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**Transcript of Webinar**

**Apprenticeship EEO Regulations: Disability, Self-Identification, and Affirmative Action Programs**

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JON VEHLOW: Welcome to "Apprenticeship EEO Regulations: Disability, Self-Identification, and Affirmative Action Programs."

So without further ado, I'd like to kick things over to our moderator today, Natalie Lynch, program analyst, Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor. Natalie.

NATALIE LYNCH: Thanks, Jon. And welcome, everyone, to today's webinar. Before we get started I would like to get you to turn your attention to the poll that we have on your screen. We want to know what type of organization you're with, and so it looks as if we have some people who've already logged in. We'd like to get those of you – give you a minute to do so, if you have not done so.

All right. So it looks as if we have a large group, over 60 percent of you, 63 percent from our sponsor group, and that's great. Thank you all for joining us today. We also have apprenticeship staff and our SAA partners on the webinar with us, and we welcome all of you. Please continue to fill out that poll, and we'll get started here with today's presentation.

So I will be your moderator for today's webinar, and we have two people here who are joining me. We have Kier Bickerstaffe and Zack Boren who are experts in the apprenticeship EEO regulations and OA policy implementation, and they will answer the questions in today's question and answer session for us. So without further ado, let's get started. We have a long one for you today and a really interesting one and I know that people are already writing in questions regarding this and we'll take these at the end.

So today's objectives are to review frequently answered questions about EEO, particularly as the regulations go into effect a few days from now on the 18th. We'll also answer any additional questions that sponsors or anyone else may have, time permitting, and we'll ensure that sponsors are aware of the resources that are available to implement on the EEO regulations. And all of our information that has come out on EEO can be found at our EEO website there listed.

So today our experts will answer questions that we've received from sponsors and staff regarding the EEO regulations that, as I said, go into effect on January 18th. These will include questions posed from previous webinars and technical assistance meetings that our office has had. Our experts will not only provide you with these answers but will also point you to where you can find the information, tools, and resources on the Office of Apprenticeship website, which again is doleta.gov/oa/eeo.

We've also developed a comprehensive tools and resources list for EEO implementation, and this resource will be available for you to download in the file share window, as was mentioned earlier. So let's get started with the questions.

Actually, not yet. We want to just run through a bit on what we'll be focusing on today. So we'll focus on the topics listed on the slide here, disability self-identification, the 7 percent disability goal, affirmative action programs, demographic analyses for race, sex, and ethnicity, targeted outreach, recruitment, and retention efforts to reach these goals, and finally, the annual review of personnel practices.

So today's session will focus on those. We're focusing on these topics because for sponsors that were registered with the Office of Apprenticeship, which we will commonly refer to as OA, in January 2017, these EEO obligations phase in on January 18th, 2019. For sponsors that registered with OA after January 2017, these obligations phase in two years after their registration with OA. So it's really important that you know when your program was registered in order to understand when you are to implement – when your obligations begin.

These provisions will also apply to sponsors in SAA states, state apprenticeship agency states, but those sponsors will have to check with their individual SAA to determine when these provisions go into effect there. Please note that the affirmative action program provisions in the apprenticeship EEO regulations apply only to those sponsors that have five or more apprentices who are not subject to similar or CCP or EEOC approved plans. So I know that there's some questions about whether or not folks are eligible. Please note that important detail.

As we go through today's topics, if you have additional questions, please type your questions into the chat window, and at the end of each section we'll pause and have any review and additional questions that may have come in and we'll answer them before we move on to the next topic. In the interest of time, however, we'll give priority to sponsors' questions as OA staff will have additional opportunities this month to dive deeper into these areas. Same goes for our SAA states. They will have additional time later. Now, we'll get into the questions and answers.

OK. So the first question here is, "When do I have to start inviting apprentices and applicants to self-identify whether they are individuals with disabilities?" And I'll turn to Zack Boren to answer that.

ZACK BOREN: All right. Thanks, Nat. And the answer to that question is by January 18, 2019 – so we're coming up on that date in just a few days – or two years after your program registration, whichever date is later for your organization. Sponsors – those sponsors who are registered with OA and that have five or more apprentices – just to repeat that, five or more apprentices must begin inviting apprentices and applicants for apprenticeship to voluntarily indicate whether or not they have a disability.

So the sponsors registered with SAA should check with their state apprenticeship agency to learn when their state's voluntary disability self-identification requirement goes into effect. It may be different. And for this and many of the subsequent questions today, the Office of Apprenticeship has developed resources to support sponsors. The web address for the resources we will discuss during the presentation will be listed at the end of today's session. So you can refer them – refer to that website in particular when those questions come up.

