**WorkforceGPS**

**Transcript of Webinar**

**Equal Employment Opportunity**

**What the New Regulations Mean For You**

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LAURA CASERTANO: Now I'd like to turn things over to our moderator today, Zach Boren. He is the division chief for the U.S. Department of Labor's Office of Apprenticeship. Zach?

ZACHARY BOREN: Hello, and welcome to the United States' Department of Labor's webinar, "The New Equal Opportunity and Apprenticeship Regulations." We're glad to have you; thanks for joining us.

The department recently released our new regulations on December 16th, just about three weeks ago. The new regulations were first promulgated in 1978 to ensure diversity and opportunity in apprenticeship programs. The new rule updates the 1978 rule and modernizes and streamlines the EEO rules for registered apprenticeship, which will help employers and other program sponsors understand the rules of the road and effectively grow and diversify their programs.

Today we'll review what these regulations mean for you and begin the dialogue about what they will mean for a variety of different stakeholders in apprenticeship, including sponsors of apprenticeship programs, apprentices, states and others.

Just note, today – we might not be able to answer all the questions that you have about the regulations in the webinar today. But the questions will be recorded and we can answer those in the days to come, either individually or we may add those to the frequently asked questions and we'll add those to the website.

OK. In order to talk a little bit about the EEO regs that we're going to review today, I'm joined by my colleagues. Mr. John Ladd is the administrator of the Office of Apprenticeship; Mr. Jim Foti, who is senior policy advisor in the Division of Program Quality, Standards and Policy.

And I'm also joined by Mr. Keir Bickerstaffe, who is our attorney here at U.S. Department of Labor. And we just want to thank him for all the effort that went into drafting and ensuring that these regulations made it out in this administration. So thank you, Keir. Really appreciate that.

OK. So we'll cover the agenda here today. What we're going to start out today is we'll set the context for the EEO rule. We'll talk about the benefits of diversity, which we'll be assisted by two of our Advisory Committee on Apprenticeship members. So Ms. Connie Ashbrook, the executive director for the Oregon Tradeswomen; and Mr. Lonnie Coleman, the CEO of Coleman Spohn, a construction company in Ohio, also a registered apprenticeship sponsor.

We'll talk a little bit about some of the key changes that were made from the previous regulation. We'll talk about the technical assistance and resources that we will make available to you starting today. And we'll also have an opportunity to answer your questions.

So let me first turn it over to John Ladd to talk a little bit about why EEO is good for business.

JOHN LADD: Great. Thanks, Zach. Good afternoon, everybody, and thanks so much for joining us this afternoon. We really appreciate everybody being online and being part of today's webinar.

So I'm going to spend a little bit of a time just really briefly outlining why this regulation is not just the right thing to do but it's the smart thing to do. EEO is good for business. A diverse workforce benefits employers, benefits industry, benefits the workforce itself. So we're going to get into the mechanics of the rule a little bit later, but we just wanted to talk a little bit about the importance of diversity inclusion in apprenticeship and how that is integrated throughout all of our work.

So we have been focusing on a diversity inclusion agenda here in the Office of Apprenticeship for quite some time. As you know, apprenticeship has been really raised up over the past few years in terms of elevating the role it can play in building a skilled workforce, meeting the demands of industry for a skilled workforce. But we also believe it's important that underrepresented populations and other populations that might not have had access to these opportunities do have access to these opportunities in apprenticeship.

So we've been integrating the goals and importance of diversity throughout all of our work. And you'll see this very prominently in all of our investments that we've been making over the past few years, whether it's the American Apprenticeship Initiative announced over a year ago, or whether it's the new Apprenticeship USA investments that we've been making over the past few months.

Very specifically, we have used some of those funds and contracted with four national equity partners. These are our partners in helping provide additional resources and support to the apprenticeship community in building a diverse workforce and increasing access to apprenticeship opportunities. So we're glad so many of our national partners are on today's webinar.

We also made sure that the recent announcement of state expansion grants, that diversity inclusion was a baseline expectation and requirement of all the state grantees that ultimately both applied and ultimately were successful. But we also provided additional funds for those states that wanted to take more innovative and new and aggressive approaches to building new strategies for diversity inclusion within their apprenticeship system and provided what we called cap breakers for those states that were going to emphasize those strategies.

