



A bold voice for transportation workers

August 26, 2019

Adele Gagliardi
Administrator, Office of Policy Development and Research
U.S. Department of Labor
200 Constitution Avenue, NW
FB Building, Room N-5641
Washington, DC 20210

**RE: Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations
Docket No. ETA-2019-0005**

Dear Ms. Gagliardi:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to DOL's Notice of Proposed Rulemaking (NPRM) on apprenticeship programs. TTD consists of 33 affiliate unions representing workers in both sectors with substantial apprenticeship density and in sectors where greater application of apprenticeship programs could prove beneficial¹.

Through the NPRM, DOL proposes to establish a process by which Standards Recognition Entities (SREs) will be recognized by the Department to then establish Industry-Recognized Apprenticeship Programs (IRAPs). DOL states that IRAPs would exist alongside existing Registered Apprenticeship programs currently overseen by DOL.

While we are supportive of efforts to bring high quality job training into industries where apprenticeships are not common, it must be done in a manner that does not threaten successful and well-established programs nor allows for lowest common denominator training and trainers to flourish. Unfortunately, DOL's current proposal fails on both accounts.

¹ Attached is a complete list of TTD's 33 affiliate unions



Undermining Existing Protections

We are deeply concerned that the IRAP model as proposed offers a “low road” model of job training which undercuts the meaningful protections offered by Registered Apprenticeship programs. Registered programs are subject to a number of DOL requirements, critically including mandated progressive wage increases that help ensure apprentices are paid fairly. These requirements also include established apprentice-to-journeyman ratios, uniform standards, and instructor eligibility requirements. In DOL’s proposal, SREs would ultimately be given the choice to determine what kind of protections they do or do not require of a particular IRAP they recognize. Taking this authority out of the hands of the federal government and giving it to profit-driven third parties opens the door for abuse and mistreatment of apprentices.

Construction Exclusion

As DOL notes, the construction industry has long relied on high quality apprenticeship programs to create a skilled workforce, reflected in the fact that approximately 48% of all federally registered apprenticeships are in that sector. These programs, many of them offered by unions or joint labor-management partnerships, have a demonstrated track record of success. Introducing IRAPs to the construction industry would only invite the participation of entities who cannot and do not plan to offer apprenticeships with the same level of training quality, pay, or protections that existing programs do, and disrupt a sector where current programs are working well.

For this reason, DOL should exclude construction and construction maintenance eligibility. The Department does state that it would not “at least initially, accept applications from SREs seeking to recognize apprenticeship programs in the U.S. Military or in construction”. However, “at least initially” is an inadequate position for DOL to take and the vagueness of this statement allows DOL to reverse its stance at any time. In the Department’s final rule, it must include a permanent prohibition on construction IRAPs for the reasons it has itself identified.

SRE Functions

§ 29.21(a)(1) of the proposal states that SREs will develop their standards through a consensus-based process involving industry experts. Given the role of these individuals, ensuring that they are truly representative of their industry is critical. Yet how these experts are identified is entirely left up to the SRE. With DOL providing no information on how an “expert” is determined, or the qualifications or recognition such a person must have, SREs are free to anoint any individual they see fit as an expert. Without the guidance of regulation, DOL’s proposed review panel would have little basis by which to make a consistent application of a standard. Allowing the inclusion of “experts” of any stripe may directly result in lower quality IRAP programs.

SREs are also given the task of overseeing an ongoing quality-control relationship with the Industry Programs it has recognized, § 29.22(h). This responsibility would effectively substitute for the quality-control oversight that DOL currently has of its Registered Apprenticeship programs. In doing so, DOL falls deeply short of providing any kind of meaningful requirements for this relationship. Instead of setting prescriptive requirements for SRE oversight, the rule instead toothlessly states that SREs must only **consider** “apprentices’ credential attainment, program completion, and job placement rates”. The absence of any actual DOL proposed standards of quality control means that once again, SREs will have total discretion to determine quality, potentially to the detriment of apprentices.

