apprentice has been provided reasonable notice [to the Apprentice] and a reasonable opportunity [for] to undertake corrective action[, and with written notice to]. The Sponsor must also provide the Apprentice and [to] the Department written notice of the final action taken; and

\* \* \*

601.7 Approaches to Skill Attainment & Training.

\* \* \*

(b) The Approach taken is specific to the Program. The determination of the Approach is made by the Sponsor, subject to approval by the Commissioner that the Approach is appropriate to the trade or occupation for which the Program is registered. A Program can utilize only one Approach at a time, and may not change Approaches without Department approval[,.]. A Program in the Building and Construction Trades [and] may not change its Approach while on Probation.

(c) Time-Based Approach.

(1) Sponsor documentation for purposes of establishing such a Program shall include statements setting forth:

- (i) The term (length) of the Program;
- (ii) The work processes in which the Apprentice will receive supervised work experience and [training o]On-the-job [t]Training and the allocation of the approximate amount of time to be spent learning each skill;
- (iii) An outline of the topics to be covered in Related [and Supplemental] Instruction; and

(iv) The Apprenticeship Probation period, in months.

(2) Documentation required for purposes of authenticating an Apprentice's progress in attaining the skills and knowledge of the trade or occupation shall include, but not be limited to:

(i) [Blue Book or approved alternative] Documentation, through a method approved by the Department, that records and demonstrates the Apprentice's On-the-job Training and acquisition of skills through the Program; and

(ii) Copies of transcripts of classes taken from Related [and Supplemental] Instruction providers, or documentation of in-house instruction including but not limited to attendance records, class instruction outlines, and copies of tests.

(d) Competency-Based Approach.

(1) Apprentices in Competency-Based Programs shall participate in on-the-job training and Related [and Supplemental] Instruction until they have demonstrated a competency for each skill in the Work Process and each topic on the Related Instruction Outline.

(2) Sponsor documentation for purposes of establishing such a Program shall include statements setting forth:

(i) The term of the Program (the term is determined by the length of an equivalent Time- Based Program in the same trade or occupation;

(ii) An outline of the Work Processes in which the Apprentice will receive supervised work experience and [o]n-the-job [t]raining, which shall identify each of the competencies to be mastered;

(iii) An outline of the topics to be covered in Related [and Supplemental] Instruction;

(iv) The identification of any nationally and industry recognized means of testing and evaluation to measure knowledge and proficiency in each of the required competencies, if applicable [as well as qualified, independent, third-party provider that will do the testing, including:

(a) A description of the written proficiency measurement instrument(s) to be used; and

(b) A description of the hands-on proficiency measurement instrument(s) to be used;

\* \* \*

(4) Documentation for purposes of authenticating an Apprentice’s progress in attaining the skills and knowledge of the trade or occupation shall include, but not be limited to:

\* \* \*



(vii) Documentation that demonstrates that the Apprentice has engaged in at least [1]2,000 hours of [o]n-the-job [t]raining.

(e) Hybrid Approach.

(1) The Hybrid Approach is a Competency-Based Program that also requires a minimum number of hours of [o]n-the-job [t]raining to be spent in the attainment of each skill prior to testing.

\* \* \*

(3) Documentation required for purposes of authenticating what an Apprentice has accomplished shall include, but not be limited to:

(i) All the documentation requirements for a Competency-Based Program;

(ii) [A Blue Book or an approved alternative] Documentation, through a method approved by the Department, that records and demonstrates the Apprentice's On-the-job Training and acquisition of skills through the Program; and

(iii) Related [and Supplemental] Instruction attendance records.

601.8 Program Probation, Monitoring, Re-Certification & Performance.

\* \* \*

(b) Program Probation:

(1) Newly approved Programs shall undergo a two year Probation beginning on the first Apprentice’s start date or the Program approval date, whichever comes later. Sponsors of newly approved Programs shall be advised that their Programs are being approved contingent upon successful completion of Probation. For programs in Building and Construction Trades, [D]during Probation, a Sponsor may not submit any new Program applications, nor change its Approach.