So we're really excited to see what will be happening at the state level with this really over 60 million (dollars) in funds that went directly to states.

We're also emphasizing that in our technical assistance. You'll see here we've created a guide for "Pre-apprenticeship: Pathways for Women into High-Wage Careers." While the focus is primarily on women and increasing their access to apprenticeship, many of the lessons are translatable to other populations. So we're integrating this theme into all of our work, whether it's our investments, our technical assistance; and it's an important priority for this administration.

But on a business side and for an organizational perspective, there are both quantitative and qualitative reasons for making diversity a priority within your organization. On the quantitative side here you see a number of studies that have shown companies that make diversity inclusion a priority are more successful, have better outcomes, and really outperform their competitors.

On the qualitative side, it builds stronger teams, it creates better outcomes. There are a whole range of qualitative outcomes.

So diversity inclusion works. Diversity inclusion works and makes an impact in organizations, for employers, for industry, and it's a priority to DOL to make sure that these great opportunities in apprenticeship are available to all populations.

So that's some of the high-level perspectives on this from DOL. But we'd love to get some more out-in-the-field perspectives from those that are doing this day-to-day, and we're really fortunate to have two of our great leaders with us.

So first I'll tee up Lonnie Coleman. Lonnie is the president of Coleman Spohn Corporation. We're also fortunate that Lonnie is a member of our national Advisory Committee on Apprenticeship. And Lonnie, I'll turn it over to you.

LONNIE COLEMAN: All right. Thank you, John. You know, this is really important to me and it's important from a personal perspective.

I had the opportunity many years ago, because of the affirmative action program, to be able to participate in an apprenticeship program as a pipefitter's apprentice. But back in that day I had – there was really no exposure for me in getting into the program. Didn't know how to go about doing it. Didn't have any idea what it was about.

But because of diversity and the diversity and inclusion initiative back then, which was affirmative action – and affirmative action at that time was probably one of the first large-scale diversity and inclusion initiatives that took place in our country. But what it did is opened the door for me to have the opportunity to participate in apprenticeship program, as I said. And I took that opportunity from apprenticeship to going into a business once I had finished the apprenticeship and served some time as a journeyman.

But I think the new EEO rules will help in a lot of ways by opening the door to get more participants and a more diverse group of participants, because from a business standpoint it's very important to us to have an organization that really looks like America. And then we're having this change in demographic take place in this country; we want to be more inclusive about who's participating and how they're participating and some of the things that are taking place. Because we all know –

MS. CASERTANO: Excuse me, Lonnie?

MR. COLEMAN: Yes.

MS. CASERTANO: Lonnie, I'm sorry. We're having some requests. Could you please speak up?

MR. COLEMAN: I'm sorry. Yeah. We all know with the retirement of the Baby Boomers in our country there's going to be a lot of opportunities to bring new people into your apprenticeship programs. And as we do that, we know that we're going to have some very qualified people coming into our industries. And that could be manufacturing; it could be construction, the industry that I participate in.

But I think it's going to be a great opportunity to be able to do that. And with the exposure that'll be given with the new rules and regulations, that's going to help to get that out there, to get more diverse people in.

At the time I went through, it was a little narrow. But now it's opened up to greater communities and people with disabilities, LGBT; it's opened up in a whole new way. And I think it's only the right thing to do; it's the smart thing to do as, John, you had mentioned in your opening comments.

And from a business perspective, and a Coleman Spohn perspective in particular, we want a diverse workforce. We want a workforce that looks like America. We want a workforce with different ideas, different perspectives and different viewpoints. We think that's so important it'll make a difference in our organization, as I'm sure it will make a difference in a lot of organizations that are out there.

And I think the timing is perfect for the rolling out of the new regs. As I said, with the retirement of the Baby Boomers, there'll be a number of job opportunities out there and available. And we'll get an opportunity to make a difference in many lives. Just like I had the opportunity that made a difference in my life, we're going to get an opportunity to make a difference in many more lives. And I'm looking forward to seeing the results of the new regs and the rollout and the differences that we can make in our country.

MR. LADD: Great. Thanks so much, Lonnie. That was great. We really appreciate your leadership on this and your service on the committee. Appreciate those really thoughtful remarks.

Next we're going to turn to Connie Ashbrook, who is executive director of the Oregon Tradeswomen out in Oregon, and also is one of our members on our advisory committee and has been a tremendous leader on these issues. Connie, we turn to you.