MS. LYNCH: Great. Thank you. Next question is, "Where can I find the voluntary disability disclosure form?

MR. BOREN: Oh, great. So we have the – first off, we have the – these two websites here on our main page and then also a link directly to the disability disclosure form.

All covered sponsors must use the same form for identification. It's the Federal Voluntary Disability Disclosure Form. As I said earlier, it's located on these webpages. They're linked right off of the apprenticeship EEO webpage, and the address for the disability self-identification page and the direct link to the form are listed up above here. So please go ahead and check those out as you begin asking your apprentices to disclose.

MS. LYNCH: Great. One question we get quite a bit from folks is, "Do I have to use the U.S. Department of Labor Voluntary Disability Disclosure Form?" Zack?

MR. BOREN: And so the answer to that is yes. This is the standard form that all covered sponsors must use in both OA states and state apprenticeship agency states. Sponsors may make non-substantive format changes to the form such as changing the color or maybe adding your particular seal on the form to make it more accessible, as long as they don't alter the content or the questions in the form. You see that the form is simple. Will take an apprentice or applicant only one minute to complete.

All individuals have to do is indicate yes, I have a disability, no, I do not, or I don't wish to answer it and sign their name and date. The rest of the form provides information for individuals completing it and includes a definition of disability for the purposes of that form. It's also important to note that the form asks individuals to identify if they have the disability, not necessarily the nature of the disability they may have.

MS. LYNCH: Great. So we understand that this is a requirement, but what if an apprentice refuses to complete the Voluntary Disability Disclosure Form?

MR. BOREN: Well, the form is voluntary, and so individuals are protected from disability discrimination whether or not they choose to disclose that they have a disability on the form. Sponsors may not force any applicants or apprentices to complete the form. It's voluntary. Nor may sponsors use that information from the form that's provided by apprentices and – or applicants to make any employment decisions.

The purpose of it is to invite apprentices and applicants to self-disclose of a disability and is to establish a starting point in which to measure changes in the proportion of individuals with disabilities in the apprenticeship program and who may apply for that program. It's valuable information for sponsors to have as they strive to increase the number of individuals with disabilities in their apprenticeship program. So it's really a tool for sponsors to use to make sure that they're tracking towards that 7 percent national goal.

MS. LYNCH: Thank you. "As a sponsor where and when do I report the disability disclosure results to the Office of Apprenticeship?"

MR. BOREN: So sponsors that are registered with the Office of Apprenticeship are encouraged to enter the voluntary disability disclosure information into the RAPIDS system. As many of you know, the RAPIDS system is how we track the progress of our apprentices and also includes a number of demographic collections, and so this is a new collection.

The new system now includes fields for disability that include yes, no, and did not answer. As noted earlier, sponsors will begin inviting apprentices and applicants to self-identify as having a disability no later than January 18, 2019. Sponsors will also assess the representation of individuals with disabilities within their apprenticeship program through what we call a workforce analysis, and the sponsors should begin conducting this analysis no later than January 2019 but sponsors can update the analysis as soon as more disability data becomes available through the voluntary self-identification process.

Now, our office realizes that it may take sponsors some time to generate the data, but sponsors must show that they're conducting these analyses in good faith in the time that we have. So sponsors will have to support – sponsors will have support from their registration agency, your local apprenticeship and training rep, your state director, whoever you work most closely with in the review of your program to conduct the analysis.

So sponsors will also document the results of the disability workforce analysis in their written affirmative action plans. In anticipation of the state apprenticeship agency state, plans that are under review with the department that are consistent with an updated EEO regulation, SAAs do not participate in the RAPIDS system will want to consider adding these fields to their apprenticeship data system.

MS. LYNCH: Thank you, Zack. We have another question that we get a lot from sponsors where they've heard about the goal, that 7 percent of apprenticeship workforce consists of individuals with disabilities. Is this a goal that they have to meet?

MR. BOREN: So where analysis shows that the program includes less than 7 percent of individuals with disabilities in one or more occupational groups, the sponsor will need to take steps to determine whether there are impediments to equal employment – equal opportunity for individuals with disabilities.

If the sponsors finds any – there are problem areas, it will need to undertake an action oriented programs, including targeted outreach, recruitment, and retention activities in order to move in the direction of this national aspirational goal that individuals with disabilities comprise 7 percent of the apprenticeship workforce.

So again, just to review that, you're going to be taking some action to really target individuals with disabilities in order to hit that 7 percent aspirational goal, and the steps you'll take to reach this goal will be documented in the affirmative action plan. Failure to meet the 7 percent goal is not in and of itself a violation of our regulations, and no sponsor will be found to be deficient in its program solely because it has not met the 7 percent goal.