(2) The performance of provisionally approved Programs shall be evaluated by the Department during Probation based upon the Sponsor’s and Signatories’ compliance with the following factors:

\* \* \*

(iii) Verifiable document of [task rotation] On-the-job Training and skill development;

(iv) Verifiable documentation of participation in [r]Related [and supplemental i]]Instruction;

\* \* \*

(vi) The provision of a safe work environment as prescribed by the Occupational Safety and Health Act (OSHA), or in the case of public



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employers New York Labor Law section 27-a, and the regulations thereto;

(vii) [The terms and conditions/provisions as indicated on the Program Registration Agreement] Compliance with the terms and conditions of the provisionally approved program;

(viii) The provisions of Labor Law, Article 23 and Parts 600, including the EEO Plan, and 601 of this Title; and

\* \* \*

(3) Probation Review Options:

\* \* \*

(v) A Sponsor whose Program is canceled during probation or fails Probation may [file a written] appeal [of] the decision [by sending a letter to the Commissioner within thirty (30) days of written notification to the determination, setting forth the grounds for contesting the Department's determination] in accordance with section 601.11(b) of this Part.

(4) Sponsors of Programs [whose registrations] that are cancelled during Probation, deemed Deregistered, or fail Probation shall not reapply, seek Reinstatement, or apply for a new Program for a period of one (1) year



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following notification by the Department. This period additionally applies to applications for registration of any Apprenticeship Program by any owner, officer, successor or Substantially Owned-Affiliated Entity of [ ] or to the Sponsor.

(c) Program Evaluation and Monitoring.

(1) Every registered Program will be monitored periodically by the Department for the quality of its performance in providing Apprenticeship training, including, but not limited to:

\* \* \*

(iv) Completion Rates:

\* \* \*

(b) In evaluating a Program's performance, the Department shall not be limited to the cohort method of calculating Completion Rates, but may take into account additional factor [such as] including, but not limited to, period of time over which rate is calculated, seasonality, regional difference, Program size, and general economic conditions affecting employee retention.



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\* \* \*

(d) Re-Certification:

\* \* \*

(2) Each Sponsor seeking Re-certification shall [complete an updated Program Registration Agreement, Sponsor Information Sheet, and update any other] submit all required information and documentation to the Department, which shall include updating any Program information that may be out of date.

(3) Signatories:

(i) [Each Sponsor of a Group Joint or Group Non- Joint Program shall submit a current list of Program Signatories' names, addresses, and Federal Employer Identification Numbers or New York State Unemployment Insurance Employer Numbers in an electronic format as specified by the Department] RESERVED.

\* \* \*

(iii) The Sponsor shall provide assurance in writing to the Department that the Sponsor will hold all Signatories to the

standards of their [State Program Registration Agreement]  
approved Program.

\* \* \*

(5) Sponsors of Group Programs undergoing Re- certification (Joint and Non-Joint) shall make available to the Department signed copies of their union collective bargaining agreements or Group/Association membership agreements for review, upon request. Such agreements must include language that makes the requirements [on the Program Registration Agreement] of the approved Program applicable to their Signatories, either in the terms of the agreement or in an ancillary agreement that is approved by the Department. If the Sponsor does not have a written agreement with its Signatories, it must submit the Ancillary Group-Sponsor Signatory Agreement provided by the Department.

\* \* \*

(e) Programs with No Apprentices:

(1) Any Program, except Programs operated by State agencies and those granted Inactive status, that has not had an Apprentice registered with the Department for a period of twelve (12) consecutive months shall be deemed

Deregistered. The Department will follow up such Deregistration with a letter acknowledging that the Program has been Deregistered. The letter will include the effects that such Deregistration may have on an employer and the effective date of the Deregistration. In order for a Sponsor to reinstate a program which was Deregistered under this section, the Sponsor must reapply and meet all the requirements contained in Article 23 of the Labor Law and Parts 600, including the EEO Plan, and 601 of this Title. No later than thirty (30) days before the conclusion of the twelve (12) month period referred to in subdivision (1), a Sponsor, who would otherwise be “deemed Deregistered,” may request that its Program be placed in Inactive status (Inactive Program).

(i) The [Commissioner, in his/her discretion] Department may grant Inactive status only to Sponsors found to be in compliance with Article 23 of the Labor Law, Parts 600, including the EEO Plan, and 601 of this Title, and other State and Federal laws for the protection of workers.

