**WorkforceGPS**

**Transcript of Webinar**

**YouthBuild Series**

**Equal Employment Opportunity Regulations for Apprenticeships: Demographic Utilization Analyses**

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JON VEHLOW: Welcome to "Affirmative Action Plans Part One, Demographic Analyses, Information for Apprenticeship Sponsors."

So without further ado, I'm going to turn things over to our moderator today, Zach Boren, division chief, U.S. Department of Labor Employment and Training Administration, Office of Apprenticeship. Zach?

ZACHARY BOREN: Hey. Well, welcome everyone. Thanks so much for joining us. I'll be our moderator as we go through the webinar today, so I really appreciate you all taking an hour out of your day to talk about EEO.

Just to get a sense of who is on the webinar today, we have a question. Which type of organization are you with? And if you can go ahead and pop in who you're with today. So we have a lot of apprenticeship sponsors. It's really great. A lot of our staff, both from the Office of Apprenticeship as well as both state apprenticeship agencies, and even from other organizations. So thanks for replying in. It's so good to have our sponsors with us. We really appreciate that, that you are engaged in this conversation with us.

So for today, this presentation will really help you learn about the different aspects of affirmative action plans that many sponsors will need to develop. We'll talk about affirmative action generally and which sponsors will need to develop affirmative action plans.

From there, we'll cover some of the required elements of affirmative action plans; and the remainder of the session we'll focus on one important aspect of affirmative action plans, the demographic analyses, that will let sponsors know how well their workforces reflect the demographics of their available workforce at large.

We'll have time for questions and answers and you're welcome at any point to type in your questions into the chat window as they come into your mind. We'll cover as many questions as possible at the end of the presentation and if we don't get to all the questions, we'll work to make sure that you get the information you need.

So I'm joined today by a few presenters. First, I'm so pleased to be with my colleague Natalie Linton from the Office of Apprenticeship working on the policy team with us. Also joined by Jenn Frey. She's an attorney in the Division of Civil Rights and Labor Management. And also with us is Kier Bickerstaffe, also with the Division of Civil Rights and Labor Management. These presenters are really experts on apprenticeship affirmative action plans and the demographic analyses that go along with them. And with that introduction, I'll turn out presentation over to Natalie.

NATALIE LINTON: Thank you, Zach. Affirmative action is much about much more than the numbers of women, people of color or individuals with disabilities in an apprenticeship program. It involves encouraging and promoting equal opportunity, creating an apprenticeship environment free from discrimination and identifying and addressing barriers to equal opportunity.

The Office of Apprenticeship continues to emphasize the value of affirmative action programs to ensure that qualified individuals have the opportunity to participate in apprenticeship programs, which lead to quality-heightening careers.

To fulfill the requirements of the apprenticeship EEO regulations, sponsors must monitor and examine their employment practices and decisions and the impact these practices have on recruitment, selection and advancement of apprentices.

Where policies or practices are found to create a barrier to equal opportunity, they must be addressed. Affirmative action programs are not only required of most sponsors, they should also be a part of the way sponsors regularly conduct their apprenticeship programs.

Technically, an affirmative action plan is a written description of a sponsor's affirmative action program, but people sometimes use the terms interchangeably. Writing up the plan provides sponsors with the opportunity to describe and also to analyze their practices and determine how well individuals with protected characteristics are represented in their program. All registered apprenticeship sponsors except those that are exempt, as will be explained in the next slide, must develop affirmative action plans and make them available to their registration agency upon request.

Next slide please. As you see here, all registered apprenticeship sponsors with five or more apprentices are required to develop affirmative action plans unless they are already operating an Equal Employment Opportunity program that is in compliance with two things. One, Title VII of the Civil Rights Act and they agree to extend that program to include individuals with disabilities; second item is the requirements of Executive Order 11246 and Section 503 of the Rehabilitation Act.

Title VII is the federal law that prohibits employment discrimination on the basis of race, color, national origin, religion and sex. Executive Order 11246 prohibits the same types of discrimination by federal contractors, as well as including sexual orientation and gender identity discrimination.

In addition, Executive Order 11246 requires contractors to take affirmative action to promote equal opportunity, equal employment opportunity. And finally, Section 503 of the Rehabilitation Act prohibits disability discrimination by federal contractors and requires them to take affirmative action for individuals with disabilities.

