**WorkforceGPS**

**Transcript of Webinar**

**New Apprenticeship EEO Regulations and Their Impact on State Apprenticeship Agencies**

**Tuesday, April 18, 2017**

*Transcript by*

*Noble Transcription Services*

*Murrieta, CA*

JONATHAN VEHLOW: Hello and welcome to the "New Apprenticeship EEO Regulations and Their Impact on State Apprenticeship Agencies."

So without further ado, I'd like to turn things over to our moderator today, Zach Boren, division chief, Office of Apprenticeship, U.S. Department of Labor, Employment and Training Administration. Zach?

ZACHARY BOREN: Hey. Good afternoon. Just want to welcome all of our state partners as well as our OA partners to this webinar. What we're really covering today is really around a rollout, kind of a reminder we're rolling out a new regulation that started back in January, and I'm joined by a couple of my colleagues, including Donna Lenhoff who's our senior advisor as well as our deputy administrator Daniel Villao are going to take us through this webinar.

So today we'll be talking about the challenges around harassment and opportunities for diversity, an overview of the regulations that were implemented in January, as well as the implementation timeline, giving you a sense of what, when, and where you have to implement, as well as some new provisions for state apprenticeship agencies, and then lastly, we want to spend some time talking about what's available to you as you implement the new regulations in your state. So with that, let me turn it over to our deputy administrator, Daniel Villao.

DANIEL VILLAO: Thanks, Zach, and thank you, everybody, for taking the time to join us on this very important topic. I'm tasked with reminding folks of the realities of harassment and discrimination in apprenticeship and in the general work environment.

Certainly, discrimination on the job has not been eradicated, and that's why the apprenticeship community is rallying around this rule. It helps us to put a spotlight on unfair hiring practices, unlawful harassment, and abusive treatment of apprentices who simply want to work, learn, and earn their paycheck no matter what their race, gender, or their age. So this rule will be a spotlight on that issue to help our communities correct these problems as they arise and hopefully before they become a problem in the first place.

You might be familiar with the case of Jenna Smith, which received extensive media coverage. Ms. Smith was an electrical lineman apprentice who reported experiencing a sexually hostile work environment over a several-year period, during which she was the only female worker in the line department of Eugene, Oregon's public utility.

Ms. Smith reported pervasive sexualized verbal abuse, multiple instances of sexual assault in front of coworkers by a journey level colleague with whom she was later forced to work, and being subjected to other physical dangers, having to pass a field evaluation test that other apprentices were not required to take, disparate evaluations of her competence, and ultimately was denied the completion of her apprenticeship program, which was a decision that Ms. Smith appealed to the Oregon State Apprenticeship and Training Council.

Cases like these are why we have EEO apprenticeship to begin with, to help us deal with abuse, unfair treatment, and harassment, and to assist our employer partners to model workplace behavior that supports apprentices, not deterring them from completing their professional goals. The council ruled in Ms. Smith's favor and granted her a certificate of completion. Also that year, her employer settled with Ms. Smith's claim of sexual abuse, discrimination, and harassment for approximately $250,000.

Discrimination in apprenticeship is not limited to sexual discrimination nor to a particular state or region. I want to provide you a couple more examples.

In a more recent example, the Office of Federal Contract Compliance Programs announced a settlement with a federal construction contractor. OFCCP found that NCD failed to provide equal employment opportunities to 381 African American, Hispanic, and Asian-American workers who applied for jobs at the company's Dulles, Virginia headquarters. The contractor used a set of selection procedures, including invalid written and personality tests which unfairly kept qualified minority candidates from securing jobs as apprentices and electricians.

In another similar case the JATC sheet metal workers in New Jersey agreed to pay $34,500 and to provide substantial remedial relief to settle a discrimination case by the EEOC, alleging that the JATC discharged a black apprentice because of his race just two weeks before he was scheduled to graduate from a four-year apprenticeship program. It's because of cases like this that OA has decided to update its EEO regulations.

Helping RA sponsors understand the updated EEO regulations provides the opportunity for a conversation about diversifying the apprenticeship workforce, ensuring inclusion of all groups provide sponsors with an expanded pool of quality candidates. Studies have shown that diverse companies are more financially successful if companies in the top 25 percent for racial and – I'm sorry.