\* \* \*

(iv) An Inactive Program shall be deemed reactivated upon registration of an Apprentice by filing an Apprenticeship Agreement that is reviewed and approved by the Department. [completion of all the following:

(a) The registration of an Apprentice by filing an Apprenticeship Agreement;

(b) The filing of newly updated Sponsor Information Sheet and Program Registration Agreement forms, and such other form(s) as the Commissioner may require, by the Sponsor; and

(c) The review and approval of such forms by the Department.]

(v) After a period of twelve (12) months of Inactive status, Inactive Programs will be deemed Deregistered, unless this period is extended [at the discretion of the Commissioner] by the Department due to circumstances related to extended periods of unemployment, an economic downturn, or other circumstances warranting a longer period of time.

\* \* \*

(f) Program Cancellation for Non-Compliance.

(1) If a Sponsor operates multiple Programs, the Department may cancel the registration of a Program that is determined to be operating in violation of the regulations contained in this Part, without Deregistering the Sponsor; provided that the Sponsor continues to maintain at least one active Program.





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(2) The Department shall provide the Sponsor with notice of any violations that could lead to cancelation, and a reasonable opportunity to cure the violation, prior to canceling a Program.

(3) A Sponsor whose Program is cancelled pursuant to this part may appeal the cancelation in accordance with section 601.11(b) of this Part.

(4) If a Sponsor only has one Program, or if the Department determines that all of the Sponsor's Programs are operating in violation of the regulations contained in this Part, the Department may pursue Formal Deregistration pursuant to section 601.9(b) of this Part.

601.9: Voluntary and Formal Deregistration of Registered Programs.

\* \* \*

(a) Voluntary Deregistration:

\* \* \*

(3) Such Deregistration shall become effective upon the Department sending an acknowledgement to the Sponsor which contains, but is not limited to, the following:

\* \* \*



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(ii) The Sponsor must cooperate with the Department[‘s Office of Apprenticeship Training] and provide all completed documentation for each Apprentice’s progress in the Apprenticeship Program in the event the Apprentice seeks transfer or employment in another registered Apprenticeship Program;

\* \* \*

(b) Formal Deregistration. The Commissioner may Deregister any Program if [it is found] that the Sponsor or any Signatory has:

\* \* \*

(3) Not conducted, operated, and administered the Program in accordance with the provisions of Article 23, the requirements of this Part, or the terms and conditions of the [Apprentice Training Program Registration Agreement] approved Program, including, but not limited to:

(i) Failing to provide [o]n-the-job [t]raining;

\* \* \*

(4) Made a false or misleading statement in connection with the material elements of the Program, or is not [a person] of good character and responsibility;

\* \* \*

(c) Procedure for Formal Deregistration.

(1) Where it appears that sufficient cause exists for Deregistration, the Commissioner shall send a notice to the Sponsor by certified mail, return receipt requested, stating the following:

\* \* \*

(ii) [The ground or grounds on which it is proposed to Deregister the Program] Identification of the deficiencies that were called to the sponsor's attention, including the remedial measures requested in writing by the Department, with the dates of such requests, and that the sponsor has failed or refused to effect correction;

(iii) That [the Program will be Deregistered unless, within 10 calendar days of receipt of this notice, the Sponsor files a written request for a hearing with the Commissioner.] based upon the stated deficiencies and failure to remedy them, a determination has been made that there is reasonable cause to deregister the program and

the program may be deregistered unless, within 15 days of the receipt of this notice, the sponsor requests a hearing in accordance with section 601.11 of this Part; and

(iv) If the Sponsor does not request a hearing, the matter will be submitted to the United States Department of Labor, Office of Apprenticeship, for a decision on the record with respect to deregistration.

(2) [If the Sponsor requests a hearing, the Commissioner shall convene a hearing and issue his/her determination in accordance with section 601.11 of this Part] If the Sponsor requests a hearing, the process set forth in section 601.11(a) of this Part will be followed. If the Sponsor does not request a hearing, the Department will transmit a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration, and copies of all relevant documents and records to the United State Department of Labor, Office of Apprenticeship. This will include, but not be limited to, statements by the Department concerning interviews, meetings and conferences will include the time, date, place, and persons present. The United States Department of Labor, Office of Apprenticeship will make a final order on the basis of the record presented by the Department.

