

U.S. Department of Labor Employment and Training Administration Bureau of Apprenticeship And Training Washington, D.C. 20210	Distribution: BAT-1 BAT-6	Subject: Code: 100 Acceptance of Workers as Apprentices in an Organizational Effort
Symbols: TTN:BO		

PURPOSE: To inform the BAT field staff of our policy which encourages apprenticeship sponsors to accord workers lacking journeyman skills, priority in admission into apprenticeship programs.

BACKGROUND: The broad provisions of 29 CFR Section 30.5 (b) (4) authorize alternative selection methods based upon objective and specific qualification standards which will further meaningful affirmative action under 29 CFR Section 30.4. The examples contained in 29 CFR Section 30.5 (b) (4) are illustrative and are not intended to preclude other qualification considerations, such as previous work experience in the unorganized sector, which is relevant to apprenticeship suitability.

The attached memorandum on this subject from Craig A. Berrington, Associate Solicitor for Employment and Training, gives additional information.

ACTION: The Bureau will approve the direct referral, into apprenticeship openings, of individuals, who become members solely by organizational effort. Sponsors who agree to admit such individuals must do so without regard to race or sex and all individuals must receive equal consideration. Sponsors agreeing to admit such individuals directly into apprenticeship must agree to do so without regard to present minimum qualifications, eligibility list or the necessity of passing written apprenticeship entrance tests.

Apprenticeship sponsors intending to accord priority referral must amend their selection procedures to specifically indicate such priority and shall notify the registration agency of the modification. Written procedures for the granting of credit for previous experience for individuals placed into apprenticeship in this manner must accompany the modification. Workers who do not qualify for credit for previous experience shall not be eligible for placement in the apprenticeship program in this manner.

Attachment

US. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR

WASHINGTON, D.C. 20210

DATE: APR 19, 1976

CJ:RR

SUBJECT: Acceptance of Workers as Apprentices in
an Organizational Drive (Carpenters)

TO: JAMES P. MITCHELL
Deputy Administrator
Bureau of Apprenticeship
and Training

We have reviewed the question submitted by the United Brotherhood of Carpenters as to whether the intake into apprenticeship programs of employed workers lacking journeymen skills, who became members solely by organizational fact, conflicts with federal law or code interpretations as regards the selection procedure of apprenticeship programs.

We agree with your conclusion that such workers could be brought into the apprenticeship program without violating the spirit of 29 CFR Part 30. Although, as you have noted, the above described method of selection does not conform to the primary methods set forth at § 30.5(b)(1)(2) and (3), that section does permit sponsors to select apprentices by any other method including its present selection method, provided the sponsor meets the requirements under § 30.5(b)(4)(i)(a). If, therefore, the proposed method of selection submitted by the United Brotherhood of Carpenters conforms in all respects to 29 CFR Part 30 it is our opinion that there would not be a conflict with federal law pertaining to apprenticeship entry.

In addition to insuring that the selection procedure conforms to the federal regulations, it is of equal importance to insure that the selection procedure is not applied in a discriminatory manner and that it is consistent with and in furtherance of the organization's affirmative action plan. As is so often the case in circumstances such as these, minorities and older workers usually form the majority of those who lack the skills necessary to command journeyman scale. Therefore, care must be exercised by the carpenter's union to insure that their selection procedure does not operate, either intentionally or unintentionally, as a device to deny journeyman status to qualified minorities and older

workers or unreasonably delay it. In working towards this goal, some thought should be given to granting advanced standing to those semi-skilled workers who exhibit skills superior to the novice apprentice. Such a procedure would insure that minorities and older workers would obtain journeyman status without unreasonable delay.

/s/

Craig A. Berrington
Associate Solicitor for
Employment and Training