

Recently submitted to USDOL for approval.

KANSAS APPRENTICESHIP COUNCIL

POLICY MANUAL

Registered Apprenticeship is a voluntary program designed to afford an unskilled person the opportunity to obtain training that will equip them for profitable employment.

Objectives

The objectives of Registered Apprenticeship Training are:

- 1) to assist unskilled persons in obtaining training in an apprenticeable occupation that will help to meet the current needs for skilled workers and the needs of future economic conditions, technological developments and national security; and
- 2) to increase the job opportunities, earning ability and security of the apprentice.
- 3) to mesh private-sector apprenticeship efforts with the Workforce Investment Act (WIA) and Education for a more systematic and comprehensive approach to industry training in an effort to meet the skill needs of the future.

PART I

KANSAS APPRENTICESHIP COUNCIL

Authority

The Kansas Apprenticeship Council, hereinafter referred to as the Council, exists through KSA 44-661 et seq.

Membership

The Council shall be composed of nine members as follows: four members' representatives of management appointed by the Secretary of Commerce, four members' representatives of labor appointed by the Secretary of Commerce and the Secretary of Commerce or the Secretary's designee. All members appointed by the Secretary of Commerce shall possess considerable knowledge of apprenticeship and apprenticeship programs. The Director of Apprenticeship shall serve as staff to the Council.

The State Director of the U.S. Department of Labor, Office of Apprenticeship Training, Employer and Labor Services, shall serve as and ex-officio member of the Council. This representative's advice and counsel will be considered in matters pertaining to the respective areas of interest.

The Council shall organize annually by electing a Chairperson and a Vice-Chairperson from among the members appointed by the Secretary of Commerce. No two members representing the same sector (management, labor) may serve as Chair and Vice-Chair. The Chair (Vice-Chair in absence of Chair) shall appoint such standing and ad hoc committees as deemed necessary to conduct the business of the Council.

Term

Members shall be appointed to staggered 4-year terms and shall serve until their successors are appointed. When terms expire, incumbents are eligible for reappointment. If, for any reason, a member no longer represents the appropriate sector (management, labor), the Chair shall make a recommendation to the Secretary of Commerce to replace the member. Any vacancy shall be filled by appointment for the remainder of the unexpired term.

Meetings

Meetings of the Council shall be held bimonthly at locations that will best promote the purpose of the Council and apprenticeship. All meetings of the Council shall be open to the general public. Members are expected to attend the Council meetings. Inability to attend meetings will result in the Council's recommendation to seek a replacement for said member.

Notice of Meetings

Notice of each meeting of the Council shall be given to all Council members at least ten (10) days prior to the meeting date. Notice shall be given to such other persons and organizations requesting such notice.

Duties

The Council shall seek voluntary cooperation of management and labor in the promotion of joint and unilateral apprenticeship programs and shall encourage and provide assistance to management and labor in establishing programs of voluntary apprenticeship for training in the skilled trades. The Council shall identify and publish the fundamentals of apprenticeship to be recommended, which in no case may be less than the fundamentals as set forth by the National Apprenticeship Program promulgated by the Advisory Committee on Apprenticeship. They shall work jointly with representatives of the Kansas Department of Labor, Kansas Board of Regents, Kansas Department of Education and other agencies and organizations, both public and private, who are concerned with employment and training in the business and industrial sector. The

Council, as recognized by the U.S. Department of Labor, Office of Apprenticeship Training, Employer and Labor Services, shall act as the official registration agency for apprenticeship programs developed in the State for Federal purposes, and shall register and issue certification of registration for each program. Additionally, the Council shall:

- register and assign a number to each apprentice in a registered program
- prescribe the contents of apprenticeship agreements
- issue certification of status of any apprentice registered in the State to governmental agencies empowered to request such certification
- upon written request of a sponsor of an apprenticeship program, cause such program and its attendant agreements to be cancelled, deregistered or temporarily suspended
- deregister any program adjudged not to be in conformance with the requirements of the provisions of the Kansas Plan of Equal Employment Opportunity
- deny registration to any proposed program which incorporates provisions for unilateral operation and administration by employers of employer organizations when a collective bargaining agreement or other instrument provides for union participation in any manner in the operation of any phase of the apprenticeship program unless supported by written acknowledgment of union agreement or “no objection”
- exercise approval authority for all construction industry programs in crafts by predetermined wage scale regulations, such as those lying within the purview of the Davis-Bacon Act, prior to registration; said programs will have full Council review at least two (2) weeks prior to Council meeting
- issue certificates of Completion of Apprenticeship when the provisions of the apprenticeship standards have been met successfully
- notify appropriate authorities when apprenticeship agreements have been registered

Administration

- A quorum shall consist of any five members other than the Secretary of Commerce or the Secretary’s designee.
- Robert’s Rule of Order shall govern the proceedings of all meetings.

