

MAY 20 1985

Circular 85-14

May 10, 1985

<p>U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION</p> <p>Bureau of Apprentices- ship and Training Washington, D.C. 20213</p> <p>Symbols: TDT/NAK</p>	<p><u>Distribution:</u></p> <p>A-539 All Tech. Hdqtrs.</p> <p>A-544 All Field Techs.</p> <p>A-547 SD+RD/SAC; Lab. Com.</p>	<p><u>SUBJECT:</u> <u>CODE:400.1</u></p> <p>Construction Training Institute, Inc. (CTI)</p> <p><u>ACTION:</u> Due date:</p>
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PURPOSE: To advise BAT staff of a Solicitor's Opinion concerning claims made in a Construction Training Institute's brochure that its training program uses BAT approved and registered training standards.

BACKGROUND: It was brought to the attention of BAT staff that an organization known as Construction Training Institute, Inc., an affiliate of the Associated Builders and Contractors of Northern California, Inc., was utilizing a brochure that was considered by some to contain misleading information regarding its classroom training program as related to BAT approved trainee standards. A Solicitor's Opinion was requested to determine if there was a violation of Federal regulations. The SOL Opinion was that CTI has not committed violations of the regulations.

ACTION: BAT staff are expected to become familiar with the attached SOL Opinion.

Attachment



MAY 1 1965

MEMORANDUM FOR: THOMAS HAGUE
Director
Bureau of Apprenticeship
and Training

FROM: WILLIAM H. DuROSS, III
Associate Solicitor for
Employment and Training

SUBJECT: Construction Training Institute,
Inc.

Attached is a copy of a request which we received from our San Francisco Regional Office. This memorandum is our response to the questions raised in that request regarding claims made in a brochure by Construction Training Institute, Inc. (CTI) concerning its training program's use of BAT approved and registered training standards.

CTI provides classroom instruction to persons employed in the various construction trades. CTI's program has never been approved and registered by BAT, yet, CTI, in a brochure, claims that its training program "will be using training standards which are registered and approved by the BAT." This and other statements made in the brochure caused the State BAT office to question whether the statements were violative of apprenticeship and training programs regulations. CTI is an affiliate of Associated Builders and Contractors of Northern California, Inc. (ABC), whose training program is registered and approved by BAT.

We reviewed the questions raised concluding that CTI has not committed violations of the regulations.

The first question posed was whether BAT has the authority to require ABC to stop CTI from utilizing the program approval granted to ABC. Based on our examination of the brochure, the Training Program Standards Agreement between BAT and ABC (Training Standards), and the applicable regulations, we conclude that the statements made by CTI do not violate the regulations.

Our reading of the brochure is that CTI only claims to be using BAT approved standards in its program, not that its program has been registered by BAT, and otherwise is offering to provide classroom instruction to employees of construction companies registered under the Training Standards agreement between BAT and ABC. The brochure, under the paragraph entitled "Federal program", states that CTI "will be using training standards which are registered and approved by the Bureau of Apprenticeship and Training." (emphasis added) While falsely representing a program as being approved by BAT would be a misrepresentation, merely following training standards approved and registered by BAT is not.

The paragraph then goes on to list several requirements that must be fulfilled before a student may enter the "Federal Program". The State BAT office believed that two of these requirements could be the bases for possible violations. These two requirements were that the construction company employing the student must "register with the program and abide by the training standards" and that the student "must be registered by BAT and abide by the training standards". The State BAT office perceived these requirements as implying that the CTI program was registered with BAT. While these statements are admittedly vague, we interpret them to mean that the company must register with the ABC training program and the students must register with BAT as required by the Training Standards agreement.

We are further inclined not to view the CTI brochure as violative of the regulations because we believe that CTI, as an affiliate of ABC, is performing a service authorized, and indeed required, by the Training Standards. Page two of the Training Standards agreement between BAT and ABC, under the paragraph entitled "Obligations of the Employer and Trainee", requires the ABC training committee "to arrange for each trainee to be given the opportunity to receive instruction or pursue a planned course of study, in subjects related to the occupation, within a classroom situation or correspondence courses of equivalent value". Clearly, the Training Standards require the trainees to obtain classroom instruction in the appropriate construction trade, and requires ABC to provide the trainees with the opportunity to obtain that instruction. It appears that CTI, by providing the appropriate classroom instruction and by following the BAT standards in doing so, is fulfilling the requirements imposed by the Training Standards agreement.

In conclusion, we find that the brochure is merely an attempt by CTI to solicit trainees whose employers are registered with the ABC Training Standards for the CTI program of classroom instruction. To avoid future problems, you may recommend to CTI that its brochure clearly identify that employers will be registering with the ABC Training Standards, and that it is ABC, not CTI, that is registered with the BAT.

The inquiry also asked whether CTI's charging a tuition fee for its "Federal Program" is violative of the training and apprenticeship regulations. While it is the usual practice of employers and unions to provide classroom instruction to trainees at no charge, there is no requirement in the training regulations that the cost of such instruction be maintained by the employer or union. In addition, the Training Standards impose no such obligation. To the contrary, while the Training Standards require the trainee to make satisfactory progress in related technical training, it only requires ABC to provide the opportunity to obtain classroom instruction.

cc: Daniel Teehan
Regional Solicitor, Region IX