CONNIE ASHBROOK: Hello, everybody. Good to talk to all of you. And I want to start by praising the work of the Office of Apprenticeship in expanding apprenticeship and making it more visible and important in our country.

Registered apprenticeship is a very important mechanism to solve our current and projected workforce shortages. I also want to thank the Office of Apprenticeship staff for their hard work on the revised rule. Very valuable guidance and standards. It's really time to be more modern. And with the current and projected workforce shortage, employers can no longer afford to pass over any qualified worker; so updating the rule is not only the right thing to do, but it makes great business sense as well.

Like Lonnie, I worked in construction for 17 years, between 1978 and 1996, including completing an apprenticeship primarily as an elevator constructor, before becoming Oregon Tradeswomen's executive director in 1996. I served nine years on the Oregon state Apprenticeship and Training Council and I'm currently serving on the federal Advisory Committee on Registered Apprenticeship with Lonnie.

Since 2004, Oregon Tradeswomen has run a pre-apprenticeship program that prepares women for trades apprenticeship. And our state has moved from 3 percent women apprentices back then to 6.2 percent now, and the programs that we work most closely with average over 9 percent women. And we've graduated over a thousand women; some of them are shown here on the next slide, if we can move to the next slide.

In our opinion at Oregon Tradeswomen, this new rule will help tremendously with guidance and standards. And just as importantly, the Office of Apprenticeship will have the technical assistance and training available for sponsors on implementing the rule.

Some features of the new rule that we at Oregon Tradeswomen feel will help apprentices succeed are – well, first of all, the anti-harassment training to be provided not just for apprentices but also for journey workers. We know that harassment is a major reason why apprentices, especially diverse women and men of color, drop out. And that preventing harassment has huge financial payoffs for employers in terms of eliminating the costs associated with handling harassment complaints; but also, as studies have shown, in terms of improved employee morale, productivity, safety, and retention of employees.

Connected to preventing harassment is having a procedure for resolving complaints spelled out. In our experience, current procedures are confusing or not readily available, so complaints aren't addressed earlier when they are easier to resolve. Having a clear procedure will also help with retention of apprentices.

The rule around taking action to be inclusive of people with disabilities and paying attention to the aspirational goal to serving people with disabilities will streamline the processes registered apprenticeship programs have been figuring out individually on their own for many years as they train apprentices with different disabilities, such as diabetes, bipolar disorder, dyslexia, and others. So this part of the rule and guidance will really help employers and registered apprenticeship programs better serve people with disabilities.

Finally, we think it's a major improvement to make more specific the outreach steps sponsors should take to reach out to various communities. Every week, Oregon Tradeswomen receives calls from women who say, I'm so glad I found out about you; I've always wanted to work in construction but never knew how to get started. Thanks to this revised rule, many more diverse women will learn about apprenticeship and have the opportunity to work and thrive in these very satisfying careers.

So thanks very much to the Office of Apprenticeship and Department of Labor for their excellent work on this new rule. Thank you, everybody.

MR. LADD: Thanks, Connie. Really appreciate your remarks, as well as Lonnie's. I think it was very helpful for people to understand that context. And, again, appreciate your time today and your leadership.

With that, I'm going to turn it back over to Zach Boren to walk through the rest of our webinar. Zach?

MR. BOREN: Thanks. Next we'll talk about why DOL is implementing the new EEO in apprenticeship rules. We noted this earlier, but the rule has not been updated since 1978. It modernizes and streamlines the EEO rules for registered apprenticeship, which we think will help employers and other apprenticeship sponsors effectively grow and really to diversify their programs.

We think it'll broaden the participation in apprenticeships to more workers and to workers with a variety of different backgrounds. Broadening this outreach not only allows programs to be more selective, but to get the best talent and taps into groups that really have a lot to contribute to our economy.

We think the final rule is really a great improvement from what we had in 1978. The rule really is clear. It updates the rules to really reflect current law and will reduce confusion for sponsors by putting everything they need for clients really in one place.

We note that the affirmative action rules that we're promulgating here aren't new. Registered apprenticeship sponsors and their employers have been responsible for decades around ensuring a workplace that's free from discrimination, making sure they take steps to affirmatively support diversity by reaching a broader pool of candidates.