(3) In each case in which Formal Deregistration is ordered, the Commissioner shall notify the Sponsor and post a notice of the order on the Department's website. [In addition, the Commissioner shall promptly

notify all registered Apprentices of the Deregistration of the Program; the effective date thereof, that such cancelation automatically deprives the Apprentice of his/her individual registration; and the name and address of the regional Apprenticeship Training office which may provide information about potential transfers.]

(4) Deregistration proceedings for the violation of equal opportunity requirements shall be processed in accordance with the EEO Plan [provisions of section 600.14 of this Title].

(5) Following the Department's submission of the recommendation for deregistration to the United States Department of Labor, and until the United States Department of Labor has made a determination with regard to the recommendation, the Sponsor shall be permitted to operate the Program; provided, however, that the Program shall not be permitted to add any additional Apprentices until a final determination is issued. The time period during which the Sponsor is not permitted to add any additional Apprentices shall not be included when the Department calculates periods of no apprentices pursuant to section 601.8(e) of this Part.

(6) Notice to Apprentices.

(i) In each case in which the Department transmits a request for Formal Deregistration to the United State Department of Labor, Office of Apprenticeship, the Department shall notify all registered Apprentices that a request for deregistration has been made, the basis for the request, information explaining that the program is

active until a Formal Deregistration is ordered by the United States Department of Labor, and the name and address of the regional Apprenticeship Training office, which may provide additional information about the potential deregistration and any potential transfer opportunities.

(ii) In each case in which Formal Deregistration is ordered, the Department shall promptly notify all registered Apprentices of the Deregistration of the Program; the effective date thereof; that such cancellation automatically deprives the Apprentice of their individual registration; and the name and address of the regional Apprenticeship Training office which may provide information about potential transfers.

#### 601.10 Effects of Program Deregistration on Program Participants.

(a) Any Sponsor, member, employer, union participant, or Signatory; including any successor, subsidiary or Substantially Owned-Affiliated Entity thereto; of/to any Program formally Deregistered pursuant to sections 601.9 (b) and (c) of this Part shall not apply for reinstatement of registration, nor may any of the above, except those Signatories who were not materially involved in the issue that led to the Deregistration, become a Signatory to another Program, for a period of three (3) years in the same or any other trade or occupation.

(b) Any Sponsor, member, employer, union participant, or Signatory; including any successor, subsidiary or Substantially Owned-Affiliated Entity thereto; of/to any

Program that has voluntarily Deregistered pursuant to this Part after having been served with a Notice of Proposed Deregistration, or which has been deemed canceled or deregistered pursuant to section 601.8 (e), section 601.4(h), or section 601.8(f) shall not apply for reinstatement or registration for a period of one (1) year in the same or any other trade or occupation.

\* \* \*

601.11 [Hearings and] Appeals.

[Upon receipt of a request for a hearing under section 601.9(c) 60of this Part, the Commissioner shall request the Chair of the Apprenticeship Council to designate a panel from among the members of the Apprenticeship Council to conduct such hearing. The panel shall consist of at least three (3) members and be composed of an equal number of representatives of employers and of employee organizations, and also may include the Chair.]

(a) [Notice of the hearing shall be served by certified mail, return receipt requested, to the sponsor at least thirty (30) days prior to the date of the hearing. The notice shall include the date, time and place of the hearing, a statement of the legal authority and purpose for the hearing, and a concise statement of the factual matters which form the basis for the department's action.] Appeals for Formal Deregistration. A Sponsor may appeal a notice from the Department of a deregistration pursuant to section 601.9(b) of this Part by requesting a hearing with the United States Department of Labor, Office of Apprenticeship.

(1) If a Sponsor requests a hearing, the Department will send the United States Department of Labor, Office of Apprenticeship, a report containing the following data:

(i) All relevant facts and circumstances concerning the nonconformity identified by the Department;

(ii) The findings and recommendation for deregistration made by the Department;

(iii) Copies of all relevant documents and records; and

(iv) Statements concerning interviews, meetings and conferences between the Department and Sponsor, which will include the time, date, place, and persons present.

