

U. S. Department of Labor	:	Distribution:	:	Subject:	Code:501
Employment and Training Administration	:	BAT - 1	:	"Employers Intent to Hire"	
Bureau of Apprenticeship And Training	:	BAT-6	:	Selection Procedure	
Washington, D. C. 20213	:		:		
Symbols: TTN/BMO	:		:		

PURPOSE: To state BAT policy concerning selection procedure referred to as "Employers Intent to Hire" currently in use by a number of local Carpenter JACs.

BACKGROUND: On January 20, 1977, the National Joint Carpentry Apprenticeship and Training Committee issued a memorandum outlining the "Employers Intent to Hire" selection method. This memorandum triggered considerable discussion in the field as to whether this method of selection meets the requirements of 29 CFR Part 30.4 and 5.

In April of 1977, the field staff was surveyed to determine what types of selection methods were being used in local Carpenter JAC's. The results of this survey, along with information from Local JAC's using the "Employers Intent to Hire" were furnished the Solicitor's Office.

The Solicitor's Office has ruled that the "Employers Intent to Hire" method appears to comply fully with 29 CFR Part 30 under certain specific conditions.

The Solicitor's opinion (copy attached) outlines the conditions of their approval and is paraphrased as follows:

1. Applicants for apprenticeship must apply to the JAC.
2. The applicant is screened by the JAC on the basis of selection criteria approved by the BAT.
3. Applicants who meet the screening requirements and are accepted by the JAC as eligible for apprenticeship, are then referred to participating employers who are hiring.
4. If the employer states in writing to the JAC their intent to hire an eligible applicant referred, that applicant is indentured by the JAC and hired by the employer.

U.S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20210



MAY 18 1978

MEMORANDUM FOR: HUGH C. MURPHY
Administrator
Bureau of Apprenticeship and Training

FROM: JAMES D. HENRY *JDA*
Associate Solicitor

SUBJECT: Carpenters JAC "Intent to Hire"
Procedure

We have carefully reviewed the letter of February 23, 1978, from William Konyha of the United Brotherhood of Carpenters and Joiners. In that letter he provides additional information about the "intent to hire" process which was not available to us when we stated our opinion in our November 10, 1977 memorandum that this procedure is contrary to 29 CFR Part 30.

As we now understand the "intent to hire" process, applicants for apprenticeship apply to the sponsor, the Joint Apprenticeship Committee. They are screened by the JAC on the basis of selection criteria approved by BAT. If they are selected, they are referred to employers who are hiring apprentices. If the employer states its intent to hire an individual who has been referred, that person registers with the JAC and is indentured as an apprentice. At that point, he is hired by the employer.

③ Under this procedure, the JAC is responsible for taking affirmative action to seek out and encourage minorities to apply, assures that selection procedures meet the requirements of 29 CFR 30.3, and keeps records as required under 29 CFR 30.8. Of course, if any contractor participating in the JAC Apprenticeship program discriminates against applicants referred by the JAC under the intent to hire process, the JAC could be held responsible. See 29 CFR 30.3(a)(1).

The operation of the intent to hire process in this manner appears to comply fully with 29 CFR Part 30.

A sponsor using the "Employers Intent to Hire" selection method, as with any other selection method in use since April 8, 1971, must implement certain other specific sections of 29 CFR 30 to meet the total requirements of the regulation (see 29 CFR 30 for specifics).

End of Solicitor's Office

ACTION REQUIRED: Field staff should immediately review compliance folders of sponsors currently using the "Employers Intent to Hire" selection method and/or selection methods that allow employers to select at random from a pool of eligible applicants. Procedures for application and admission to apprenticeship programs formerly approved as meeting the requirements of 29 CFR 30.5(b)(4) that do not meet the requirements of the Solicitor's opinion of May 18, 1978, shall be considered unacceptable and steps shall be taken immediately to comply with this circular.

Attachment