And I think it's key to note, when we first started out thinking about doubling the number of apprenticeships here in the United States, we didn't look at just doubling but we also looked at diversifying and doubling down on that; diversifying a set of apprentices that have access, that have traditionally been underrepresented, such as women, people of color, and of course individuals with disabilities.

So extending these protections against discrimination will really bring the rule into the current landscape of civil rights statutes and developing case laws. And we include protections based on disability, on age – 40 or older – sexual orientation and genetic information.

I'd like to talk a little bit about some of those key changes. First, we really talk about clarifying the instruction. So the new rules really provide a lot of clarity for sponsors regarding the affirmative steps they need to take to provide equal employment opportunity. In some cases we've reduced the number of required activities to be performed by registered apprenticeship sponsors in order to streamline their compliance.

More time. I think this is really critical. New apprenticeship programs will have more time to develop their initial affirmative action programs. So the rule provides more flexibility for sponsors to meet those obligations we expect. So when you're a new sponsor you'll have up to two years to develop your initial affirmative action plan. We think that'll allow a lot more organizations to get in the game and really see the value of apprenticeship and have time to understand their obligations around EEO.

Additionally, we reduced the frequency of updates that's required, which sponsors will need to review certain elements of their affirmative action plan.

We created a more flexible framework to provide technical assistance. And I should note that technical assistance starting of a few weeks ago – I'm really kind of beginning in earnest today – is going to be an important part of how we roll out these new regulations to ensure states and sponsors and apprentices all know the rules of the road. So this webinar is a part of that and will continue.

Our goal is for sponsors to understand what they need to do, when they need to do it, and to do it whenever it can be possible to assist them in compliance. This really isn't a "gotcha" game to ding sponsors for noncompliance. It's really to help them ensure that the sponsor can succeed in the first place, that they know, again, the rules of the road. So we're going to provide guidance to help those apprenticeship programs to meet their affirmative action responsibilities, to really bring them back into compliance.

So what's new is – OA has really – has always done this. For a number of years, we always start out providing technical assistance to sponsors, to understand their EEO obligations. But what's new in the rule is that if the organization is not meeting them, there are new options for registration agencies to provide some enforcement actions and to move those sponsors into conformity. And so we'll be providing some more technical assistance around that in the future.

Let me turn it over to Jim to drill a little bit deeper on the rule.

JIM FOTI: Thanks very much, Zach and John. And also again, thank you to Keir and our legal team here at DOL doing a fantastic job with these.

Want to talk a little bit to give you an overview of the updates and get into some of the major topics of the new rule. Some of these were covered already, so I won't take too much time. But as far as protections, the updated regulations add age, disability, sexual orientation, and genetic information as additional protected bases. Now, these need to be included in the sponsor's EEO pledge and in their (standards ?).

As Zach mentioned, there's much more additional flexibility, particularly for new programs. They have up to two years to develop their AAPs that comply with the new regs. And existing programs have up to two years to update theirs to comply with the new regs.

Now, we also – utilization analyses – that's fine. The utilization analyses, these are – these were requirements under the old regs and they continue forward into the new regs with some tweaks. We intended to make this analysis clearer and easier for sponsors. And as Zach mentioned, we will be providing extensive technical assistance in this regard.

We have added utilization analysis and goals for disability and the rule sets an aspirational goal that individuals with disabilities comprise 7 percent the registered apprentices. And also mechanisms to help sponsors keep track and measure their programs in that regard.

Of course, outreach. The rule clarifies certain minimum outreach and recruitment efforts that are required for all sponsors, as well as additional efforts that sponsors with AAPs will undertake if they find themselves underutilized. And we will go into technical assistance again in a little bit more – (inaudible). Next slide, please.

Who's covered by these projections? The changes were made to bring these regulations into currency with the EEO laws it's developed over the last 40 years, as Zach mentioned. And again, this was highlighted already, this includes now disability, age, sexual orientation, and genetic information.

As far as general obligations that all sponsors must take, the previous rule included these broad obligations for sponsors to take affirmative action and provide equal opportunity, but didn't give guidance as to exactly what this required. And the new rule clarifies this by setting out a few specific things that sponsors must do; and many of these, sponsors are already doing.

And the first one would be to assign someone or several people to oversee their EEO efforts. This is likely a matter of course, but this will make it clear to the registration agency and the sponsor who's responsible for these efforts.