(b) [Hearings shall be conducted informally and a record made of the sworn testimony and exhibits introduced. The sponsor shall have the right to counsel, and a full opportunity to be heard, including such cross-examination as may be appropriate.] Appeals of Department Determinations. Except for appeals for Formal Deregistration, a Sponsor may appeal a determination by the Department to the Commissioner by submitting to the Department, within ten days of the date of the Department's decision, a written appeal setting forth the reasons for contesting the decision and providing any supporting materials. The Commissioner shall acknowledge receipt and request additional information as necessary within thirty days of receiving the appeal.

(c) [The hearing panel shall submit its report and recommendations to the Commissioner on the basis of the record made in the proceeding. After reviewing





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the record, report and recommendations, the Commissioner shall issue his/her determination within thirty (30) days after receipt of the hearing panel's report]

RESERVED.

601.12: Limitations.

Nothing in this Part or in any [Program Registration Agreement or] Apprenticeship Agreement shall operate to invalidate:

\* \* \*

601.13: Complaints.

\* \* \*

(b) Any person, firm, corporation, association, labor organization or public contracting entity may file a written complaint alleging discrimination or other equal opportunity violation in connection with a Program. Such complaints shall be submitted, processed, and resolved in accordance with the EEO Plan [applicable provisions in Part 600 of this Title].

\* \* \*

601.15: Reciprocal Approval.

(a) A Sponsor whose Program has been registered with another state registration agency or the federal Office of Apprenticeship, and which has been made permanent or has passed Probation, may seek Reciprocal Approval from the Department. When reviewing an application for Reciprocal Approval, the Department will look for the following:

\* \* \*

(5) The Sponsor submits an acceptable plan for providing any in-State Related [and Supplemental] Instruction, not Related [and Supplemental] Instruction that is provided in the original registration state or via Electronic Media under a plan approved by the original state;

\* \* \*

(8) (8) If the trade or occupation is in the construction industry, neither the Sponsor, nor one of the Sponsor's submitted Signatories has been debarred from bidding public work projects in any state or with the federal government.

\* \* \*

601.16: [Consultation with] The Apprenticeship Council.

(a) All determinations relating to the construction of Parts 600 and 601 of this Title, and any revisions or changes to Parts 600 and 601 of this Title, shall be made by the Commissioner after consultation with the Apprenticeship Council.

(b) Emeritus Membership Status.

(1) The Apprenticeship Council may grant emeritus membership status to former members of the New York State Apprenticeship and Training Council who have served on such council with distinction and are recognized by their peers for significant contributions to the field. Emeritus membership is an honorary position that may:

(i) Attend open meetings of the Apprenticeship Council;

(ii) Act in an advisory capacity to the Apprenticeship Council or its committees by sharing their expertise, providing historical insight, and offering strategic guidance on matters pertaining to apprenticeship programs and training initiatives; and

(iii) Act as mentors to new Apprenticeship Council members and apprenticeship program coordinators to aid in their professional development.

(2) Emeritus members are not appointed members of the Council pursuant to Labor Law Section 813 and shall not:

(i) Be counted for purposes of establishing a quorum;

(ii) Maintain any voting rights nor vote on any matters;

(iii) Chair committees;

(iv) Receive a salary or other compensation and are not eligible to receive reimbursed for transportation and other expenses actually and necessarily incurred in the performance of their honorary duties; and

(v) Serve for more than two five-year terms from the date that emeritus membership status is granted.

(3) Emeritus members shall agree to maintain the same ethical code of conduct required by other members of the Apprenticeship Council.

\* \* \*

601.18: [Effective Date] Pilot Programs.

[This Part shall become effective upon adoption in the State Register.] The Commissioner shall have the discretion to approve Pilot Programs to explore innovative techniques for operating Registered Apprenticeship Programs in new or emerging industries. To effectuate the operation of a Pilot Program, the Commissioner may waive or modify any part of these Regulations; provided that such waiver or modification is limited to the operation of the approved Pilot Program and not prohibited by federal law or regulation.