

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

Mass Workforce Issuance

100 DCS 22.104

☐ Policy

☒ Information

To: Chief Elected Officials
Workforce Development Chairs
Workforce Development Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: December 21, 2016

Subject: **Apprenticeship Programs - Equal Employment Opportunity Final Rule**

Purpose: To notify Local Workforce Development Boards, One-Stop Career Center Operators and other local workforce partners of [Training and Employment Notice \(TEN\) No. 23-16, “Announcing the release and publication of the Apprenticeship Program’s Equal Employment Opportunity final rule in the Federal Register”](#), posted by the Department of Labor (DOL) Employment and Training Administration (ETA) on December 19, 2016.

Background: The US DOL is issuing this rule to modernize the equal employment opportunity (EEO) regulations that implement the National Apprenticeship Act of 1937. The regulations implement the Act by requiring registered apprenticeship program sponsors to provide equal opportunity for participation in their registered apprenticeship programs, and by protecting apprentices and applicants for apprenticeships from discrimination on certain protected bases. In addition, the rule also requires sponsors of registered apprenticeship programs to take affirmative action to provide equal employment opportunity in such programs. The policies and procedures of this rule promote equality of opportunity in apprenticeships registered with the Department and in apprenticeship programs registered with federally recognized State Apprenticeship Agencies (SAAs).

In evaluating the need for this rule, the Office of Apprenticeship (OA) analyzed participant demographics in apprenticeship programs in construction and non-construction industries against the demographics of the national labor force. The data comparison made clear that notable disparities exist in apprenticeship participation and completion. Among other things, this rule:

- updates equal opportunity standards in part 30 to include age (40 or older), genetic information, sexual orientation, and disability among the list of protected bases upon which a sponsor must not discriminate;
- improves and clarifies the affirmative action provisions for sponsors by detailing the actions a sponsor must take to satisfy its affirmative action obligations;
- revises regulations to reflect changes made in October 2008 to Labor Standards for Registration of Apprenticeship Programs.

Unless otherwise indicated, sponsors must comply with the provisions in this regulation on the effective date:

- 180 days after effective date: Obligations under § 30.3
- 2 years after effective date (or 2 years after registration, for sponsors registered after the effective date): Obligations under §§ 30.4(e), 30.5(b), 30.7(d)(2), 30.9 and 30.11
- At first compliance review after effective date: §§ 30.5(c), 30.6

****NOTE:** Please see Section-by-Section Analysis and regulatory text for details.

Effective: January 18, 2017

Resources: [29 CFR parts 29 and 30](#)
[Apprenticeship USA website](#)
[Office of Apprenticeship's EEO website](#)

Action

Requested: Please disseminate this information to appropriate staff and workforce partners.