On the other hand, failure to determine whether impediments to equal opportunity exist for individuals with disability or failure to undertake action oriented programs if such impediments are found would be considered a deficiency.

MS. LYNCH: OK. Great. "What if the trade for which my program trains apprentices involves a lot of physical work? How can individuals with disabilities do this work?"

MR. BOREN: Right. Most of our apprenticeship programs are kind of in that category. So first and foremost, sponsors need to define those essential functions of the jobs that the apprentices must perform, and sponsors are not required to hire individuals who can't perform their job. That said, applicants and apprentices with disabilities may be fully capable of performing physically demanding work with or without a reasonable accommodation. Each individual circumstance should be considered on a case-by-case basis.

If an apprentice or applicant requests a reasonable accommodation, sponsors are required to engage in an interactive process to determine if there's an accommodation that will allow the individual to perform the essential job functions of the position.

A reasonable accommodation could include a modification or adjustment to a job application process, such as making changes to an entrance exam or the work environment such as making existing facilities used by apprentices readily available to and usable by individuals with disabilities. Other examples might include a modified work schedule or providing qualified readers or interpreters.

MS. LYNCH: Great. Zack has just finished presenting on the answers to the questions about disability that we have prepared. Are there any additional questions that you have regarding disability self-identification or the 7 percent goal? We'll now take your questions. I see that we do have a few coming in already, and we will start. First –

MR. BOREN: Yeah. Go ahead.

MS. LYNCH: OK. First question is, "What are the quotas associated with these regulations?"

MR. BOREN: Well, just to reiterate, we've talked about this earlier. There are goals for affirmative action. There are not quotas. So we do not require quotas in the regulation whatsoever.

KIER BICKERSTAFFE: This is Kier Bickerstaffe. Just to add onto that, the regulations are actually very specific, as Zack went into. There's – the goals are just that, and there's no requirements for, for instance, hiring someone who is not qualified for the job. This does not supersede merit-based principles. We want everyone out there to be selecting people who are most qualified for the job, but the point of the goal is just to make sure that contractors are doing the outreach it can to get the best qualified pool of candidates from across demographic.

MS. LYNCH: OK. Great. I have a two-part question for Zack. First part is, "We have two to three apprentices. Do we have to file these documents?"

MR. BOREN: OK. Yeah. As we started out, just to reiterate what you had said, Nat, is that all the affirmative action documents that we require sponsors to file are only for those programs that have five or more apprentices. So if you have one, two, three, or four apprentices, definitely not required to fill out and submit an affirmative action plan.

MS. LYNCH: "So if I currently have four apprentices who started in 2018 and they'll complete the program in 2019 and in 2019 I'll have 10 apprentices starting, will the first year I need to file the AA-10 be 2021 or is that no?"

MR. BOREN: So this is – it's a really good question. It's actually one that we've gotten from a couple places, and we're currently developing guidance on it. So look for something from a very quick – very soon that will answer this question.

MR. BICKERSTAFFE: And where they can find that – right – is at the frequently asked questions that we post and update regularly on the apprenticeship EEO website and we'll be sure to get you that answer as soon as complete.

MS. LYNCH: Great. Thank you. Talking a little bit more about disabilities, what is the range of disabilities covered?

MR. BOREN: So disability is defined in the regulation. It has the same definition as the Americans with Disabilities Act, and so disability is meant to be fairly broadly defined. And so it includes a physical or mental impairment that substantially limits one or more major life activities, either having that impairment, having a record of that impairment, or being regarded as having such an impairment.

So if there was an impairment that substantially limits one or more major life activities and that, again, is also defined very broadly as walking, sleeping, eating, being able to work, et cetera. So generally speaking – and this was something that was clarified by Congress in 2008 with the ADA amendment fact, the idea is that disability is supposed to be defined quite broadly.

MS. LYNCH: OK. Great. In terms of collection and collection procedures, sure – "if I am running a pre-apprenticeship program, should the self-identification form be collected during the pre-apprenticeship phase or once they become apprentices?"

MR. BOREN: This is only a requirement for registered apprenticeships. So the pre-apprenticeship that you're operating is – there's no requirements for particular apprenticeship EEO requirements or affirmative action plans are not required in pre-apprenticeship programs.

MS. LYNCH: OK. "And will this form be available in the RAPIDS system, the 671 form?"

MR. BOREN: We'll certainly take that under consideration. We'll talk to our programmers about that, but just to remind you the document that you'll be using for disability is on the website. And if you go back a few slides, we can show you that.

Jon, do you mind flipping back just a few slides to our website where you can find the form? Great. So right there.