- Each member present at a meeting shall be entitled to cast one vote on any motion properly placed before the committee.
- The Secretary of the Department of Commerce, or the Secretary's designee, shall cast a vote only in the event a vote of the membership results in a tie vote.

PART II

DEFINITIONS

- 1) *Apprentice* – a person at least 16 years of age, except where a high minimum age standards is otherwise fixed by law, who is covered by a written apprenticeship agreement approved by the Council
- 2) *Journeyworker* – a person who has completed either a registered apprenticeship in their craft or the equivalent of an apprenticeship in length and content of work experience and all other requirements in the apprenticeship standards for a craft that has workers classified as journeyworker in an apprenticeable occupation
- 3) *Registered Apprenticeship Program* – a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement for a written apprenticeship agreement
- 4) *Apprenticeship Agreement* – a written agreement between an apprentice and either the employer or an apprenticeship committee or sponsor acting as agent for employer(s), providing for not less than 2,000 hours of reasonably continuous employment or competency based training for such person for participation in an approved schedule of work experience and for organized, related instruction in technical related to the trade
- 5) *Sponsor* – any person, association, organization, or committee operating a Registered Apprenticeship program and in whose name the program is registered
- 6) *Employer* – any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice
- 7) *Apprenticeship Committee* – those persons designated by the sponsor to act for it in the administration of the apprenticeship program. A committee may be “joint”, i.e. it is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s) who has been established to conduct, operate or administer an apprenticeship program and to enter into apprenticeship agreements with apprentices. A committee may be

- “unilateral”, meaning that a bona fide collective bargaining agent is not a participant in the program.
- 8) *Federal Purposes* – any Federal contract, grant, agreement or arrangement dealing with apprenticeship; and any Federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship
 - 9) *Council* – the Kansas Apprenticeship Council
 - 10) *Department* – the Department of Commerce
 - 11) *Secretary* – the Secretary of the Department of Commerce
 - 12) *Manager* – the Apprenticeship Program Manager
 - 13) *Registration Agency* – the Kansas Apprenticeship Council

PART III

APPRENTICESHIP PROGRAM MANAGER

Powers and Duties

The Apprenticeship Program Manager functions with the advice and guidance of the Council, and the cooperation of apprenticeship committees and program sponsors. The Manager is authorized to provide staff support to the Council; to prepare and issue all correspondence pertaining to actions of the Council; and to serve on other committees and councils designated to promote the welfare and economy of Kansas through registered apprenticeship training. Additionally, the Manager is responsible to:

- set up conditions and training standards for apprentice agreements
- issue a Certificate of Registration for each approved program
- register for the Council any apprentice agreement which meets the established standards and assign a number to same
- issue a Certificate of Completion of apprenticeship when the provisions of the registered apprenticeship standards have been met successfully
- terminate or cancel any apprentice agreement in accordance with the provision of such agreement
- maintain records of apprenticeship agreements and their disposition
- promote Equal Employment Opportunity in Apprenticeship
- certify apprentices to federal agencies that require such proof apprenticeship
- conduct compliance review on programs to assure conformance with Committee policies and Federal regulations

- monitor registered apprenticeship programs to ensure they are operated in accordance with all applicable standards
- perform such other duties as are necessary to carry out the intent of the Council

Every apprentice agreement requires three signatures and is subject to approval by the Manager. Every apprentice agreement shall be signed by the Manager, by the apprentice and by an employer, an association of employers or an organization of employees or their agent or by a joint apprenticeship committee. If the apprentice is a minor, the signature of a parent or legal guardian is also required.

PART IV

ELIGIBILITY AND PROCEDURE FOR STATE REGISTRATION OF A PROGRAM

Eligibility for Federal purposes is conditioned upon a program sponsor's conformity with apprenticeship program standards adopted by the Council and published by the U.S. Department of Labor in this part. In order for a program to be in conformity with these published standards, the program must be registered with the Council, which has been recognized by the Office of Apprenticeship Training, Employer and Labor Services as the official registration agency.