As far as distributing the pledge, again, it was required under the old regs but it's carried out here by publishing these in the apprenticeship standards and on bulletin boards – whether physical or electronic – that are accessible to all apprentices.

The new rule also requires that sponsors conduct periodic orientation and information sessions for those connected with the apprenticeship programs. Again, this has largely been a matter of practice already to communicate equal opportunity policy, but this is now specified.

And likewise, at these orientation information sessions, or at other convenient times, the new rule requires that sponsors provide anti-harassment training. We believe that this is going to help the participation and retention of protected classes.

These regulations will provide specific things that must be covered in this training, but OA is working on an off-the-shelf materials training course that sponsors can download and customize to help ensure compliance.

Outreach recruitment. Again – this is the last of the general obligations. Again, this was a requirement under the old regulations, but what exactly the sponsor needed to do was unclear. The new rule specifies exactly what sponsors need to do, and that is to develop a list of recruitment sources, ID contact people for each of those sources, to send these sources advance notice of apprenticeship openings, and so forth. And these obligations come due at 180 days after the effective date for existing sponsors or from the date of registration for new sponsors.

Thanks very much.

Now, sponsors with AAP obligations. Again, this is pretty much the same. We kept the threshold for affirmative action programs the same as in the old regs, five or more apprentices. Shouldn't be new to anyone out there. Some folks commented from the NPRM that we should raise the threshold. Some wanted to lower the threshold. But we thought that this was the best balance. And again, we're allowing more time to establish and update AAPs. And once the initial AAP was done, as Zach had mentioned, the frequency of updating these elements has been reduced and will generally align with compliance reviews.

Utilization analysis. Again, this is pretty complex, as folks know. But much of the – the requirement is not new. Folks have been doing this, and much of the structure and function of these analyses that have to be done are the same under the new regs, including the practice of having registration agencies assist sponsors in conducting these analyses.

And as a matter of course, sponsors first look at the demographics of the participants in their apprenticeship program, called a workforce analysis. Then they compare that to the population of those that are available to participate in the program. A comparison of these two indicates whether the sponsor is underutilized and whether underutilization goals are necessary.

OK. The new rule makes a few tweaks that we're highlighting here. Now, the workforce analysis will be conducted by – is analysis conducted by occupation and availability analysis by major occupation group. Again, we will provide more technical assistance. We're going to provide a tool. There will be lots of materials that are sent to you or that are available online or through your registration agency to help with this.

We've also simplified the utilization analysis. And it's simplified in the fact that it only looks at two factors now, external availability and internal availability. Basically, this is how sponsors on-board apprentices normally, rather than the five factors that were in the previous rule. And availability is based on individuals who are eligible enrollment – eligible for enrollment in the apprenticeship program, which clarifies from the previous standards.

Utilization analysis and goals are done at the individual, race, ethnicity level rather than clumping them all into minorities collectively. OK. And again, when we talk about goals, we are talking goals. We're not talking quotas; we are talking goals. And it certainly is not a finding of any mission of discrimination; it's really a benchmark that sponsors use to measure their effectiveness of their outreach and recruitment, and to determine how to modify these efforts for better – for more wider applications and better retention from particular populations.

OK. And if a goal is set, the regulation provides clear outreach recruitment efforts for these sponsors to undertake.

And again, as we have said throughout, technical assistance – we're not leaving you alone on this. I think the comments were very clear from the NPRM that folks need assistance in doing this and sponsors need assistance. And the registration agencies will provide significant technical assistance to sponsors with the compliance review times and at others.

Another major change here is a new focus on apprenticeships for individuals with disabilities. As mentioned earlier, these will also be part of the affirmative action plans and include a 7 percent utilization goal for such individuals.

Now, these are people with abilities. And apprenticeship can be a very useful tool to engage them in work and learning opportunities to reach their potential. So we are very much looking forward to this new outreach to people with disabilities in the new requirements. And unlike race, sex, and ethnicity, the new rule does not require a separate utilization analysis. It just simply sets a universal goal.

Another part of it is that the new rule requires that sponsors invite applicants to self-identify as an individual with disability at various times in the application and hiring process. And it requires that current sponsors do a one-time invitation to those apprentices currently in their program.