Companies in the top 25 percent for racial and ethnic diversity are 35 percent more likely to have above average financial returns, and those with strong gender diversity are 15 percent more likely to have above average financial returns. Ensuring diversity in an organization's workforce is not only the right thing to do; it's the smart thing to do. Businesses with a diverse workforce bring together different ideas, perspectives, and viewpoints, thereby increasing their responsiveness to the full range of customers they serve and helping them with market capture opportunities.

For 40 years we as a nation have set goals for equal opportunity. It's time for a fresh approach to ensure that businesses reflect the diversity in communities they serve. Additionally, as the workforce shrinks with the retirement of baby boomers, it is in the best interest of business to have an expanded pool of talent from which to choose the best apprentices. As businesses seek to diversify their apprenticeship workforce, the updated EEO regulations can help them do so.

The updated regulations also provide SAAs the chance for conversations with RA sponsors about the value of diversity and the tools by which to achieve it. And so with that, I – you're going to have an opportunity to hear much more about this, and I'm going to hand the presentation over to Donna Lenhoff who will take you through the rest of the webinar. And again, thank you for engaging in this important discussion. We're sure you're going to have lots of questions, and we can't wait to hear from you about them.

DONNA LENHOFF: Yes. Thank you so much, Daniel, for setting that context because people often say, why are we doing this? And those are good examples of why, both from the perspective of the apprentices' experiences and from the perspective of the sponsors and companies that sponsor apprenticeship programs.

I'm going to do an overview of the apprenticeship EEO regs at 29 CFR Part 30, and then Zach is going to talk a little bit about what the SAA states need to do to come into compliance with the new Part 30. As you know, it's been nearly 40 years since the last update, despite a large shift in the overall demographics of the country, not to mention a lot of changes in the law, and that's why we decided to update the regulations.

We also wanted to provide employers and sponsors with mechanisms and incentives to seek more diverse applicant pools. The revised regulations were designed to make it easier for employers and apprenticeship sponsors to comply with equal employment opportunity requirements through more detailed provisions but fewer requirements overall. And these changes will also bring the Office of Apprenticeship's EEO regulations into accord with other federal EEO regulations and laws and developing case law. So next slide, please.

In many ways the revised regulations are not very different from the Part 30 regulations that you're familiar with that have been in place since '78. Virtually all of the major provisions, affirmative action, outreach, recruitment and selection, utilization analyses and goals for race, sex, and ethnicity, and the requirement that SAAs submit EEO plans, all of those continue in the updated regs.

What is different is that the revised regs add clarity and direction to sponsors' equal opportunity efforts and simplify and streamline the actions that SAAs need to take to ensure the compliance of programs.

In particular, age discrimination for ages 40 and older, disability, sexual orientation, and genetic information are added as protected bases for nondiscrimination purposes. Sponsors now have four specific, straightforward actions that they must take to ensure that their programs comply with EEO requirements, including a new requirement that sponsors take steps to prevent harassment.

And finally, the updated rule establishes specific activities for sponsors to take regarding outreach, recruitment, and retention, particularly if certain groups are determined to be underutilized as apprentices. Next slide, please.

So what else is new in the updated 29 CFR 30? The revised regulations streamline and simplify sponsors' obligations while maintaining the broad and effective equal employment opportunity protections for apprentices and for individuals seeking entry into apprenticeship programs. Discrimination standards and defenses are laid out in a manner similar to those used in other affirmative action laws, and the affirmative action obligations have been strengthened to set out in greater detail the clarity of these provisions.

The revised regulations also provide additional mechanisms that registration agencies can take if an apprenticeship program is found to be out of compliance, and they give flexibility to sponsors, allowing existing programs to – up to two years to comply with the affirmative action program requirements and new programs two years to develop their initial affirmative action program. Next slide, please.

With regard to a few other things that are new, the updated regulations specify the process for sponsors to analyze their apprenticeship workforce against the talent available in the recruitment area. There's a step-by-step process, and we expect that SAA and OA staff will work with sponsors to conduct these analyses and determine if utilization goals must be developed to enhance diversity.