To exempt a sponsor from the Office of Apprenticeship AAP requirements, their EEO program must cover apprentices and must include goals equal to or greater than those required by the apprenticeship AAP. Exempt sponsors, which are typically federal contractors and those that already have affirmative action programs in place do not have to develop additional AAPs under the apprenticeship EEO regulations.

Next slide. The dates for developing a individual affirmative action plan. These dates by when sponsors registered with the national office, must adopt their AAPs this January 18th, 2019 or two years from the date of program registration, whichever date is later. Sponsors registered with state apprenticeship agencies must also develop AAPs. However, they will need to work with the SAA to find out the deadline by which their initial AAP will need to be developed. The written AAP and workforce analysis must be updated at each compliance review and then at least every three years.

Now Jenn Frey will talk about different aspects of the affirmative action plan.

JENNIFER FREY: Great. Thanks, Natalie. So as you can see on this slide, there are several distinct components to apprenticeship sponsors' affirmative action plans and we'll go through them quickly on this slide and the next one, and then we're going to focus more on the demographic analysis portion of this.

So while some of the elements listed here are new, such as those involving individuals with disabilities, most of these components do not introduce new concepts.

Under the previous apprenticeship and EEO regulations, sponsors compared their apprenticeship workforce composition by race, ethnicity and gender with the composition of that of the available workforce and then they set goals when necessary. The updated regulations do the same thing, but they also provide more time and greater assistance to accomplish those elements.

So going through the compliance you see here. First, in the AAP sponsors will describe the process that they use to invite apprentices and applicants for apprenticeship to self-identify the person with the disability.

We recently conducted a webinar on this process and the link to that webinar is posted on a later slide and in the links window in your view. And so, you can click on that link if you'd like to view that webinar. All sponsors will use the U.S. Department of Labor Voluntary Disability Disclosure Form for their self-identification process.

Secondly, sponsors will conduct an analysis of the demographics of their apprentice workforce and, with the help of the registration agency, compare the results of that to the demographics of the qualified workforce in the sponsor's recruitment area. In the apprenticeship EEO regulations, this is referred to as utilization analysis and the process is laid out in Section 30.5 and 30.7 of the apprenticeship EEO regulations, and this is the process we're going to focus on during today's webinar.

Next slide. So other components of the AAP include – oh. I'm sorry. When the comparison between the demographics of the sponsor's workforce and the available workforce shows that individuals from one or more of the protected characteristics of race, sex and ethnicity is underrepresented in the program, the sponsor's then going to set aspirational, numeric goals for that group or groups and document those goals in this AAP.

Sponsors will also look at the percentage of individuals with disabilities in their apprentice workforce and compare it to an aspirational national goal of seven percent for inclusion of individuals with disabilities in apprenticeship programs.

Where there is underrepresentation, sponsors need to identify any impediments to the participation of individuals with disabilities. Sponsors will obtain the information about who in their workforce are individuals with disabilities from the self-identification form that they'll use to invite apprentices to complete.

If the sponsor finds underutilization or impediments to equal opportunity as a result of the demographic utilization (AAP ?), it then undertakes additional outreach, recruitment and retention activities that'll be undertaken to ensure equal opportunity in the program if necessary. And we'll talk further in a few minutes about how to know if this is necessary.

And finally, on the slide of sponsors will engage in a thorough review of personnel practices to ensure that their program is free from discrimination. And this review has to be conducted every year, regardless of whether the demographic analyses show underutilization.

Next slide. So as we said, for the remainder of this webinar, we're going to focus on the race, sex and ethnic demographic analyses that are part of the AAP. To carry out the demographic analyses, sponsors will first evaluate the composition of their apprentice workforce, noted as step one on the slide here.

And then compare those results to the composition of the available workforce in their recruitment area is step two. Sponsors will then evaluate whether the representation within their workforce meets or exceeds availability for each racial, sex and ethnic group.

If the sponsor's workforce does not meet or exceed the availability, it is called underutilization. The sponsor and the registration agency will then determine if the difference between those two results is significant enough, such that the sponsor needs to take steps to act on that underutilization. And that's noted on step three on the slide.

You'll note that the analysis is to be done for each major occupation group in the sponsor's program. Major occupation group is represented by the two-digit SOC code or O\*NET code for each occupation in which a sponsor employs apprentices. This is true even though the workforce analysis is performed at the occupation level. So we've broken it up.