No apprenticeship program or agreement shall be eligible for registration unless it meets the following:

- 1) it is in conformity with the requirements of this part and the training is in an apprenticeable occupation having the characteristics set forth in Part V
- 2) it is in conformity with the requirements of the Kansas Plan of Equal Employment Opportunity.

Except as provided for in the following paragraph, apprentices must be individually registered in a registered program. Registration may be affected:

- 1) by filing copies of each apprenticeship agreement; or
- 2) subject to prior approval, by filing a master copy of such agreement followed by a listing of the name and other required data, of each individual when apprenticed.

The names of persons in their first ninety (90) days of probationary employment as apprentices under an apprenticeship program registered by the Council, if not individually registered under the program, shall be submitted immediately after employment to the Council for certification to establish the apprentice as eligible for probationary employment.

The Council shall be promptly notified of the cancellation, suspension, or termination of any apprentice agreement and reasons therefore. The Council shall also be notified of apprenticeship completions.

Requests for modification (s) to registered or certified programs shall be submitted to the Council, and, if approved, shall be recorded and acknowledged as an amendment to the program.

In the event apprenticeship standards, a collective bargaining agreement or other instrument provides for union participation in any manner in the operation of the substantive matters of the apprenticeship program and such participation is exercised, written concurrence on the program by the union or “no objection” to the registration is required. When, as a condition of approval, no such participation is evidenced and practiced, an employer of employer’s association shall simultaneously furnish to the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The Council shall provide a time period of not less than (30) days and no more than sixty (60) days for receipt of union comments, if any, before final action on the approval.

When the employees to be trained have no collective bargaining agent, an apprenticeship program may be proposed for registration by an employer or group of employers.

PART V

APPRENTICEABLE OCCUPATIONS

An apprenticeable occupation is one that requires one or more years of work experience to learn and which conforms to criteria for an apprenticeable occupation, as recognized by the Advisory Committee on Apprenticeship, and as adopted by the Kansas Apprenticeship Council.

An apprenticeable occupation is a skilled trade that possesses all of the following characteristics:

- 1) it is customarily learned in a practical way through a structured, systematic program of on-the-job training;
- 2) it is clearly identified and commonly recognized throughout an industry;
- 3) it involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience, or is competency-based;
- 4) it requires related instruction to supplement the on-the-job training.

PART VI

STANDARDS OF APPRENTICESHIP

In order to be eligible for registration by the Council, an apprenticeship program shall conform to the following standards:

- 1) the program shall be an organized, written plan which embodies the terms and conditions of employment, training and supervision of one or more apprentices in an apprenticeable occupation that is subscribed to by a sponsor who has assumed responsibility for the implementation of the apprentice training program
- 2) program standards shall contain the Equal Opportunity pledge adopted by the Council as prescribed in 29 CFR 30.3 (b) and, when applicable, and affirmative action plan in accordance with 29 CFR 30.4, a selection method authorized in 29 CFR 30.5, or similar requirements expressed in the Kansas Plan for Equal Employment Opportunity in Apprenticeship, adopted pursuant to 29 CFR 30, which plan has been approved by the U.S. Department of Labor.

In addition, the following fundamentals must be addressed in the standards of apprenticeship:

- 1) the employment and training of the apprentice in a skilled trade;
- 2) a term of apprenticeship, not less than two thousand (2,000) hours of work experience, consistent with training requirements as established by industry practice;
- 3) an outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process;
- 4) provisions for organized, related and supplemental instruction in technical subjects related to the trade – a minimum of 144 hours of instruction for each year of apprenticeship is recommended – such instruction may be given in a classroom through trade, vocational training, industrial courses or correspondence courses of equivalent value, or other forms of self-study approved by the committee;

- 5) a progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired – the entry wage shall be not less than the minimum wage prescribed by the Fair Labor Standards Act, when applicable, unless a higher wage is required by other applicable Federal law, State law, or by collective bargaining agreement;
- 6) periodic review and evaluation of the apprentice's progress in job performance and related instruction and the maintenance of appropriate progress records;
- 7) the numeric ratio of apprentices to journeymen consistent with proper supervision, training, safety and continuity of employment. Said ratio shall also be consistent with applicable provisions in a collective bargaining agreement, except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language shall be specific and clear as to application in terms of jobsite, work force, department or plant;
- 8) A probationary period reasonable in relation to the full apprenticeship term, with full credit given for such period toward completion of the apprenticeship;
- 9) Adequate and safe equipment and facilities for training, supervision, and safety training for apprentices on the job and in related instruction;
- 10) The minimum qualifications required by a sponsor for persons entering the apprenticeship program – the eligible starting age shall be not less than sixteen (16) years of age;
- 11) The placement of an apprentice under a written apprenticeship agreement as required by state regulation – the agreement shall directly, or by reference, incorporate the standards of the program as part of the agreement;
- 12) The granting of advanced standing or credit for previously acquired, training, or skills for all applicants equally, with commensurate wages for any progression step so granted. An apprentice must serve at least 50% of the term of apprenticeship if the program is one year in length. If the program is two years or longer, the apprentice must serve at least one year;
- 13) Transfer of employer's training obligation, when the employer is unable to fulfill their obligation, to another employer under the same program with the consent of the apprentice and apprenticeship committee or program sponsor;
- 14) Assurance of qualified training personnel and adequate supervision on the job;
- 15) Recognition for successful completion of apprenticeship evidenced by an appropriate certificate;