And don't worry. We'll provide you with lots of tools and training before we expect you to start doing that. The rule also has a new focus on promoting apprenticeships for individuals with disabilities, specifying procedures by which sponsors will invite apprenticeship applicants and candidates, as well as their existing workforce, to voluntarily identify if they are a person with a disability.

The regulations set an aspirational goal that 7 percent of a program's apprentices be individuals with disabilities. Note that this is a goal, not a quota, not a mandate, and it is consistent with the OCCP 7 percent goal for people with disabilities working for federal contractors. Next slide.

I mentioned that the revised regulations spell out four specific actions that all apprenticeship sponsors must take to ensure equal opportunity. These are listed on this slide. I'm not going to read them. You can read them yourself, but they are common-sense activities I think you'll see, like assigning responsibility to somebody for EEO functions, and they will protect sponsors and will promote workplace diversity in apprenticeship programs. Next slide.

Here are the specific affirmative action obligations in the rule, and note that these apply only to apprenticeship sponsors with five or more apprentices. The equal employment opportunity standards apply to all registered apprenticeship programs, but programs with less than five apprentices are not required to develop and maintain an affirmative action program or to conduct workforce and utilization analysis.

Both current and new program sponsors have two years to develop their affirmative action programs, as I mentioned. That means that current sponsors have a deadline of January 18th, 2019, whereas new sponsors need to develop their programs within two years of the date that they register those programs. And the dates we're discussing apply to states and sponsors registered by the Office of Apprenticeship. Timelines for SAA states and their apprenticeship sponsors will be discussed later in the presentation. Next slide, please.

This slide and the next few after it provide details on the phase in of these regulations in OA states. These are obviously for the states that don't have to adopt any new regulations or laws in order to come into compliance because sponsors in those states register directly with OA. So in OA states the revised regulations became effective on January 18th of 2017, and some of the nondiscrimination obligations went into effect then, for example, the obligation not to use discriminatory selection procedures and to provide apprentices with notice about procedures for filing complaints of discrimination.

Other nondiscrimination and general affirmative action obligations for current apprenticeship sponsors will be going into effect on July 17th of this year, 180 days after the effective date of the reg. And so those obligations include not discriminating on all of the protected bases. So that's sexual orientation, age, disability, and genetic information are the new bases, and the responsibility to update and disseminate a revised and updated EEO pledge to begin outreach and recruitment efforts like the ones that sponsors have already been doing but with a little more specificity and also the obligation to implement anti-harassment measures. Next slide, please.

Again, talking about sponsors in OA states, current apprenticeship sponsors have two years from the effective date of the rule to implement their affirmative action programs. So that brings us to that January 18th, 2019 date, and the things that need to be done by the are listed on this slide, including inviting apprenticeship applicants and apprentices to self-identify whether they have disabilities, I should say, conducting an initial review of their personnel practices, conducting initial workforce analyses, and submitting a draft written affirmative action plan. And also at that time the Office of Apprenticeship will begin monitoring sponsors' compliance with all of these obligations under the revised EEO regs. Next slide, please.

Essentially, this is the same slide, only it has to do with new sponsors. Those same obligations that I just went through for existing sponsors that go into effect in January 2019 go into effect for new sponsors two years from the date of their program's registration. So next slide, and with the next slide I'm going to turn the presentation over to Zach who's going to discuss the changes that SAA states will need to make under the revised regulations.

MR. BOREN: Okay. Great. Thanks, Donna, and appreciate those updates and we'll be continuing to dive a little bit deeper in all of these areas, doing more technical assistance, especially around disabilities and –

MS. LENHOFF: Self-identifying.

MR. BOREN: – self-ID. So lots of areas where we're going to be doing deeper dives throughout the year on each of these individual topics. So don't worry. The information is forthcoming, and we'll try to make it as timely as possible.

But for now, I want to kind of talk a little bit about what states are going to – the state apprenticeship agencies will have to do over the next year, and the extent to which the changes will really need to be made really depend on the SAA state, whether it's revised regulations or revised legislation or both.