Again, as with the race, sex, and ethnicity goals, sponsors will not be cited for these violations simply for not meeting the goal. This is not a game of "gotcha." This is a game of trying to reach a broader workforce. As Lonnie and Connie were talking about, it makes good business sense. And we're going to do everything we can, now that we have additional resources, to help folks meet and reach their goals.

Want to just talk a little bit more about state apprenticeship agencies and their plans. Now, state apprenticeship agencies have one year from the effective date to submit to OA a state plan that includes draft state – authorizing language or legislation that corresponds to the requirements of 29 CFR Part 30. Now, states may of course apply for an extension, but we are really trying to get these things moving and we're going to do everything we can to work with states to keep to this timeline as best we can.

It also requires that programs registered with states comply with the state EEO plan within 100 days after approval – 180 days after approval of the state plan.

There are one or two other things worth mentioning. I did want to take you on a little bit of a tour of our new website in a minute. But there are some general requirements that sponsors need to know, that even though they may not have to update their AAPs, they do need to review their personnel practices on an annual basis, starting after two years of the effective date.

And we did make some changes to the selection procedures, which provide more flexibility for sponsors to use any selection method, really, that the sponsor deems fit, so long as it's not discriminatory.

Next slide, please.

Technical assistance. We've been talking about it straight through. And I'm not going to go into tremendous detail on the slides, but just some general overview. Right now, again, this webinar is part of the initial technical assistance, as are the fact sheets and things that will walk you through very soon. We will have more detailed guidance – policy guidance perhaps by issues – coming in the next upcoming months. And specialized technical assistance probably about six months from now.

And the folks that will benefit most are sponsors of programs, employers, industry associations, industry workforce intermediaries, job and career seekers, CBOs, state agencies, and the like.

Now, what I wanted to do – what I wanted to do now is just take a look at our website to show you where all this information is. We've done a lot of work to put this together and to give you some resources so that it'll make it a lot easier for you to get this information. We'll talk a little bit about the timeline after and then take some questions.

(Pause.) Just bear with us a minute. (Pause.) OK. Here we go.

MS. CASERTANO: Also, participants, if you'd like to enlarge your screen for a better viewing of the screen share, just go ahead and hit that icon with the four outward-facing arrows in the top right corner of the presentation window.

MR. FOTI: (Pause.) Sorry. We're just trying to load the webpage. (Pause.)

OK. In the meantime, while we're waiting for the screen to load, we're going to answer one or two of the questions that were posed.

MR. BOREN: Yeah. So the first question we got is, "Everybody's talking about the rule, but what is the rule?" It's a good question. And so back in December, we published a regulation in the Federal Register. For those of you who want to do a web search for it, it is 29 CFR Part 30; that's where you can find it. We're also going to show it to you on the Office of Apprenticeship webpage. But that is a regulation that is published in the Code of Federal Regulations and it's the Equal Employment Opportunity portion of the regulations that apply to registered apprenticeship programs. That's what we're talking about here.

The next question that we received is, "Will existing apprenticeship programs be reviewed for this new regulation?" Yes, they will. As everyone here has been talking about, we wanted to give time for new programs to come up to speed, to come into compliance as well. That also applies to existing apprenticeship programs.

So existing apprenticeship programs will have, as Jim mentioned, 180 days from the effective date to come into compliance with some of the new nondiscrimination protections and equal opportunity protections, and will have up to two years to comply with most of the AAP – or affirmative action plan – obligations.

MR. LADD: We also received another question, "When will RAPIDS be updated to assist the tracking of this new guidance requirement?" RAPIDS is the – for folks not familiar with RAPIDS, it's a data system where sponsors can track all their apprentices throughout their apprenticeship.

We'll be releasing a new RAPIDS 2.0. We anticipate the release some time in the next six months, which will include a lot of the new pieces that will be required with the new EEO regulations.

MR. FOTI: OK. While we're still trying to get this up I can talk a little bit about what's on the webpage, just so that folks have an idea of what's there.

We have a number of – we have a frequently asked questions. It's a rather lengthy document and will answer many of the questions that you might have. We also have a kind of know-the-basics part, which is right up front and talking a lot about some of the things that we've gone through today. We have an overview fact sheet, which is again a pretty lengthy document that explains our rationale and some of the major changes that we've been through.

We have, as John mentioned earlier, some studies, like the "Pre-Apprenticeship: Pathways for Women into High-Wage Careers." And that's important. Pre-apprenticeship is important.