- 16) Identification of the registration agency as the Kansas Apprenticeship Council;
- 17) Provision for the registration, cancellation and deregistration of the program, and requirement for the prompt submission of any modification of amendment thereto;
- 18) Registration of apprenticeship agreements including any modification and/or amendments;
- 19) Notice to the registration agency of persons who have successfully completed apprenticeship programs;
- 20) Notice of cancellations, suspensions and terminations of apprenticeship agreements and causes therefore;
- 21) Authority for the termination of an apprenticeship agreement during the probationary period by either party without stated cause;
- 22) A statement that the program will be conducted, operated and administered in conformity with applicable provisions of CFR 30, as amended, or the Kansas Plan of Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 CFR 20 and approved by the U.S. Department of Labor.
- 23) Name and address of the appropriate authority under the program to receive, process and make disposition of complaints; and
- 24) Recording and maintenance of all records concerning apprenticeship as may be required by the Committee or any applicable law(s).

PART VII

QUALIFYING CRITERIA FOR SPONSORS

All program sponsors shall meet the following criteria:

- 1) sincere desire and ability on the part of the sponsor to impart thorough training to the apprentice in all skills required by the occupation;
- 2) journeyworkers in the employ of the sponsor who are qualified, capable and desirous of actively training apprentices in all facets of the occupation;

- 3) a variety of work experience sufficient to expose the apprentice to all work processes identified in the apprenticeship standards. If this is not possible, provisions must be made to transfer the apprentice from one facility or employer to another to insure that a sufficient range of work experience is provided;
- 4) the ability to provide steady work, insofar as possible, to insure that the apprentice's program continues without interruption or delay;
- 5) the capability and willingness to keep adequate records and to conduct periodic reviews of the apprentice's progress to insure that the requirements of the apprenticeship standards are met;
- 6) the ability and willingness to provide, or make available to, the apprentice an organized related supplemental instruction in technical subjects related to the occupation – this should be in a classroom atmosphere, otherwise, Council approved correspondence courses, on-line/distance learning courses or some type of home study program shall be provided;
- 7) supervision of the apprentice sufficient to provide adequate counseling, advice, guidance as to their progress, and recognition for exceptional performance, when applicable.

PART VIII

APPRENTICESHIP PROGRAMS

The apprenticeship program shall take the form of one of the following:

- 1) Individual Joint (IJ) of Group Joint (GJ)

A written program between the employer or the employer's association and the employees' organization which describes the terms and conditions of employment and training of apprentices.

- 2) Individual Non-Joint (INJ) or Group Non-Joint (GNJ)

A written program by the employer or employer's association which describes the terms and conditions of employment and training of apprentices where no employee organization exists.

- 3) Individual Waiver (IW)

A written program by the employee's organization or by the employer or employers' associations describing the terms and conditions of employment

and training of apprentices in which either party waives participation in writing.

PART IX

APPRENTICESHIP AGREEMENTS

Every apprentice agreement entered into shall contain the following:

- 1) the name, address and signature of contracting parties, including signature of parent or guardian if apprentice is a minor;
- 2) the social security number, date of birth, race and sex of apprentice;
- 3) the veteran status and education level of the apprentice;
- 4) a statement of the trade, craft or business which the apprentice is to be taught;
- 5) the date on which the apprenticeship begins;
- 6) the term of apprenticeship, stated in hours, months or years;
- 7) the number of hours to be spent in related and supplemental instruction, which is recommended to be not less than 144 hours per year;
- 8) a statement setting forth a schedule of the work processes in the trade or major division in which the apprentice will receive supervised work experience and training on the job, and the allocation of approximate time to be spent in each major process;
- 9) the graduated scale of wages to be paid the apprentice, which cannot be less than the applicable State or Federal Minimum Wage, generally stated as a percentage of the journeyman's wage rate or in dollar amounts, and whether the required school time shall be compensated;
- 10) a statement providing for a period of probation during which time the apprentice agreement shall be terminated by the Director at the written request of either party – the probationary period may be stated in months or hours and shall be included as part of the term of apprenticeship;
- 11) a provision for granting credit to an apprentice for previous work and school experience;