So states whose authorizing language is quite general may not need much revision, but there are states that have mirrored that language in the former 29-30 regs that will require more extensive provisions to come into compliance with the revised regulation. So what we've seen is some states just make reference to 29-30 being what they will follow, and if you have that, that is the easiest way to kind of continue on and make sure that you're in compliance. Other states will require quite a bit more extensive work.

So our preliminary review shows that state laws – and again, so 15 states will need to amend their statutes out of I think the nearly 20 – it's either 25 or 27 state apprenticeship agencies and the District of Columbia and a few others. So in addition, our review shows that 23 states will need to amend their regulations, and those regulatory changes will be more variable. Some just minor tweaks and others may be a bit more specific.

Other states current apprenticeship regulations are more detailed and will require a substantial review, rescission, and even substitution of new regulations. Even in the states that do not need to revise their regulations, agencies may consider whether or not doing so might be helpful in ensuring equal employment opportunity in your apprenticeship programs in your state.

So in terms of EEO plans, some states have them codified in their regulations, while others are separate guidance documents available online to the public. So all this being said, whether or not you need legislation or regulations or a new state plan, we're going to give some individual assistance to your states, and feel free to reach out to us if you're curious about what you'll need to revise between now and January 2018.

So most common changes SAAs will need to make. So these are the two most common updates that all SAAs will need to make to their state apprenticeship EEO plans. The first is including the additional groups of apprentices that will be needed to be protected from discrimination, which is one update, and the second is requiring that all registered programs comply with the updated state EEO plan.

For the new protected groups, states may want to consider simply stating that discrimination is prohibited on the basis set forth in 29-30 as amended. So that would be an easy update, just to follow the new rule. That would eliminate any potential need for another fix later on, if that protected category changes in the future, and might also be easier to sell with your legislatures as well, that you're just following federal regulations.

And once OA has approved an SSA state's EEO plan, all apprenticeship programs with the SAA will have 180 days to comply with the plan's provisions. So kind of looking forward, if you look to next – we're looking for states to really develop their draft legislation or their draft regulations, submitting those to the Office of Apprenticeship here by January 18th of next year.

So you have some time to start prepping that, start working with your legal counsel, with your legislative folks to start developing those pieces as needed, but you won't have to have that implemented by next January, just submitted to us for a review. So that's this next key outline that I wanted to kind of hit. Most likely you're either going to need legislation, regulations, or the state EEO plan or a combination of all of those. And let's go ahead and go to the next slide.

So what will states need to submit? So by January 18th all SAAs must submit their draft EEO state plans. This will include, at a minimum, a draft state apprenticeship authorizing legislation corresponding to the requirements of the revised regulations. Extensions to the deadline for submission of course may be granted if good cause is shown.

And since each state's current framework is different, the extent of the updates will vary by state. I'm going to just pause just for a minute because there are just a number of states that are also going to be 29-29 as well that has been out there since 2008, and just want to – as you're doing 29-30 over this next year, really encourage you to do both at the same time. It really does make it a lot simpler for us to kind of move together on both regulations and get all the states that are currently not utilizing 29-29 using it as well as getting up to date with 29-30.

So the state update process. I want to note again that these documents will only need to be provided in form by January 18th, 2018 and will not need to be formally approved by your legislatures or your governors or secretaries of labor or commerce or wherever you sit today prior to submission. Our review usually takes a few weeks, up to one month until we can provide feedback.

And as we have more than 25 state apprenticeship agency entities, but just really ask for your patience during the review period and we'll get back to you just as soon as we can. After our review we can provide customized guidance and support for your state teams and any legal teams to ensure that the legislation or regulations are compliant with federal regulations. OA's plan for this year is to solve really some of the hang-ups and bang-ups that can happen along the way that ensure states have reasonable expectations about the process, the timeline, and ensure that the department here can provide valuable technical assistance that results in your plan being approved in a timely manner.

So lessons from our 29-29 recognition process. We've learned a few things over the last eight-plus years on this, and we really want to learn some more lessons going into 29-30 to make sure that you can get approved in really a timely manner. So there's some lessons. The easiest path to rapid approval for your state legislation, regulations, or EEO plan is really to model the regulation's language and incorporate any necessary state provisions. So that's really kind of taking the rule verbatim and then doing any state references to your state laws, as necessary.