You can find them at these two websites. Again, we'll bring them up again at the end, but those are where you'll be able to find the forms and be able to request that information of your applicants and your apprentices.

MS. LYNCH: OK. I see that we're getting quite a few questions coming in, and because we have another section of this webinar to get to, I'd like to move to that. But we will certainly get back to your questions as soon as we can.

All right. So now, we'll turn to affirmative action programs, and Kier Bickerstaffe will provide the responses to the questions that you have. All right. "So we've always had affirmative action programs. What is the difference with this requirement now, Kier?"

MR. BICKERSTAFFE: So yes. That's right. The regulations – there have been regulations in place that required affirmative action program for almost 40 years now. The new regulations that were published at the end of 2016 are in many cases the same and were not intended to change the obligations much and intended – in fact, were intended to kind of streamline it and make it a little bit easier for sponsors.

But one of the main differences what we're talking about today and that is that the – under the new apprenticeship EEO obligations there is a component for sponsors to assess the representation of individuals with disabilities in their program, including the use of the aspirational 7 percent goal, as Zack talked about, to help sponsors measure their progress towards – (inaudible).

So as part of their AAPs, one of the other differences is that sponsors are also required to review their personnel processes annually to ensure that they're meeting their obligations under the regulations, and we'll go into a little bit more detail on that question later. The updated regulations also clarify and streamline the steps for conducting demographic analyses and provide specific and targeted steps for remedying underutilization, and you're encouraged to visit the apprenticeship EEO website for additional details on these issues.

One thing that I would indicate, however, is that built into the regulations is that you will not be alone in this and that the registration agencies will be there to assist you with the demographic analyses and particularly the utilization analysis to ensure that you have assistance and compliance systems there in doing that analysis. So all that said, many of you now – many of the provisions, like I said, laid out in the updated EEO regulations for AAPs remain the same as they have been in the past and should not seem unfamiliar to you.

MS. LYNCH: OK. Great. "As a sponsor, do I have to prepare the entire AAP by January 18th, 2019 or is it two years after my program registration date, whichever is later? If not, what do I have to prepare by then?"

MR. BICKERSTAFFE: Right. So all covered sponsors registered with the Office of Apprenticeship directly as opposed to in an SAA state – we'll deal with that a little bit later. So covered sponsors registered with OA need to adopt their initial AAP by January 18th, 2019 or two years after the program's registration date. Now, there are elements to the AAP that probably will be in sort of skeleton form because you have not yet collected some of the data. You've not yet had a utilization analysis.

So some of the elements necessarily will not be complete, but the initial AAP should include a workforce analysis for race, sex, and ethnicity and a workforce analysis for disability. When I say workforce analysis, what we mean is simply a count of the apprentices in your program by those demographic categories.

And then the sponsor's description of its review of personnel practices. Like I said, we'll go into that a little bit later, but part of the obligations under the regulations is that sponsors do this annual review, how they pay people, how they select people, how they discipline and promote people to ensure that there is nothing in those procedures that may have a discriminatory effect.

So since the inclusion of disability analyses and 7 percent aspirational goal are new, as I said, Office of Apprenticeship understands that the initial AAP is going to have to be refined and updated once you all have a compliance review with OA staff, and they will assist you with those analyses and with setting goals as necessary during compliance reviews.

MS. LYNCH: Thank you, Kier. Now, you said that I don't have to complete the demographic analysis until the Office of Apprenticeship reviews my program's compliance with the EEO regulations. "When can I expect OA to do such a review, and will I get advance notice of it?"

MR. BICKERSTAFFE: Yeah. So program reviews generally are conducted one year after registration and then cycle after that usually between three to five years after the initial review you'll be reviewed again. And so the apprenticeship staff member assigned to your program will contact you a couple of months – one or two months before the program review and will provide you with technical assistance as needed.

When you get that call, if you have any questions at that point, that's certainly a good time to raise them. And then as the compliance review proceeds, you'll have plenty of opportunities to ask questions and get assistance from the apprenticeship staff member. It is important to note that sponsors are responsible for conducting that workforce analysis that I discussed. That's the count of the apprentices in your program currently by demographic group.

That needs to be – that you need to begin that by January 18, 2019 whether or not you've had a compliance review. So that is something that in the days to come that's certainly something that you want to look at getting started.

MS. LYNCH: Great. You mentioned that we need to do a demographic analysis. "What are the steps I need to follow to perform this demographic analysis for race, sex, and ethnicity?"

MR. BICKERSTAFFE: OK. So there's a few steps. So the first one – the first thing that you need to do is, as I said, you need to compile that information on the demographics of your apprentice workforce, and you'll do that by occupation. So that's the six-digit code, the six-digit occupation code.