- 12) a statement that the apprentice shall be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin or sex.
- 13) The name and address of the appropriate authority designated under the program to receive, process and make disposition of controversies of differences arising out of the apprenticeship agreement when the differences cannot be adjusted locally or resolved in accordance with the established procedures or applicable collective bargaining agreement;
- 14) A reference incorporating the standards of apprenticeship as part of the agreement as it exists on the date of the agreement and as it may be amended during the period of the agreement.

A copy of the apprentice agreement shall be furnished to the apprentice, the employer, the Registration Agency and the U. S. Department of Labor's Office of Apprenticeship Training, Employer and Labor Services.

PART X

RECORD MAINTENANCE

Council

All business records and reports of the Council shall be kept by the Manager for the Council. Such records shall include: registration requirements, program standards, registration records, program compliance reviews and investigations, Council minutes and any other records pertinent to a determination of compliance.

Program Sponsor

Records of apprentices' progress shall be kept by the program sponsor on an ongoing basis from the start to the completion of an apprenticeship. These progress records shall be kept on the sponsor's premises for a period of five (5) years and shall be accessible to all authorized personnel of the Department and the U.S. Department of Labor's Office of Apprenticeship Training, Employer and Labor Services.

In accordance with Council policy and 29 CFR 30 program sponsors shall keep records as required pertaining to individual applicants for apprenticeship, whether selected or rejected, for a period of five (5) years. Said records shall be made available upon request to authorized personnel of the Department and the U.S. Department of Labor's Office of Apprenticeship Training, Employer and Labor Services. These records shall be maintained in such a manner as to permit identification of female (minority and non-minority) and minority participants.

PART XI

APPRENTICE WAGES

Wages for apprentices shall be determined by employers, or by employers jointly with representatives of labor. They should start at approximately 50% of the journeyworker wage rate and be progressive throughout the term of apprenticeship. A gap between the final apprenticeship rate and the journeyworker rate is encouraged.

Wage rates established for apprentices under collective bargaining agreement will be accepted and shall be specifically expressed for each period of apprenticeship in the Standards of Apprenticeship.

The entry wage for an apprentice shall not be less than the minimum wage prescribed by the Fair Labor Standards Act. Whenever possible, the wage rate shall be expressed as a percentage of the journeyworker's wage rate.

PART XII

RATIO OF APPRENTICES TO JOURNEYWORKER

The numeric ratio of apprentices to journeyworker shall be consistent with the following:

- 1) needs of the plant and/or trade in the community with consideration for growth and expansion;
- 2) Safety;
- 3) Proper supervision;
- 4) Facilities and personnel available for training;
- 5) Continuity of employment with assurance of a reasonable opportunity for employment as a journeyman upon completion of apprenticeship;
and
- 6) Limitations contained in applicable collective bargaining agreements.

The recommended ratio is not more than one (1) apprentice for the first journeyworker regularly employed plus one (1) apprentice for each additional three (3) journeyworkers regularly employed.

PART XIII

JOB SKILL TRAINING

Every reasonable effort shall be made to cause apprenticeship program sponsors to fully utilize the job as the primary means of developing the skills of apprentices.

Job Skill Training is emphasized by:

- 1) causing the program sponsor to include in the apprenticeship program a schedule of work processes outlining the major classes of work of the trade to be learned, and the estimated amount of time required to be spent on each process or required competencies to be successfully completed;
- 2) maintaining a record of the amount of experience for the apprentice in each work process, and this record in assigning the apprentice such work to assure skilled training and experience in all phases of the trade;
- 3) advising the program sponsor to use the apprentice's job experience record in evaluating the apprentice's progress and in determining work assignments for additional training and experience;
- 4) encourage the program sponsor to assign the apprentice to unusual or infrequently encountered jobs or to those requiring a varied combination of skills and knowledge;
- 5) providing encouragement and guidance to the journeymen in teaching the apprentice; and
- 6) adequate and safe equipment and facilities for training and supervision, and safety for apprentices on the job and in related instruction.