DOL could have taken steps to mitigate this lack of oversight in the annual reporting SREs are required to submit for each IRAP it recognizes. While we appreciate some of DOL's inclusions, such as graduation rate and placement rate, the lack of any data on wages is a serious concern. Low-paid apprenticeship programs, or programs that "graduate" workers into poorly paid positions cannot be judged as successful. We note that the Registered Apprenticeship program does have requirements as they relate to the reporting of wage data, and the absence of any similar requirement undercuts the ability of any IRAP to claim success, or for workers to accurately judge if an IRAP program is a high quality option.

Portability

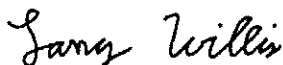
While DOL touts its less involved approach to IRAPs as allowing them a better opportunity to provide tailored training for a particular area of a workforce, it also raises substantial concern for apprentices. The standardized training offered by Registered Apprenticeship programs means that participants will gain skills and training that can be applied across their industry and employers. Without this standardization, apprentices may find themselves tied only to the area or employer who designed the curriculum of their IRAP. This potential lack of portability and the ability to pursue other or better options for workers is concerning.

Discrimination and Equal Opportunity

The proposed rule states that it would "require Industry Programs' adherence to applicable Federal, State, and local laws pertaining to Equal Employment Opportunity", it however specifically does not place IRAPs under the EEO obligations of Registered Apprenticeship, found in 29 CFR 30. These protections are deeply important to ensuring equal access to any type of apprenticeship program and the exclusion of Part 30 applicability makes promoting this access more difficult. Further, the rule's EEO provision seems to move obligations from clearly delineated prohibitions on discrimination to merely requiring that sponsors develop "comprehensive outreach strategies to reach diverse populations". This largely hands-off approach to equal opportunity in apprenticeship programs is severely lacking and is not an acceptable policy area for DOL to abdicate wholly to private entities.

TTD supports the principle of examining how apprenticeships could benefit workers in sectors where they are not prevalent. However, in the development of SREs and the IRAP program in this rule, DOL has proposed to defer a greater degree of oversight and quality control than is acceptable while failing to attach critical protections to these new apprenticeships. We look forward to continuing to work with the Department on a responsible model for the growth of apprenticeships in the future.

Sincerely,



Larry I. Willis
President



Transportation Trades Department, AFL-CIO
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TTD MEMBER UNIONS

Air Line Pilots Association (**ALPA**)
Amalgamated Transit Union (**ATU**)
American Federation of Government Employees (**AFGE**)
American Federation of State, County and Municipal Employees (**AFSCME**)
American Federation of Teachers (**AFT**)
Association of Flight Attendants-CWA (**AFA-CWA**)
American Train Dispatchers Association (**ATDA**)
Brotherhood of Railroad Signalmen (**BRS**)
Communications Workers of America (**CWA**)
International Association of Fire Fighters (**IAFF**)
International Association of Machinists and Aerospace Workers (**IAM**)
International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (**IBB**)
International Brotherhood of Electrical Workers (**IBEW**)
International Longshoremen's Association (**ILA**)
International Organization of Masters, Mates & Pilots, ILA (**MM&P**)
International Union of Operating Engineers (**IUOE**)
Laborers' International Union of North America (**LIUNA**)
Marine Engineers' Beneficial Association (**MEBA**)
National Air Traffic Controllers Association (**NATCA**)
National Association of Letter Carriers (**NALC**)
National Conference of Firemen and Oilers, SEIU (**NCFO, SEIU**)
National Federation of Public and Private Employees (**NFOPAPE**)
Office and Professional Employees International Union (**OPEIU**)
Professional Aviation Safety Specialists (**PASS**)
Sailors' Union of the Pacific (**SUP**)
Sheet Metal, Air, Rail and Transportation Workers (**SMART**)
SMART-Transportation Division
Transportation Communications Union/ IAM (**TCU**)
Transport Workers Union of America (**TWU**)
UNITE HERE!
United Automobile, Aerospace and Agricultural Implement Workers of America (**UAW**)
United Mine Workers of America (**UMWA**)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (**USW**)

These 33 labor organizations are members of and represented by the TTD