And then when working with your registration agency when you come up for a compliance review, the registration agency will look at those numbers and compare the numbers that you have to the demographics of the available workforce.

We have a tool that we use to assist with that and also look at, for instance, the educational requirements, the other – any other requirements that you have that must be met for that goal and use that information to develop what is the availability of people in your recruitment area that can – that could be hired. And then the registration agency will help you with that analysis.

So for a deeper dive we've had a previous webinar on this, and so I would definitely refer you to the website that you see there on the screen for a webinar that we held on August 9th, 2018 that goes into a little bit more detail about these utilization analyses.

MS. LYNCH: OK. And another – a two-parter here regarding the demographic analysis. "What if an apprentice didn't identify his or her ethnic- – race or ethnicity on the form, the 671 form, and how do I categorize that individual's race or ethnicity?"

MR. BICKERSTAFFE: Right. So apprentices complete the section of the 671 form on a voluntary basis. Self-identification is the most reliable. It's the preferred method for compiling information about a person's gender, race, and ethnicity, and sponsors are strongly encouraged to rely on that self-identification to obtain this information.

That said, if an apprentice fails to self-identify, visual observation may be used to obtain demographic information. A note of caution about that, though. Sponsors should not guess or assume gender or race or ethnicity, but if those characteristics are not clear from visual observation, sponsors should simply omit those apprentices from their workforce analysis.

MS. LYNCH: OK. Thank you. "Regarding the demographic analysis, OA has said it will have an online tool to make it easier to do this analysis. How will that tool work, and when will it be available?"

MR. BICKERSTAFFE: Right. So OA has developed a demographic analysis tool to help sponsors and staff conduct these analyses. What the tool does is it pulls the demographic information for the available workforce in your recruitment area, in the sponsor's recruitment area, and it compares that to those demographic characteristics in your workforce and then it identifies any significant differences between the two.

At present that tool is available for OA staff to use in helping sponsors conduct their demographic analyses, but we hope to make it available online to the public sometime this year. Again, important to note that this part of the demographic analysis, utilization analysis will be done in concert with your registration agency staff, and so they will be there to help you through this process.

MS. LYNCH: Great. "And if it's determined that my program is underutilized for major occupational groups, do I necessarily have to set a goal for that group?"

MR. BICKERSTAFFE: Right. So first then, a note about what a major occupational group is. We talked about how in the workforce analysis you need to collect your apprentice data by occupation, and then there is the major occupational group. That is the first two digits of that six-digit code, of the MOC code or the RAPIDS code.

One example of a major occupational group would be, for instance, construction and extraction occupations. So that's the overarching group. And so yes. Those goals must be set at least equal to the availability of the underutilized group in the recruitment area, if you are underutilized.

MS. LYNCH: Thank you. Do we have any additional questions on these topics? We'd like to pause here and take any questions that you have.

All right. We have a question here. "What if the workforce regions are widely different like Virginia and Arkansas?" Zack?

MR. BOREN: Great. So, I mean, that's – is what we really like about what we lovingly call the DAT, the demographic analysis tool, is that you're going to be really able to narrow those areas when doing your workforce analysis to determine where you will need to make certain improvements in the program. This may be a question if you're a national program and you have a national recruitment area.

So really what – you're going to be able to set the parameters in the tool from where your recruitment locations are located, and that's what we like about it. Really simplifies the process. It's all based off of census data wherever you are recruiting apprentices from and is really going to really help smooth this process and make it a little less guesswork and a little bit more exact. So we're excited to roll that out with you and in concert with you.

MS. LYNCH: "In terms of reporting, it may be confusing for some sponsors who are in dual enrollment states. So if someone is in a state where they have the state registration agency as well as the Department of Labor, do they report to both or one?"

MR. BOREN: Well, right now, it's – we only have a few states that have approved state plans. So most likely the case today is that these requirements are only if you are in an Office of Apprenticeship state, but be sure to check with your state agency to see if they have implemented their plan for equal employment opportunity. This may differ from state to state depending on where they are in their review process and development process.

MS. LYNCH: OK. "And does the demographic analysis apply only to programs with five or more, or is this for all programs?"

MR. BICKERSTAFFE: It's five or more because this is one of the components of the affirmative action plan. So it's something that applies to only those with five or more.

MS. LYNCH: OK. "And when will this DAT, this demographic analysis tool be ready for the SAAs to use and others to use?"

MR. BOREN: A this point we're looking at some point in 2019. We will partner with the – with NASTAD to make sure that you are also going to have ability to tap into the tool. So as soon as we make the tool public, it will also be available to those state apprenticeship agency states to do this workforce analyses.

