



WASHINGTON STATE APPRENTICESHIP AND TRAINING COUNCIL

ADMINISTRATIVE POLICY

TITLE: Compliance Policy

NUMBER: 2015-01

ISSUED: 7-16-2015

Revised: 10-21-2021

CHAPTER: [Chapter 296.05 WAC](#)

ADMINISTRATIVE POLICY DISCLAIMER

This policy is designed to provide general information in regard to the current position of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Apprenticeship should be consulted.

This document is effective as of the date of print and supersedes all previous interpretations and guidelines. Changes may occur after the date of print due to subsequent legislation, administrative rule, or judicial proceedings. The user is encouraged to notify the Program Manager to provide or receive updated information. This document will remain in effect until rescinded, modified, or withdrawn by the Washington State Apprenticeship and Training Council.

Purpose

This Compliance Policy outlines the procedures and policies used by the Compliance Review and Retention Subcommittee (CRRS), the Washington State Apprenticeship Training Council (WSATC), and the Department of Labor and Industries Apprenticeship Section (the Department) to ensure compliance with applicable laws, rules and WSATC policies. The intent is to establish an Equal Employment Opportunity (EEO) and Administrative compliance policy that provides for:

- Consistency in application
- Clear instructions
- Clear expectations
- Clear remedy and consequences for failure
- Compliance with rules and laws

If there is a conflict between this Policy and a rule or law, the rule or law provisions take precedence.

Program Evaluation

Compliance reviews are performed by assigned department staff and include a comprehensive review of apprenticeship program operations including required reporting, apprentice progression and, if applicable, demographic data of registered apprentices. There are two types of compliance reviews conducted by the department:

- Programmatic – conducted on a periodic basis according to program registration status and/or previous findings.
- Acute – the department may elect to conduct a compliance review in response to a complaint, when program operations require or when the best interests of the apprentice is a concern.

The compliance review performed by the Department shall include comprehensive review of program records, required reporting, and apprentice management per RCW/WAC/WSATC requirements.

Role of CRRS

The role of the CRRS (Compliance Review and Retention Subcommittee of the WSATC) is to evaluate the findings of compliance reviews performed by the Department and recommend actions to the WSATC.

- The Department shall perform apprenticeship program reviews for Equal Employment Opportunity (EEO) and Administrative compliance. The Department will make recommendations based on these established guidelines and provide recommendations to the CRRS. CRRS reviews the Department findings with applicable EEO/Outreach/Recruitment and Administrative requirements.
- The CRRS also reviews and updates this policy as necessary or at least once every five years. The CRRS may recommend policy, rule and law changes to the WSATC.

Diversity and Inclusion Goals

Goals for registration of women and minorities as apprentices are proposed by the CRRS and adopted by the WSATC. These goals serve as a guide to determine program compliance through Good Faith Effort (GFE)..

- Minority Participation - **19.69%** -This base goal is set by multiplying the average current minority participation by 70%. *See Appendix 2*
- Female **8.22%**-This base goal is determined by using the average of females in Washington Construction Industry Apprenticeships.*See Appendix 3*
 - Minority and Female Goals will generally be evaluated every 5 years or when significant changes in the data occur.
 - Alternative Goals- Program Sponsors may perform an enrollment deficiency analysis (EDA) in accordance with WAC 296-05-433 and present evidence and proposed alternative goals for an occupation to CRRS for WSATC approval.
- Program Sponsors are required to submit and have on file with the Department a current (less than 5 years old) Affirmative Action Plan (WAC 296-05-411, 413).
- Program sponsors shall maintain documentation and evidence of Recruitment and Outreach efforts identified in the Standards of Apprenticeship (Section III.b), and reported to the Department during the Compliance Review process. (WAC 296-05-100, 407).

Trend Analysis

The Department shall prepare a table showing the historical performance of the program (up to ten years) reflecting annual numbers of apprentice registrations, cancellations and completions by race and sex. *See sample in Appendix 4.*

The time frame used for the graph should coincide with the appropriate review period for each apprenticeship program.

- The program must demonstrate application and participation rates for women and minorities over time. The CRRS may evaluate other factors that have an effect on the trend of Goals and timetables. (WAC 296-05-437)
- A program achieving the participation rates for women and minorities would be in compliance. Participation rates are determined by using Employment Security Department's Labor Market and Economic Analysis (LMEA).