There is a part of the – many large apprenticeship programs, as you know, are employee benefit programs covered by ERISA. And in the preamble to the Final Rule, the department also stated that these plans can conditionally use their resources to support quality pre-apprenticeship programs and other workforce pipeline measures.

So again, if you have interest in this or it affects your program, you can look in the preamble or you can contact us with specific questions. More guidance will certainly be forthcoming on that. But it is something that we feel will be very useful.

MR. BOREN: Thanks, Jim. You know, one thing I also wanted to make clear to folks is the regulation will be on the website as well. So you'll find a link to the federal regulation. And once you get there, if you're not familiar with federal regulations, they can look a bit lengthy. So the important part here is really to have a chance to look at the preamble, which really talks a lot about – if we can scroll to the bottom of the page, that'd be great. Where we can show them where they can find the regulation and these resources. They can find the regulation itself on the website.

So it'd be critical to kind of take a look at the preamble to really understand why we decided to update the regulations and sort of the thought going into that.

And then the second part is really kind of taking a look at all of the comments that came in from the Notice of the Proposed Rule Making. So we sort of respond to all of the comments that came in. And then at the end, if you really look – I'll point this out; it's page 92108, that's really where the rule starts in earnest. It's really at the back of the document when you open it up on the web. And that'll run you from section 30.1 all the way to 30.19, so heads-up on that.

MR. FOTI: Yeah. And thank you so much for getting the website up on the screen. As you can see – as I mentioned earlier, above this is the "Know the Basics" part. And if you scroll down a little bit more, here are the fact sheets. Here's the "Know the Basics." Here are the fact sheets. And again, there's fact sheets for sponsors, for apprentices. There's an overview. There's one for women's participation. There's one for people with disabilities. And as Zach mentioned, the final rule is also there.

One of the things I wanted to click on, Layli, is if you could click on – there's two items I'd like to click on, just to show folks. One is the EEO regulation crosswalk, which is the second link under "Explore Additional Resources." This would be helpful for folks with existing programs or folks that want to know how things have changed. The topic is on the left, the previous regulation is the middle column, and the new regulation is the right column. So we think those will be very helpful.

The next thing that I wanted to show was the technical assistance piece, which is – yes, the next link down. This is just a fact sheet to tell you some of the resources that you can expect in the upcoming months. If you could scroll down a little bit, Layli.

Again, some of the specific technical assistance resources, the anti-harassment training materials, the – identifying your recruitment sources, other things. Even the next page, please. Additional information on specific topics.

So this is really just an outline. As we move more into implementation in the timeline and as these things become more critical, we'll certainly have materials rolled out for you well in advance.

OK. And I think that's enough for now. We'll talk about the – if you want to just click on the implementation timeline too, Layli, the last one. This is a general implementation timeline – compliance timeline – for – with existing sponsors and new sponsors. So again, it's cliff notes of when things are coming due.

OK. I think we can go back to the webinar. Thank you very much.

MR. BOREN: I think we go right now into questions. Is that right? We covered technical assistance. We've covered some of the things on the website. Why don't we take a few more questions that we have up here on the screen. (Pause.)

MR. FOTI: OK. So one of the questions – (inaudible) – sponsors are supposed to measure utilization of individuals with disability. And again, the regulations provide is that sponsors will give applicants and then folks who are offered spots in apprenticeship programs an opportunity to self-identify as an individual with disability.

Like any self-identification, this is not going to be perfect. Some people may not choose to self-identify and we understand that. But this is the best measure that we can do and that sponsors can have in terms of trying to identify what the utilization of individuals with disability is in their apprenticeship programs, and how they can then track that over time and identify ways to perhaps increase outreach, if necessary.

The department also has some materials produced about how – strategies for increasing individuals' ability to self-identify or desire to self-identify. And so those are things that we'll be rolling out as well.

MR. BOREN: OK. We have a couple more questions we're going to take here. "Where can we get the comparison chart? And by any chance, do you have a crosswalk that shows the old regs, the new regs and explains what has changed?" Well, you can find all that on the website. Jim covered a lot of that, so feel free to take a look and see sort of the old obligations, how they relate to the new obligations. And we covered that up on the website, so check that crosswalk out there.