MS. LYNCH: In the meantime, is there something that a sponsor can do to assist themselves along this path?

MR. BICKERSTAFFE: Well, right now, I mean, all the sponsor really needs to do is that workforce analysis, is to look at the – to look at the breakdown of the apprentices in your workforce. And so that's really all that you need to do. You don't have to worry about going forward with any grade or – (inaudible) – analysis until you are scheduled for – (inaudible) – and then you'll have the registration agency there to help you.

MS. LYNCH: Great. And, Jon, if you could just go back a few slides to the actual link. There it is for folks. OK. All you need to do is just click on that, and that will walk you through.

"Are there certain sponsors that are exempt from this affirmative action plan requirement?"

MR. BICKERSTAFFE: Yes. So as we've talked a little bit about before, if you are a sponsor that has fewer than five apprentices, the affirmative action obligations do not apply to you. There's one other exemption and that is for sponsors who may have another sort of affirmative action plan.

So for instance, a sponsor who may also be a federal contractor and has an affirmative action program with the Office of Federal Contract Compliance programs in Department of Labor or potentially one through the Department of Justice. There are a couple of other mechanisms by which there are approved government affirmative action programs. If you have one of those and it includes apprentices, includes your apprentices in that plan along with utilization goals for apprentices, then you do not need to do a separate Office of Apprenticeship AAP.

But that's certainly something that, if you have a question about it, you should probably contact the Office of Apprenticeship and they can in turn get in touch with us the lawyers and we can provide you guidance as to whether you would be exempt or not.

MS. LYNCH: OK. Great. I see that, again, with this topic we have quite a few questions coming in, but let's move on to our final topic and we can always go back to these. Thank you, Kier and Zack.

All right. So in order for a program to really move forward, they have to do some sort of outreach. So now, we'll focus on targeted outreach, recruitment, and retention efforts to reach these various goals that we've talked about. So our first question is, "What happens if I don't meet the goal for any particular group?" Kier?

MR. BICKERSTAFFE: Sure. So the answer differs a little bit depending on whether or not it's you've not met the goal for disability versus not met the goal for race, sex, and ethnicity. So sponsors – first of all, as Zack mentioned before, sponsors are not going to be found in violation simply if they don't meet a goal, and that gets back to the concept of these are not quotas.

These are goals, and they are there as a tool to help sponsors with their EEO efforts. If a sponsor is not meeting their goals for race, sex, ethnicity or a sponsor's not meeting its goals for individuals with disabilities and also finds that there are impediments to EEO in its program, then the sponsor needs to conduct targeted outreach, recruitment, and retention efforts to reach the goals. Again, a little bit different for race, sex, or ethnicity.

If there's a finding that you're underutilized, you can see directly to these targeted outreach efforts. For disability, because there are issues with collecting self-ID data, we want sponsors to take the extra step that if they find that they're not meeting the 7 percent goal, to see if they are – do a little bit of digging to see are there certain impediments to EEO that they can find, and if they do find those impediments, then that then would proceed to doing targeted outreach for individuals with disabilities.

MS. LYNCH: OK. Great. Thank you. "So you've mentioned this term before, good faith. What does good faith effort look like, and how will the Office of Apprenticeship evaluate whether our efforts are good enough?"

MR. BICKERSTAFFE: Sure. So the targeted outreach, recruitment, and retention activities that are likely to increase applications and retain apprentices from groups that are underrepresented in the sponsor's apprenticeship program, there's a number of them. Some of them are included specifically in the regulations, and I'll go through a few of those.

So first, sending information about your apprenticeship programs to organizations serving the underutilized group such as community-based organizations, local high schools, local community colleges, vocational, career, and technical schools in your area, and local workforce system partners, including American Job Centers.

And you should also note that the Office of Apprenticeship universal outreach tool, which is available on the website, may be a good starting place for finding these organizations. You can simply go to that tool, plug in your zip code and how far in miles you want to search, and it will spit out a number of resources that can help you with your targeted outreach to certain demographic groups.

So another thing that sponsors can do is publish advertisements in appropriate media. You can cooperate with local school boards and vocational education systems to try to develop and establish relationships with pre-apprenticeship programs that target students from the underrepresented group or groups, and you can establish linkage agreements or partnerships with these pre-apprenticeship programs, certain community-based organizations, or advocacy organizations or other appropriate organizations in recruiting qualified individuals for apprenticeship.

So all of these activities that you take to try to do this targeted outreach should be documented in your AAP and then evaluated every year. So apprentice – after every apprenticeship selection cycle, look at the types of outreach you've made, the linkage agreements that you've made, and see if they've been helpful to you.