We've had folks ask, can we provide simple template legislation? We probably could do that, but you're still going to have to incorporate your own state laws and regulations. So it doesn't really work out as cleanly and nicely as we would hope.

Secondly is continuous communication throughout the process is really critical to a timely approval. So if we're talking to you about your 29-30 or 29 approval plan and let's say we're both dating at the time, we want to make sure you talk to us back, dial us back, let us know we're still in a relationship here. So we just don't want to lose contact with you all, and if there are any questions along the way, you can always dial up Donna or myself or any of the team that's going to be working to get you through.

So open dialogue is really critical to solving any issues between state and federal discrepancies. They're things that are usually pretty resolvable, and we're glad to work with you. We just want to make sure you're as close to the regulations as possible and that you'll be able to implement it as cleanly as possible in your own state.

The last thing I want to mention is we're going to be doing a policy accelerator here in June, looking at the beginning of June, to really think about how we kind of make this process a little bit easier. I know some states have really had some trouble getting approved over the last few years or we just lost track of you, if we weren't sure we were dating you still.

So we want to figure out how we can get you through that process in a more timely manner to make sure you can get through your legislation and your regs in a quicker fashion. So we'll be inviting some of the state apprenticeship agencies as well as some of our regional teams to join us. So be on the lookout for that coming up here shortly.

So talking a little bit more about some additional state apprenticeship agency responsibilities, SAAs are going to have to conduct reviews to assist sponsors with their EEO compliance. The reviews may be a desk audit, on-site review, and will now, under the new revised regulations, include assisting registered apprenticeship sponsors with their workforce and availability analysis.

Utilization goals will serve as objectives or targets that are reasonably attainable through good-faith efforts. They're not quotas. They're not set-asides for specific groups. Just want to hammer that home again here. So SAAs will also be responsible for supporting sponsors in carrying out their affirmative action elements of their compliance with the updated regulations, and these include establishing a process for disseminating the invitation to self-identify as someone with a disability and implementing effective recordkeeping practices.

So let's talk about resources. I hope folks have been to our website. If you haven't, it's doleta.go/oa/eeo. You'll find a ton of fact sheets. There's also helpful side-by-sides to really show you what was the 1978 rule and how has that changed to the 2017 rule. There's a timeline for implementation both for OA and SAA states.

So you'll get a sense of really what we're going to be expecting here over the next year and over the next two years as far as implementation for both states and for sponsors. There's a pre-apprenticeship guide for women containing a lot of great resources to help community-based groups and other workforce intermediaries build and sustain quality pre-apprenticeship programs also on that – on the website.

And as additional materials are developed, we're going to post them up here on this website. So be sure to come back, check up for new items. One of the new items we're going to be doing here in the next few weeks is around having complaint forms up on the website. So if you have an apprentice who feels they've been discriminated against, we're going to have a complaint form and a process to be able to hand that over to us to investigate.

And let me turn it back over to Donna to talk a little bit more about the technical assistance strategy that we have for states.

MS. LENHOFF: Yes. Hi. So yeah. We're on the next slide. We actually identified eight different items that we thought would be helpful to provide more in-depth technical assistance on, and we're working on staging them so that they come out and are available to you at around the times that the – of the corresponding phase in of the regs. So we started this past winter and spring with information sharing and the revised webpage, which I really urge you to look at because it does have a lot of resources on it. And one of the things on it is this very nice list of what are the elements of our – of the technical assistance strategy that we're planning to do.

So on the nondiscrimination requirements we will provide guidance on how sponsors can meet these provisions for all protected populations, including sample posters that sponsors can use that contain the new pledge and the new language about complaint procedures that are required to be posted.

We're working on developing a very cool online tool that sponsors can just go to, hopefully on our website, to facilitate the utilization and availability analyses that they're going to have to do and of course that OA staff and ultimately SAA staff are going to be helping the sponsors doing.

So we hope that's going to be just plug in your information and out pops whether or not you have to have a goal and what that goal ought to be, absent other sort of extenuating circumstances which apply to a particular sponsor, of course. Each sponsor has to make its own determination about the goal based on its circumstances and particularly based on the qualifications that it has set for apprentices for entry into the apprenticeship program.