PART XIV

RELATED INSTRUCTION

Related instruction shall be designed to provide the apprentice with knowledge in technical subjects related to the trade. It shall be an organized and systematic presentation of the theoretical, technical and academic subjects considered essential to the development of a competent journeyworker.

One hundred forty-four (144) hours per year of related technical instruction is considered a desirable minimum standard for most trades. Such instruction may be given in a

classroom situation, industrial or correspondence course of equivalent value, or other form of supervised self-study program approved by the Council. Safety instruction shall be included in the required related instruction.

The program sponsor shall be responsible for insuring that the required related instruction commitments are completed by all apprentices for their trade prior to completion of the apprenticeship.

PART XV

REVIEW OF PROGRAMS

A review of apprenticeship programs shall be undertaken in order to carry out the provisions of applicable state and federal laws, rules and regulations. The program provisions under which apprentices are to be employed are reviewed for their consistency with apprenticeship fundamentals and recognized apprenticeship policies and practices of industry.

Purpose

A. New programs

Apprenticeship program standards shall be submitted to the Council for review prior to the Council's registration of the program. The Council shall determine if the program standards meet the fundamentals of apprenticeship and criteria pertaining to apprenticeship as identified and recommended by the Council. In no case shall the apprenticeship fundamentals be less than the fundamentals as set forth by the National Apprenticeship Program promulgated by the Advisory Committee on Apprenticeship. Review objectives include: 1) to provide better service to management and labor in the development of apprenticeship programs; 2) to offer suggestions based upon accepted practices and new developments; and 3) to provide a central reservoir of information available to management and labor.

B. Existing Programs

Registered program sponsors shall be contacted periodically to insure that the program is operating in accordance with the apprenticeship standards and the policies and procedures of the Council. Such reviews will include, but not be limited to, the following: wages, work processes, ratio, related instruction and proper supervision and training.

Method

A. New Programs

1) Outside Construction Industry

The Manager shall review Standards of Apprenticeship submitted to the Council. Standards that appear to meet Council criteria shall be electronically forwarded to members for their review through an Executive Summary. A copy of the Work Process and Related Instruction shall accompany the Executive Summary. Comments from Council members shall be returned to the Manager within one (1) week. Approved standards will be ratified at the next Council meeting.

2) Within Construction Industry

The Manager shall review Standards of Apprenticeship submitted to the Council. Standards that appear to meet Council criteria shall be forwarded to members for their review. Comments from Council members shall be returned to the Director within two (2) weeks. Approved standards will be ratified at the next Council meeting.

B. Existing Programs

Revisions to existing standards may be registered by the Manager between Council meetings when such revisions are deemed to be of a routing nature (i.e. change in journeyman wage rate, probationary period). Such actions shall be submitted to Council members for ratification at the next Council meeting. Other revisions (i.e. addition of trade to standards) will be referred to the Council for their determination in the same manner as new apprenticeship standards.

PART XVI

EMPLOYEE-EMPLOYER COOPERATION

Cooperation between an employer and the skilled employees is essential for the proper training of apprentices. The employer provides employment for the apprentice and facilities for the apprenticeship program, including supervision. The skilled employees impart their skills and knowledge to the apprentice.

Organized Employees

Employers or organizations of employers and unions may indicate cooperation in the apprenticeship program in a variety of ways. Those would include: through the terms and conditions of a collective bargaining agreement; through membership on a joint apprenticeship committee; or through acceptance of the program as established by the other, by signature to the program standards or by a letter waving participation in the program. Any change in the bargaining agreement that change the terms of an apprenticeship program must be registered with the Council before being implemented.

Unorganized Employees

While the employers may seek the advice of their employees where they are unorganized, in the establishment of an apprenticeship program, such employees shall not be eligible for recognition as members of a joint apprenticeship committee since they have no authority to speak for other employees.

Joint Apprenticeship Committees

The composition of a joint apprenticeship committee shall consist of an equal number of employer and employee representatives in the trade in which apprentices are to be employed. The duties of said committees shall include: ascertaining employment needs; establishing standards of apprenticeship; responsibility for the operation of the apprenticeship program in accordance with the apprenticeship standards; and such other duties as may be necessary for the effective training and education of the apprentices.

All employers and their apprentices in each trade shall be processed and governed by the same standards. Whether organized or unorganized, the necessity for quality apprenticeship is the same. This will help insure that journeymen throughout the industry are well trained.

