

U.S. DEPARTMENT OF LABOR BUREAU OF APPRENTICESHIP AND TRAINING Washington, D.C. 20210	DISTRIBUTION BAT-3 BAT-8	SUBJECT: CODE: 450 Sponsor and Program Registration

Purpose: To assure that registration approval of an operating apprenticeship program will be given only when the registrant is able to satisfy federal apprenticeship standards and requirements.

Background: In order for an apprenticeship program to be registered and be eligible for the benefits summed up in the term “federal purposes” it must be an operating program under the control of a sponsor who has not only the intent but also the authority to operate that program in accordance with federal standards.

- (a) Title 29 CFR Part 30, as amended, defines a sponsor as a person or organization operating a registered apprenticeship program irrespective of whether such a person or organization is an employer. Section 30.3 states the equal opportunity obligations of a sponsor, and describes the functions in which these obligations must be met. Under the regulations, sanctions for nonconformity may only be imposed upon the “sponsor” who, presumably, is the registrant. The problem arises when the registrant exercises some but not all functions of a sponsor.
- (b) In order for a sponsor to be held accountable for the exercise of his duties, it is fundamental that he have the full operating authority to perform them. In some programs currently registered, the responsibility for performing apprenticeship requirements is divided, with a committee executing certain undertakings and the employer(s) certain others. In some other programs, a committee may serve merely as a “title-holder” of the registration and act as an advisory body, with the employer(s) performing all actual apprenticeship operations.
- (c) The question arises: What entity is the “sponsor” for registration and conformity requirements? When, by agreement between the parties, certain duties are respectively assigned to each side, or a committee has been created as the agent for registration purposes with all apprenticeship operating authority retained by an employer or by the individual members of the composing group, proper and appropriate administration by the Bureau poses a dilemma. The policy and action contained in this Circular are intended to resolve this issue without disruption of acceptable on-going programs and to provide instructions for new programs.

Policy and Action:

1. General Rule. It is the policy of the Bureau of Apprenticeship and Training to identify on the Certificate of Registration and to accord registration only to the actual entity having full authority to exercise all apprenticeship functions to which 29 CFR Part 30, as amended, is addressed, and for all other applicable federal standards and Bureau requirements.
2. Application to On-going Programs.
 - (a) Where the currently registered “sponsor” functions merely as “title-holder” of the registration, without corresponding apprenticeship operating responsibilities, and files a pledge, affirmative action plan and selection method in conformity with 29 CFR 30 requirements, such documents may be accepted, provided that an accompanying instrument, bearing the signatures of the individual members, represented by the registrant contains the following agreement:
 - (i) To apply the provisions of those documents uniformly; and
 - (ii) That, for failure to adhere to the requirements, the name of such individual member will be promptly removed from participation of the registered program, and any rights thereunder, and
 - (iii) Notice of such removal will be immediately furnished to the Bureau office where such program is registered.
 - (b) Where the operating duties of an apprenticeship program are currently divided between the agent registrant and the members represented by the registrant, the procedures outlined in subparagraph (a) above shall be followed.
 - (c) Where the provisions of subparagraphs (a) and (b) are not met within 180 days of the effective date of this Circular, the registration shall be withdrawn without prejudice. Together, with notice of such withdrawal, the individual members previously included in the program’s registration shall be notified of their opportunity to individually register their programs provided all Bureau requirements are met. In-so-far as is possible, the registration status of apprentices should not be interrupted in the transition from a group to a collection of individual employer programs.

3. Application to New Programs. In developing new programs, Bureau staff shall make certain of the authority of the proposed “sponsor” to exercise all the substantive functions of an acceptable apprenticeship program and to fulfill the required obligations. Otherwise, registration may not be granted.

Effective Date: This Circular is effective as of date of issuance.

/s/
HUGH C. MURPHY
Administrator
Bureau of Apprenticeship
and Training

ODA:JPM