To support the anti-harassment provisions of the regs, we are developing a video that sponsors can just use as a centerpiece, essentially, of the training that they are required to give to apprentices and others in their program who interact with apprentices, like the journey workers, the trainers, instructors, administrative personnel, everybody who – with whom apprentices might come into contact. We'll also have a customizable PowerPoint that will go with that so that the sponsors can then put in their own information particularly. Sorry. Just looking for my list. And a tip sheet and FAQs, things like that, around the anti-harassment training requirement.

We're looking into establishing a clearinghouse of outreach and recruitment resources, both governmental and non-governmental, so that sponsors can develop the lists of a wide range of recruitment sources that reflect the various target populations that they might need to be recruiting from. Let's see. Next slide.

We are going to be developing additional guidance and boilerplate selection procedures so that sponsors can understand what they need to do to meet the selection procedure requirements, and we will address the use of direct entry in some of this guidance. We will be developing guidance on promoting self-identification of a disability and the language to be included on the self-identification form will be provided and we'll make available some best practices for promoting self-identification.

We'll provide sample affirmative action plans that sponsors can use across diverse industries, and finally, we're going to be developing guidance and training for sponsors and for staff on understanding discrimination standards and defenses. So next slide.

I think we are ready for any Q&As, and Zach is going to moderate those.

MR. BOREN: Well, Donna, one question that we had previously that folks were really interested about was about when the pieces around disability would be implemented and being sure that both sponsors and states were ready to respond to that new provision. Can you talk a little bit about that?

MS. LENHOFF: Sure. So the provision prohibiting discrimination on the basis of disability by sponsors goes into effect this July, on July 17th at the six-month date. And essentially, that's the – that's essentially the same as what's required in the Americans with Disabilities Act, which most sponsors are already covered by and many state laws also. There are sort of many ADAs that states have. And so sponsors should be pretty familiar with the nondiscrimination on the basis of disability and having to provide reasonable accommodations, which is also part of that.

The more affirmative steps that have to be taken don't go into effect for two years, and that is really those two different major things that fall into that bucket, in my mind. One is sponsors will be required to invite applicants and apprentices to self-identify whether or not they have a disability. This is purely for counting purposes. It's to find out how – what percentage they have in their workforce of people who have disabilities, and it's separate from the reasonable accommodation requirement which gets dealt with on an individualized basis.

The apprentices or candidates for apprenticeship don't have to respond. They can – the form says, do you have a disability? Yes, no, or I don't choose to answer. So they can choose not to answer. It is a private thing, and they don't have to identify what their disability is, although disability is defined on the form so they can see what's meant.

MR. BOREN: That kind of goes along with our question, are you going to provide a list of what is considered a disability; right?

MS. LENHOFF: Yes. So we will provide a definition and a list. Again, it's very broad what is considered a disability because the definition in the Americans with Disabilities Act is very broad. And it includes a physical or mental impairment that substantially limits one or more major life activities of an individual. It also includes someone who has a record of such an impairment or someone who is regarded as having such an impairment. Excuse me.

Here. I'll repeat it. A physical or mental impairment that substantially limits one or more major life activities of an individual. So that includes what we consider kind of classic disabilities that you can see like being in a wheelchair or being blind, being deaf. I guess that isn't a disability that you necessarily can see, but you become aware of it relatively quickly when you meet somebody who has a hearing impairment.

What we think of as – I think when the Americans with Disabilities Act was first enacted back in the '90s, that was what we thought of as disability, but the Americans with Disabilities Act was actually broadened subsequently. And so now, it includes anybody who has a kind of major life impairment that impedes their ability to conduct major life activities. So it includes various diseases such as cancer, diabetes, et cetera.

So the form itself provides that definition plus gives some examples, and then it's up to the individual to self-identify or not. And we will provide as much guidance as we can once – as it gets closer to that two-year mark. Right now, I'm kind of concentrating on the things that go into effect in July, which is coming up awfully quickly. You should also know that the OCCP requires federal contractors to invite their employees and applicants for employment to self-identify as a person with a disability or not, and they have been doing that now since 2013.