Corrective Action Plans (CAP)

Corrective Action Plans may be required by the CRRS to address and correct Administrative and/or Equal Employment Opportunity compliance deficiencies as a result of a compliance review.

- CAPs shall be reviewed by the Department and CRRS with recommendations provided to the WSATC.
- Assignment of CAP activities should give consideration to program size, type, and resources.
- CAPs should be structured for ease of design, implementation, tracking and review.
- Templates for CAP design shall be provided by the Department. *See Appendix 5*
- Compliance Duration:
 - The CRRS as authorized by the WSATC has the discretion to modify or extend CAPs.
 - CAPs should be developed to direct program resources towards achieving goals through development and implementation of a well-articulated plan.
- The size and type of the Program shall be considered. Questions to be considered include:
 - What resources are available to the program?
 - Is the program doing everything to the extent possible for their size, type and resources?

Is the program being administered in accordance with their standards of apprenticeship?

Summary of Enforcement/Sanctions

The WSATC is responsible to take the necessary action to bring a non-complying program into compliance with the rules of WAC 296-05. Actions that may be taken are outlined in WAC 296-05-007,109, and 200. The WSATC upon recommendation of the CRRS may:

- Order that corrective actions be taken, which may include modifications to the program sponsor's Equal Employment Opportunity plan Section III in the Standards of Apprenticeship. (WAC 296-05-411)
- Recommend Recruitment and Outreach efforts. (WAC 296-05-413)
- Determine if qualification standards are reasonable. (WAC 296-05-419)

- Determine if selection requirements are reasonable. (WAC 296-05-417)
- Require EEO records as required by WAC 296-05-431 and Federal requirements.
- Institute proceedings to withdraw program registration, per WAC 296-05-109 and WAC 296-05-200.

Administrative Compliance

The Department will prepare a Program Review checklist for Administrative Reviews. Elements shall address:

- Timely Reporting of all required data per the Standards of Apprenticeship Section XI and WAC 296-05-015 to include;
 - Timely Reporting of apprentice On-the-Job training and Related Supplemental Instruction Hours through the ARTS system.
 - Timely reporting of all Apprentice Status and Step/Wage changes through the ARTS system.
 - Timely reporting of all minutes from Apprenticeship Committee Meetings.
 - Timely Reporting of each Occupational Journey Level Wage rate through the ARTS system.
 - Timely reporting of all Training Agent agreements and Status changes through the ARTS system.
- Apprenticeship program Related Supplemental Instruction Plans to be maintained and updated a minimum of once every 5 years to the Department.
- Review of all apprentice status's and programs records for compliance with Standards of Apprenticeship Section XI and WAC 296-05-015, and 100 to include;
 - Apprentices showing non to unusually Low RSI and OJT Accumulation.
 - Apprentices showing registered as significantly longer then the term to complete. (more than 2 years)
 - Apprentice record review per Standards of Apprenticeship Section XI and WAC 296-05-015, and 100.

- Apprenticeship Program provided required Anti-Harassment training to all active apprentices per WAC 296-05-407. (beginning 7/16/2022)
 - Anti-harassment training must be provided to all individuals connected with the administration or operation of the apprenticeship program to include apprentices and journey level workers who work with apprentices.
 - The training session must be in-person or interactive online training.
 - The training must include communication of the following at a minimum:
 - Harassing conduct will not be tolerated.
 - The definition of harassment and the types of conduct that constitute unlawful harassment can be found here: <https://www.eeoc.gov/harassment>
 - (iii) The right to file a harassment complaint and how to do so can be found here: <https://www.hum.wa.gov/>

Appendix

- 1- Recruitment and Outreach Guidelines
- 2- Minority Goal Calculations
- 3- Female Goal Calculations
- 4- Trend Analysis Table
- 5- CAP Template

Appendix 1: Recruitment and Outreach Guidelines

Process/Procedure:

WSATC will require every new and existing program have a recruitment/outreach plan for the WSATC to use as a benchmark for the program's recruitment and outreach efforts; regardless as to whether female and minority numbers have been achieved. The purpose of a required outreach is to continually make the public aware of the opportunities available in apprenticeship.

This plan shall include how the program intends to:

1. outreach
2. recruit
3. track its efforts over the next 12 months

This plan shall include the following as established by the program:

- Goals
- Benchmarks for achieving its goals

If goals/benchmarks are not met by the program then the WSATC will require the program to adjust their initial marketing/recruitment plan through a Corrective Action Plan (CAP). This request should be initiated by the program's apprenticeship consultant's recommendation which is based on the program's annual review. If upon review, the program has not accomplished everything outlined in their plan then the program has not met good faith effort and would appear before CRRS for review.

