



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS
DIVISION OF APPRENTICE STANDARDS

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No. 03-04222020

Apprenticeship Issuance

Policy
 Information

To: Registered Apprenticeship Sponsors

From: Patrick Mitchell, Director, Apprenticeship Expansion and Work-Based Learning

Date: April 22, 2020

Subject: Division of Apprentice Standards Policies Related to Remote Learning

Purpose: To provide guidance to Registered Apprenticeship program sponsors and training partners regarding existing requirements for related training instruction as set forth in Massachusetts Statute Sec. 454 CMR 26.00. In summary, the Commonwealth's registered apprenticeship regulations allow delivery of instruction by electronic media, subject to licensing board(s) approval. Specific policy guidance is outlined in the following in order to ensure compliance with CMR 26.03(5) and 26.03(11).

Background: On March 10, 2020, Governor Charles D. Baker declared a state of emergency which, in part, underscores the extreme risk of person-to-person transmission of COVID-19 and the importance of taking additional steps to prepare for, respond to, and mitigate the spread in order to protect the health and welfare of the people of the Commonwealth.

Additionally, on March 18, 2020, Gov. Baker issued an *Order Extending the Registrations of Certain Licensed Professionals* which states, in part, "the escalating COVID-19 public health emergency likely will make it difficult for licensed professional to renew or satisfy certain requirements for renewal of their licenses or certificates during the state of emergency."

Per the Commonwealth's *Apprentice Standards*, specifically CRM 26.04(1)(b)(4), existing regulations allow that the delivery of related instruction "may be accomplished through classroom, occupational or industry courses, electronic media, or other instruction

approved by the Director.” Specific policy guidance is outlined in the following in order to ensure compliance with Sec. 454 CMR 26.03(5) and 26.03(11).

Policy: The Division of Apprentice Standards, per Sec. 454 CMR 26.00 of the General Laws of Massachusetts, the Executive Office of Labor and Workforce Development (EOLWD) Division of Apprentice Standards (DAS) is recognized as an appropriate agency for registering local apprentice programs for federal purposes pursuant to the Fitzgerald Act, 29 U.S.C. 50 and the federal regulations promulgated thereunder, 29 CFR 29.1 through 29.14.

Per CMR 26.03(5) any sponsor proposals or applications for modification(s) or change(s) to registered programs must be submitted to the Division. Furthermore, per CRM 26.03(11) following registration of an apprentice program, the apprentice program sponsor must notify the Division promptly, in writing of any modifications to the program or material changes in the information submitted with the application for registration.

The Division of Apprentice Standards recognizes that in order to mitigate the spread of COVID-19 some changes in the delivery of related training instruction, including offering new or updated curriculum to be delivered remotely or by another proctor, may be necessary in order to offer approximately 150 hours of Related Training Instruction and, in effect, may modify existing registered programs previously approved.

Therefore, Sponsors are requested to notify the Division within 60 days of any changes to existing Related Training Instruction, including any changes to curriculum content, delivery mode or instruction.

The Division of Apprentice Standards will approve all program modifications acceptable per CRM 24.00, and notify Sponsor within 30 days of submission. *At this time, changes to Related Training Instruction (RTI) number of hours will not be considered by the Division.*

Please submit Related Training Instruction modifications via email to the Division at apprenticeship@mass.gov with the **Subject Line: RTI Modification--[entity name]** and include the following information in the body of the email:

- Sponsor Name/Program/Occupation
- Contact Information
- Type of Change: Delivery mode, Curriculum Content, Proctor Change or Other
- Summary of Change
- Hours of Related Training Instruction (RTI) modified/Total RTI Hours
- If Temporary or Permanent change (If Temporary, dates offered)
- Attachments submitted (please attach any new or updated curriculum content, new proctor résumé, and licensing board approval, if applicable)

If you have previously notified the Division in writing of specific changes to Related Training Instruction on or after March 10, 2020, no action is required.

Please note, all such training must maintain the requirement of 453 CMR 7.04(2), which requires that “every apprenticeship instructor a) meet the Commonwealth’s Department of Education’s requirements for a vocational technical instructor, or be a subject matter expert, which is an individual, such as a journey-level mentor, who is recognized within an industry as having expertise in a specific occupation and b) has training in teaching techniques and adult learning styles.”

Additional Information: The Division of Apprentice Standards offers the following guidance to assist Sponsors and Related Training Instruction providers in the delivery of remote learning in order to mitigate the spread of COVID- 19.

Related Instruction means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to the apprentice's occupation. Such instruction may be given in a classroom, through occupational or industrial courses, or by correspondence courses of equivalent value; electronic media, or other forms of self-study approved by the Division, or in the case of licensed occupations, as approved by the licensing entity.

Electronic media means media that utilize electronics or electromechanical energy for the end user (audience) to access the content; and includes, but is not limited to, electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic media, and/or interactive distance learning.

Correspondence courses are an acceptable form of Related Training Instruction. Sponsors are responsible for monitoring the progress of all correspondence courses. Proof that the apprentice has advanced to the next module must be submitted to the Division of Apprentice Standards (DAS) twice per year, and Compliance Officers will verify that the apprentice is progressing in his/her studies. If the apprentice is not progressing in his/her studies, the apprentice will be suspended/canceled from the program. All periodic and final testing must be done in-person by the apprentice and monitored by an approved proctor system.

Effective: Immediately

Additional Online Resources:

US DOL Office of Apprenticeship: Flexibilities Available for the Delivery Method of Related Instruction: https://www.doleta.gov/OA/oa_bulletin.cfm

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