And so they've learned quite a bit about how employees react, how employers react to this requirement, what are the best ways to go about implementing it. So I think we'll have the advantage of their learning to inform us as we go forward.

So that's the first big thing having to do with disability that goes into effect in two years. The second thing will – is that if there is underutilization of people with disabilities, then they have to – sponsors have to aspire to – (inaudible) – to the 7 percent goal that I mentioned before.

Someone asked, will the applicants for registered apprenticeship be – can you go back to that question number two – be self-identifying at the time of application?

Yes is the answer. They will be – well, they will be invited to self-identify. They can decide not to, but they will be invited. They will be required to be invited to self-identify at the time of application and again –

MR. BOREN: On an annual basis.

MS. LENHOFF: Is that right? And again on an annual basis. Yeah.

MR. BOREN: So as folks continue on in their jobs, often a disability may form later on in their life where they may want to identify that to their employer as well.

MS. LENHOFF: Yes. So folks can change their self-identification the next year.

MR. BOREN: Absolutely.

MS. LENHOFF: Right.

MR. BOREN: So a few more questions here. "Can an SAA get an informal opinion from FOA SSB of what statutory and regulatory changes need to be made in their state? If so, how?"

Great question, and the best way is to just start by getting in touch with us, and we can start walking you through that process. We can of course have an opportunity to take a look at what you currently have in statute as well as in regulation or if you have a state EEO plan and we can start with that and talk about what particular changes you'll need to make going forward.

Of course you can always start by taking a look at the regulation and developing your own draft regulation and submitting it to us, and we can provide kind of an iterative process going back and forth, having an opportunity to consult with you about how to get that correct and implemented in your state. So we're glad to help you through that process, and we have, well, Donna and I and a couple of our team members that will be working with you throughout the year on that.

MS. LENHOFF: And the other thing I would just add to that is we know that you are the experts in your own state laws, but we can give you an informal opinion or sort of a view, it looks like in this way your state law or your state regs don't match with what the new 29-30 says. And we could recommend that you handle that in a certain way, and then you of course are going to have to get the final decisions probably from your state counsel or whoever the appropriate decision makers are. But we will do the best we can. Just a little caveat that we are not experts in every state's law.

MR. BOREN: Yeah. Do you want to do that one here?

MR. VILLAO: So we got a question about following up on self-identification during the application. "How will that be accomplished, and is there a database?"

The regs do go into how that information is supposed to be maintained by the sponsor. The information needs to be kept confidential because it could be potentially medical information. Previously in the regs, in the old regs and carried into the new regs there was the recordkeeping requirement that said that anything that is medical or of a confidential nature needs to be kept as such. And so for these self-identifications that come in, those will need to be kept separately in a data analysis file that is kept confidential.

And the next question that comes in, "Does the 7 percent goal apply to each sponsor, or is it program-wide? And what is the consequence if it is not met?"

So the 7 percent goal, first of all, just applies to those sponsors that have five or more apprentices in their program, and that 7 percent goal applies to each sponsor location. Now, the consequence if it's not met, again, as Donna said in the presentation, the 7 percent goal is aspirational in nature. There's no penalty simply for failing to meet that 7 percent goal.

The idea of the 7 percent goal is that it provides a yardstick by which you can measure, and if, for instance, a sponsor falls short, then they can look at their personnel processes to see if there is anything that is acting as an impediment to EEO. And if there is, then they can take steps to address that impediment, but it's not a clean and simple, if you're not 7 percent, you're in violation. That's not how it works. That is a quota, and we are very careful not to do that.

MR. BOREN: Well, should we wrap up, folks, and give you about nine minutes back to your day? I think that's fine by me. So just appreciate everyone joining us. On this next slide you'll actually see Donna and my contact information. So when you are ready to get started on your approval package both for – whether it be 29-29 and 29-30, we welcome them both.

You can get ahold of us by e-mail or by phone. I suggest if you're trying to get ahold of me, phone is the best way. I always like to hear voices too. And just look forward to hearing from you throughout the year. All right. Well, thank you, Donna. Thank you – (inaudible) – and thank you, Daniel, and appreciate all of you state out there as well.

MS. LENHOFF: Thanks, everybody.

(END)