If you have undertaken certain efforts that haven't moved the needle at all or haven't gotten you any additional apprentices, that might not be something that works, and you maybe want to look at some other approach that may be more beneficial. It's really about engaging in this process and sort of thinking critically about what's being done and trying to, where possible, take additional efforts so that – and making sure that the efforts that you are taking are effective so the sponsor's not wasting your valuable time.

And so that good faith is going to be measured on how you implement each of these four activities. Thorough and thoughtful implementation equals good faith efforts. Again, this isn't strictly a numerical exercise. It's not about whether you specifically meet that number. It's about the effort and thought that's going into trying to move the needle.

MS. LYNCH: OK. Great. Thank you, Kier. Now, I think we want to turn our attention to the annual review of personnel practices which is an Office of Apprenticeship review. And can you tell us, Kier, what is involved in the annual review of personnel practices and what do I need to do as a sponsor?

MR. BICKERSTAFFE: Sure. So this is one of the new requirements in the AAP and that's to engage in this annual review of personnel practices related to your apprenticeship program and this is to ensure that the sponsor's operating a program that's free from discrimination. This is required of all sponsors with affirmative action programs, whether or not you have underutilization.

It's just a part of every year looking to see if there are any obstacles to EEO in your program. And so the review shall include all aspects of your apprenticeship program, and I'll list a few of these things that you're going to want to look at.

So the qualifications for apprenticeship, your application and selection procedures, the wages that you pay, outreach and recruitment activities, advancement opportunities and promotions, work assignments, how job performance is evaluated, how work processes are rotated among all the occupations, how discipline is handed out, and handling requests for reasonable accommodations and other methods of accessibility to individuals with disability. Really looking through each of those personnel steps to see are there any issues here.

Do we have issues where there may be certain groups that are being treated adversely and being proactive at looking at that and perhaps addressing issues that could be implemented to prevent any further problems? So these review items are listed in the apprenticeship EEO frequently asked questions as question nine under your AAP requirement.

And as I said before, the review that you do, you're going to want to document this review into your written AAP.

MS. LYNCH: OK. Great. All right. So Kier is actually finished presenting on this – these questions of targeted outreach and annual review that we prepared. If you have any additional questions on this topic, please write into the chat, and we can get to those.

One question that I see here is that someone's asking about the mileage may put them into another area. How will the demographic analysis tool as well as the targeted outreach tool account for someone being put outside of their region and their county?

MR. BICKERSTAFFE: Yeah. I think the follow-up question is – yeah. If it's going to be available by county, I believe that the idea is for that tool to look for your outreach and recruitment to not just have a mileage radius but also to be able to enter in certain counties to say this is where we draw applicants from. So that is another aspect of the tool that I believe is under development.

MS. LYNCH: OK. I did note that there was an issue with the workforce analysis form, that it was not working. It is working now. So please go ahead and check on that. All right. OK.

"Do veterans with a disability rating count, and do they need to have a minimum percentage to qualify?"

MR. BICKERSTAFFE: So there's no minimum – I guess we're talking here about meeting the disability metric. The answer is I would imagine they probably do count. Again, it depends on whether that person has a qualifying disability, which as I said before is defined fairly broadly to be just something that affects a major life activity. So without knowing the specifics I can't say for sure, but I would say if an individual – if a veteran has a disability rating, it is quite likely that they are – that they would be someone that has a disability for purposes of the reg.

MR. BOREN: Yeah. And just for purposes of the regs, we don't really need to determine what that percentage is that the VA offers. It's simply a yes, no, decline to answer question. So the veteran in this case would certainly tell you yes or no, whether they consider themselves as a person with a disability.

MS. LYNCH: OK. Here's a great question I think a couple of – quite a few of the sponsors. "If I have three separate registered apprenticeship programs from my – in my location, my program, is the requirement to report for five per program or the sum of all three?"

MR. BOREN: So if you are in three different – if you're registered in three different states or you have three different registrations, the requirement is going to be in those – is going to vary in those three different states.

If you're a national program that has multiple locations in various states, then you're going to be in that kind of a different set when you're looking at doing your workforce analysis. So the answer is, well, sort of depends on what type of sponsor you are. So just kind of take that into consideration and work with your registration agency to determine how you will do that workforce analysis.

MS. LYNCH: OK. "For programs that typically advance their apprentices from within, they don't hire externally, how does this affect their targeted outreach requirement?"

MR. BICKERSTAFFE: Right. So that will be different. I think that, generally, when we talk about targeted outreach, we're talking about going outside. If you are – if you do have an apprenticeship in which you could have set your – the available people to apply for your apprenticeship program is within your agency, that's fine.