Recruitment and Outreach Template

Per the program's EEO section of their standards any combination of EEO activities as described in 1 through 10 of CFR 29 part 30.4. The requirement for programs to establish an equal opportunity plan is established in WAC 296.05 and can be found in approved standards under Section III Part B.

Affirmative Action Definitions per CFR 29 part 30:

1. Dissemination of information concerning the nature of apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications and the equal opportunity policy of the sponsor:
WSATC
2. Participation in annual workshops conducted by employment service agencies for the purpose of familiarizing school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.
3. Cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.
4. Internal communication of the sponsor’s equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor’s various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under this part.

Template example:

Recruitment and Outreach Template

EEO Element

Insert element from Standards here

Examples of Outreach & Marketing <i>Geared toward general outreach</i>	# of times in 12 month cycle	Examples of Recruitment <i>Specific and targeted outreach</i>	# of times in 12 month cycle
Total number of Outreach & Marketing efforts:		Total number of Recruitment efforts:	

Goal:

Goal Achieved: Yes No

Tracking Efforts/Back Up:

Comments:

Appendix 2: Minority Goal Calculations

- By Year: (Total Registered **Minorities** by SOC ÷ Total Registered by SOC) = Percentage (%) of Total **Minorities** Registered by SOC)
- By Year: (Total **Minorities** SOC 47(%) + Total **Minorities** SOC 49(%) + Total **Minorities** SOC 51(%) + Total **Minorities** SOC 53(%) = Total Registered **Minorities** Percentage of all SOC's)
(Total Registered **Minorities** Percentage of all SOC's ÷ Number of SOC's used = Total Average Percentage of **Minorities** Registered by Year in building and construction trades.)

Appendix 3: Female Goal Calculations

- By Year: (Total Registered **Females** by SOC ÷ Total Registered by SOC) = Percentage (%) of Total **Females** Registered by SOC)
- By Year: (Total **Female** SOC 47(%) + Total **Female** SOC 49(%) + Total **Female** SOC 51(%) + Total **Female** SOC 53(%) = Total Registered **Female** Percentage of all SOC's)
(Total Registered **Female** Percentage of all SOC's ÷ Number of SOC's used = Total Average Percentage of **Females** Registered by Year in building and construction trades.)

Appendix 4: Trend Analysis Table

Number of Apprentices Registered (total) Per Year:

<u>Year</u>	<u>Minority</u>	<u>Female</u>	<u>Not Specified (race)</u>	<u>Total</u>	<u>Total Active Apprentices (including transfers)</u>	<u>Active Minority</u>	<u>Active Female</u>
2020	3	3	6	26	235	49	15
2019	35	7	3	140	237	52	13
2018	8	2	0	42	116	22	10
2017	6	3	0	35	96	17	10
2016	4	4	0	18	82	17	9
2015	5	1	0	21	91	22	9
2014	0	3	0	26	84	17	9
2013	0	0	0	5	88	15	7
2012	1	2	0	10	102	16	10
2011	1	0	0	2	121	16	9

Appendix 5: Corrective Action Plan Template:

Corrective Action Plan or Field Action Plan

Program Name/ID#: [Redacted]

Time-Period: [Redacted]

Action Plan Summary: *list out the deficiencies identified in the Program managers report here and any other information you would like included about your plan and steps taken to correct them.*

[Redacted]

Goals: *list your goals and include the timetables by which you plan to meet them*

[Redacted]

Sponsor Action Items	Apprenticeship Consultant Actions	Action Date
<i>Actions to be taken by the sponsor</i> [Redacted]	<i>Actions to be taken by the AC</i> [Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

Program Sponsor: *Sponsor representative's name and contact information*

Apprenticeship Consultant: *Consultant Name and contact info*

***Form must be signed by committee Chair AND Secretary OR Program Authorized Signer**

Signature:		Signature:	
Print Name: [Redacted]		Print Name: [Redacted]	
<input type="checkbox"/> Chair	Date: [Redacted]	<input type="checkbox"/> Secretary	Date: [Redacted]
<input type="checkbox"/> Authorized Signer		<input type="checkbox"/> Authorized Signer	