We have another question here. "We have an existing apprenticeship. Who will review for compliance and how?" So the compliance reviews happen by apprenticeship staff. Usually it will be your apprenticeship training representative. If you're in a federal state, it will be a member of the Department of Labor; we'll do a compliance review. Of course, we always give notice ahead of time of doing those reviews. And if you're in a state apprenticeship agency state, it'll be a member of your state government that would do one of those reviews ahead.

And there will be some time to make sure everyone can get into – has a chance to really change over to the new regs over time. It won't happen on day one, January 18th, when the regs roll out.

MR. FOTI: Yes. And to piggyback on that, we received a question about whether these are applicable to state agencies as well as federally-registered. And we've talked about that a little bit over the course of the presentation. And as mentioned, state agencies will have one year to build their plan. And at that time, sponsors in that state will have 180 days to come into compliance with measures. Keir, is that correct?

KEIR BICKERSTAFFE: Yep.

MR. BOREN: Another question here about how a sponsor's supposed to figure out how much of the population in the recruitment area has a disability. And this is important – an important thing to answer.

So for the new disability AAP utilization, what we do is we've built in a nationwide 7 percent utilization goal. So it won't depend on where particularly you're located; that will apply to all sponsors. And again, as Jim went over, that is an aspirational goal. There's certainly no penalties for failing to meet the goal in and of itself. It's used as a benchmark in order to help measure your progress over time in reaching individuals with disabilities.

MR. FOTI: How about this last one? "If I have a registered apprenticeship program, do I need to resubmit the DOL standards with new language regarding the new rule?" We allow sponsors two years to resubmit their affirmative action plans. That is only part of your standards, so you would not have an obligation to resubmit your full standards unless you're looking for another update that you'd like to do in your standards as it relates to training. So again, this is not going to be an immediate call to action, but two years for existing sponsors.

MR. BOREN: Going back to the race, sex utilization analysis, we've got a question about what do we mean by "major occupational group" and what do we mean by "occupation" and how's that different from "job group" under 11246 AAP?

So major occupational group, this is based on O\*NET codes or RAPIDS codes, which many of you are familiar with. The occupation is essentially the six-digit code that corresponds to the job that you have. And the major occupation group, essentially if you take the first two digits of that – so I believe 23 responds to construction. So you would do your major occupational group at that level, so at that two-digit code.

It's a little bit different from how the EEO job groups – as you all know, there's 10 EEO job groups and those are based mostly on different types of jobs. The major occupation group works a little bit differently, but we felt that it was a bit more translatable to folks with apprenticeships and it was based on coding that you all were already familiar with.

MR. FOTI: The O\*NET codes. Yes.

MR. LADD: Yeah. If there are any more questions, you're going to look I believe on the right-hand side of your screen – the left-hand side – to insert any questions that you might have. Feel free to send those in on our few remaining minutes and we'll continue to take questions throughout.

MR. BOREN: Yeah. Again, we have not gotten to all the questions, but we're doing the best we can to get to them. And feel free to reach out to us if you certainly have questions. The email address is on the website, but we will talk about that in a second.

MR. : Anything else that we can –

MR. LADD: There's one question, "Is it true that underutilization for race, ethnicity will be determined by specific racial ethnic group rather than all non-whites grouped together in a minority analysis?" That is true. That's one of the tweaks that we made to the rule. So the underutilization analysis will be done by specific categories as opposed to minorities generally.

MR. BOREN: Yeah. I think we just have another minute or two left and we did want to wrap up. So I think that's about all the questions we can take for now.

MR. FOTI: Yep.

MR. LADD: If we can go back to the PowerPoint just so we can finish up.

MR. BOREN: Sure. And if your question didn't get answered today, we're going to be taking a look at all the questions that have been sent into us. And really appreciate you taking the time with us today to be able to answer your questions. So if you have other questions or it didn't get answered today, feel free to drop us a line. We're at apprenticeship.usa@dol.gov. You can always give us a call at 202-693-2796 and we'll be sure to get back with you just as soon as we can.

MR. FOTI: And again, we thank you very much for participating. And we apologize for the technical difficulties that we had, but at least we got a chance to see some of the webpage. So we would encourage you to visit our webpage. There are many resources there and the large majority of your questions will be answered therein.

MR. BOREN: All right. Thank you very much. You all have a great and wonderful day and feel free to stay in touch with us. Thanks, guys.

(END)