It's simply that you would basically use – for instance, if there are certain divisions or what have you within your organization that you would typically draw from, you would just need to make sure that those divisions were aware that they could apply for this.

MS. LYNCH: OK. Great. And, Zack, "If you're not required to have an AA plan yet because your plan is new or you have less than five apprentices, will you have an annual review with the Department of Labor anyway?"

MR. BOREN: Well, there will be a requirement that you follow a 2930 in a number of different ways when it comes to nondiscrimination. However, it may depend on, if you're a new program, we may be doing a provisional review of how your program is operating. That is really outside the scope of what we would call an EEO review, and your program wouldn't be applicable in this case, if you have four or less or you're a brand new program that has not been in operation over the last two years.

MR. BICKERSTAFFE: Yeah. I think it is important to clarify that while we were talking about the AAP obligations here and sponsors with fewer than five apprentices don't need to comply with those AAP obligations, there are a number of other things in the regs like the nondiscrimination obligation, like the obligation to engage in some general outreach and recruitment activities that do apply to all sponsors regardless of the number of apprentices.

MS. LYNCH: And if there's anyone who is not sure when their program was registered, please check either with your APR, your servicing representative with the Office of Apprenticeship, or with your state apprenticeship agency.

"So if a person identifies themselves with a disability, understand that we need to record this. Does it have to be logged into RAPIDS, or can we use a separate recording tool for this data analysis?"

MR. BICKERSTAFFE: Well, you're supposed to use the form that's been approved and that was I think an exact portion of the presentation. That you can make certain kind of formatting changes to that form if you want, but that form is the one that should be used because we have very specific language that we want in there. So that's the form that should be used.

MR. BOREN: Yeah. And just kind of further upon that is that there is a need for confidentiality that these be kept in a database and not necessarily with an applicant or your apprentice's medical files.

MS. LYNCH: Good to know. Thank you. All right. We have a couple more questions that we'll get to – (inaudible) – here. "At what point during the application process must we provide the disclosure document to the applicant? Is it at the time of registration or application?"

MR. BOREN: Well, there's the pre-offer where you're going to request the self-ID, and there's also the post-offer after you've already hired, making sure you have asked that applicant or that apprentice during that time.

And then there is a requirement for sponsors to request an update on an annual basis from those apprentices that have filled out the self-ID form.

MS. LYNCH: "And are apprentices required to write their name on this form?"

MR. BOREN: It's a voluntary form. So again, you as a sponsor are not going to require. What we recommend all sponsors doing is saying, we are a registered apprenticeship sponsor. We're registered with the Department of Labor. The government requires us to fill out this form and either during the application process or as you're going through your apprenticeship and just simply ask in such a manner that it's kind of matter of fact. It's a government required form and they can either fill it out or decline.

MS. LYNCH: OK. Wonderful. OK. A few more questions coming in here. For – I'm not sure if we had this question already. "For SAA states that have not had their EEO plan approved already, when will that effective date be for them? Is it on January 18th or when the plan is approved?"

MR. BICKERSTAFFE: It's tied to when the plan is approved, and so the SAA states will be a bit of a lag. We're sort of actively working with the SAA states to get them to revise to create a state EEO plan and to do any regulatory or statutory revisions that need to be done. And we're kind of at – we're at varying stages depending on the state but that's something that we didn't process but those deadlines for SAA states will lag a little bit and you should be in contact with the SAA in your state and they'll be able to provide you updated information about when those obligations would kick in.

MS. LYNCH: All right. Great. Well, thank you all for your questions. We're at the top of the hour now. So we need to begin to close out. We will now look at – yes. Here's our list of the online resources and for your convenience, we've collected all the links and resources that we mentioned during today's presentation. It's here on the slide. Feel free to review them and any of the other resources mentioned throughout the webinar. They're – again, they're all on our DOL ETA EEO page, the first one listed there, and you can also find these in the file share window on your desktop there.

Again, in 2018 the Department of Labor announced the launch of our new digital platform apprenticeship.gov in addition to the other features mentioned, and we have – it's a web portal that has an apprenticeship finder tool that makes it easier for career seekers to find apprenticeship programs and help – (inaudible) – employers promote apprenticeship across new or non-traditional industries where apprenticeship may not be maybe that common. Additional features and resources will be added to this page in the coming months. So we encourage you to really go to the website and use all the resources there.

Again, thank you to our presenters, Zack and Kier, for today's wonderful question and answer session. We thank you all for your questions and your attention. As Jon mentioned before, we have a poll here at the end, an exit survey. We really appreciate your feedback on today's session.

With that we want to thank you, and have a wonderful day, everyone.

(END)