When standards of apprenticeship, established by apprenticeship committees, employers, or establishments conform to the fundamentals of apprenticeship as recommended by the Council, they shall be recognized and registered by the Council.

PART XVII

LIMITATIONS

Nothing in these policies or in any approved apprenticeship agreement shall operate to invalidate: 1) any apprenticeship provision in any collective bargaining agreement

between employers and employees, establishing higher apprenticeship standards; or 2) any special provisions for veterans, minority persons or females in the standards of apprenticeship, apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by law, Executive Order or authorized regulations.

PART XVIII

RECIPROCITY

Apprenticeship programs and standards of employers and unions which jointly form a sponsoring entity on a multi-state basis shall be accorded registration or approval reciprocity by the Council, in other than the building and construction industry, if such reciprocity is requested by the sponsoring entity. Such programs shall have been registered pursuant to all requirements of this part by any recognized State Apprenticeship Council/Agency or by the U.S. Department of Labor's Office of Apprenticeship Training, Employer and Labor Services.

PART XIX

CERTIFICATE OF COMPLETION OF APPRENTICESHIP

A Completion of Apprenticeship certificate shall be issued to apprentices upon receipt of a transmittal of apprentice actions from the program sponsor that indicates the apprentice has successfully met all requirements of the apprenticeship standards. If the request is irregular in some respect, the circumstances shall be fully explained for requesting the Completion of Apprenticeship certificate.

When a Completion of Apprenticeship certificate has been issued to an apprentice, they shall also receive a pocket-size identification card. The card shall certify that the apprentice has completed their apprenticeship in the appropriate program.

PART XX

EQUAL OPPORTUNITY IN APPRENTICESHIP

The Council shall actively promote equal employment opportunity in apprenticeship under the Kansas Plan of Equal Employment Opportunity in Apprenticeship.

All apprenticeship programs registered with the Council shall be operated provided for in said plan, including the following:

- 1) applicants who have been placed in a pool of eligibles shall be retained on the list of eligibles, subject to selection, for a period of two (2) years
- 2) minority and female applicants may be admitted by the program sponsor to eligibility pools or apprenticeship programs without regard to timetables for establishment of such pools or normal ranking procedures when such admittance is necessary to meet affirmative action obligations.

PART XXI

INACTIVE PROGRAMS

A program shall be considered inactive when no apprentices are in training under it and other available information indicates the program is no longer operative. Where information indicates that the sponsor is no longer in a position to operate the program, no longer desires to have it registered, or does not intend to carry out the provisions of the program, the Council shall be notified. Following registration of a new program, if no apprentices are registered after 61 days a call or letter will go out to the program sponsor. The letter requires a response from the sponsor, or a decertification process may begin. The Manager shall be authorized to cancel registration of such programs and to take appropriate administrative action.

PART XXII

DEREGISTRATION OF REGISTERED PROGRAM

Deregistration of a program by the Council may be effected upon 1) a request by the sponsor for cancellation, and 2) a finding of reasonable cause by the Council during formal deregistration proceedings conducted in accordance with the provisions of this part.

Request by Sponsor

The Council may cancel the registration of an apprenticeship program by written acknowledgment of such request stating, but not limited to, the following matters:

- 1) the registration is cancelled at the sponsor's request, and effective date thereof;
- 2) that, within fifteen (15) days if the date of the acknowledgment, the sponsor shall notify all apprentices of such cancellation and the effective date;

- 3) that such cancellation automatically deprives the apprentice of their individual registration
- 4) that the deregistration of the program removes the apprentice from coverage for Federal purposes.

Formal Deregistration

- 1) Deregistration proceedings may commence when the apprenticeship program is not conducted, operated and administered in accordance with the registered provisions or the requirements of this part, except that;
- 2) Deregistration proceedings for violation of equal opportunity standards shall be processed in accordance with Council policy and the provisions under Title 29 CFR Part 30, as amended;
- 3) When it appears the program is not being operated in accordance with the registered standards or with requirements of this part, the Council shall notify the program sponsor in writing;
- 4) The notice shall:
 - i) be sent by registered or certified mail, return receipt requested;
 - ii) state the shortcoming (s) and the remedy required;
 - iii) state that a determination of reasonable cause for deregistration will be made unless corrective action is effected within thirty (30) days;
- 5) Upon request by the sponsor, if good cause is demonstrated, the thirty (30) day period may be extended for another thirty (30) days – during the period allowed for corrective action, the sponsor shall be assisted in every reasonable way to achieve conformity;
- 6) If the required corrective action is not effected within the allotted time, the Manager shall send a notice to the sponsor, by registered or certified mail, return receipt requested, stating the following:
 - i) the notice is sent pursuant to this subsection;
 - ii) certain deficiencies (state them) were called to the sponsor's attention with remedial measures requested (including dates of such occasion and letters) and that the sponsor has failed or refused to effect corrective action;

- iii) based upon the sponsor's failure to remedy the stated deficiencies, a determination of reasonable cause has been made and that the program may be deregistered, unless, within fifteen (15) days of the receipt of the notice, the sponsor requests a hearing;
- 7) If a sponsor does not request a hearing, the Manager shall transmit a report to the Council containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendations for deregistration, and copies of all relevant documents and records;
- 8) Statements concerning interviews, meetings and conferences shall include the time, date, place and persons present and the Council shall make a final order on the basis of the record;
- 9) If the sponsor requests a hearing, the Manager shall transmit a report to the Secretary containing all data listed in (8) above – the Secretary shall convene a hearing in accordance with Part XXIV and shall make a final decision on the basis of the record;
- 10) The Secretary may allow the sponsor a reasonable time to achieve voluntary conformance – in the event the Secretary determines that the program is not operation in accordance with the registered provisions or requirements of this part, the apprenticeship program shall be deregistered – in each case in which deregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor;
- 11) A deregistration order shall provide that the sponsor shall, within fifteen (15) days of the effective date of the order, notify all registered apprentices of:
 - i) the deregistration of the program;
 - ii) the effective date of deregistration;
 - iii) that cancellation automatically deprives the apprentice of their individual registration; and
 - iv) that the deregistration removes the apprentice from coverage for Federal purposes.

PART XXIII

REINSTATEMENT

Any Registered Apprenticeship program deregistered pursuant to these regulations may be reinstated upon presentation of adequate evidence that the apprenticeship program is operating in accordance with these regulations. Such evidence shall be presented to the Council, if the sponsor has not requested a hearing, or to the Secretary if an order of deregistration was entered pursuant to a hearing.

PART XXIV

HEARINGS

The Secretary shall designate a hearing officer within ten (10) days of receipt of a request for a hearing. The hearing officer shall give reasonable hearing notice by registered mail, return receipt requested. Notice of hearings shall include:

- 1) time and place of hearing;
- 2) a statement of the provisions of these regulations pursuant to which the hearing is to be held: and
- 3) a concise statement of the issues before the hearing officer.

The hearing officer shall regulate the hearing. The hearing shall be informally conducted. Each party shall have the right to counsel and may cross-examine all witnesses. Hearing officers shall make their proposed findings and recommended decisions to the Secretary on the basis of record.

PART XXV

COMPLAINTS

Complaints concerning discrimination or other equal opportunity matters shall be resolved in accordance with applicable provisions of the Kansas Plan of Equal Employment Opportunity in Apprenticeship, adopted pursuant to Title 29 CFR Part 30 and approved by the U.S. Department of Labor, and provisions found in Title 29 CFR Part 30.

Except for matters as described above, any controversy or difference arising under an apprenticeship agreement which cannot be adjusted locally, and which is not covered by a collective bargaining agreement, may be submitted by an apprentice, or their authorized

representative, to the Council for review. Matters governed by a collective bargaining agreement are not subject to such review.

A written complaint shall be submitted within sixty (60) days of the final local decision. The complaint shall be signed by the complainant, or authorized representative. Specific issues, together with all relevant facts and circumstance, shall be stated in clear and concise form. Copies of all pertinent documents and correspondence shall accompany the complaint.

The Council shall render an opinion within ninety (90) days after receipt of the complaint. The opinion shall be based upon investigation of the issues identified on the complaint and the record. During the ninety (90) day period, the Council shall make a reasonable effort to effect a satisfactory resolution between the parties involved. If so resolved, the parties shall be notified that the case is closed. Copies of the resultant opinion shall be sent to all interested parties.

Nothing in this part shall be construed to require an apprentice to use the review procedure set forth in this part.

PART XXVI

AMENDMENTS

These policies may be amended by a two-thirds majority of Council members. All Council and ex-officio members, committees and any other interested persons shall be notified of any changes to this manual, in writing.

PART XXVII

REQUEST FOR PROGRAM STANDARDS

One copy of apprenticeship program standards will be provided upon receipt of a written request. This is in accordance with the Kansas Open Records Act, K.S.A. 45-215 et seq. All requests will be kept on file for reference. There shall be no fee charged for the service.