The workforce analysis is done at the occupation level and the demographic analyses is done at the major occupation level. And breaking up the analysis this way allows sponsors to have a more granular view of the demographics within each of their occupations, but while also grouping together the related occupations for purposes of determining availability to generate more specifically meaningful results.

And the good news for sponsors here is that step two and three don't have to be carried out for race, sex and ethnicity until their first compliance review after the AAP requirements go into effect. And they also don't have to do this analysis alone because of the compliance review. The registration agency will help sponsors perform these analyses.

In addition, the Office of Apprenticeship is developing an online tool that'll make it even easier for staff and for many sponsors to conduct steps two and three. This tool will initially be available to OA staff to help sponsors conduct their demographic analyses during compliance reviews. And eventually the tool will be posted for independent sponsors to use as well. We'll preview this tool in a few minutes and in the meantime, we'll walk through steps in the process.

That's fine. So looking at the first step of the demographic analysis, the apprentice workforce analysis, you see one big difference from the previous regulation. Under the previous regulation, apprentices were classified, and goals were set, if necessary, only by sect and minority status, which meant that minorities were counted all together.

Under the revised regs, apprentices are classified, and goals are set by sect, ethnicity, Hispanic or not Hispanic, and by specific race. The defined races are shown on the slide here and match the classifications used by the census bureau and the federal Office of Management and Budget.

In the workforce analysis, apprentices of both genders and ethnicities and all races are counted. The defined classifications are shown here on the slide. As we mentioned before, the workforce analyses are done for each registered occupation.

As you will see a bit later, determinations of availability, the rate of utilization and whether to set goals are done a bit differently, as we mentioned, in those cases instead of analyzing by individual occupations, sponsors will aggregate those titles into major occupation groups. The data to use for the workforce analysis will come from the apprentice information in RAPIDS. Sponsors that don't document their apprentice information RAPIDS can use the other internal apprenticeship data that they keep.

We'll cover the specific requirements for the utilization of individuals with disabilities in a future webinar, but I wanted to note now that the first step of this process, the analysis of the program's workforce, is performed for disability as well. And in all cases, the first step is just to take stock of the demographic makeup of the sponsor's apprenticeship program as a starting point in determining whether any future affirmative action steps are necessary.

Next slide. So on this slide, you see an example of the type of table you might set up to conduct your workforce analysis. Use a separate table for each occupation group. For the sake of space, we abbreviated the ethnic and racial groups here. The abbreviations used in the table are for Hispanic, not Hispanic, African American, American Indian, Alaskan Native, and Native Hawaiian or other pacific islander.

Next slide. So moving on to the second step of the demographic analysis is to analyze the availability of individuals in the sponsor's recruitment area who are eligible to enroll in the apprenticeship program. This analysis is also done separately for each racial group, each racial, sex and ethnic group.

There are several key concepts involved. In essence, the sponsor identifies the population that is eligible to enter its apprenticeship program using the specific program eligibility requirements listed in its standards. Typically, program eligibility requirements include an educational attainment requirement, commonly something like a high school diploma or GED or some college.

Eligibility might also include qualifications tied to the job, such as having a commercial driver's license or willingness to work outdoors. However, sponsors will have to supply objective data to support such qualifications. See, they want to use them to determine who's available to enroll in their program.

The other factor to consider here is how the sponsor does its recruiting. Does it recruit from among its own employees or externally from the general population? Some use a combination of both methods. When external recruitment is done, a relevant recruitment area is defined, and the relevant recruitment area is the geographic area from which the sponsor usually seeks or reasonably could seek apprentices for its program.

This could be the area from which an apprentice can reasonably commute within an hour, for example, or it might be the area within a 50-mile radius of the sponsor's worksite or a county or counties. For some occupational groups, sponsors may recruit nationally or from multi-state regions, so it can differ by program.

So now that we've covered these concepts, you can see how the availability analysis is done. The availability analysis consists of identifying first, the percentage of individuals eligible for the program who are within the sponsor's relevant recruitment area broken down by specific race, sex and ethnicity.

So these are the factors sponsors will use to evaluate availability when they recruit externally. For sponsors that recruit primarily from within their existing workforce, the availability analysis consists of identifying the percentage of their existing employees, if they're eligible for enrolling in apprenticeship, again broken down by specific race, sex and ethnicity.

Next slide. So in the third step of the demographic analyses, sponsors bring together the current apprentice workforce results, now having been aggregated by major occupation groups, and this is seen in row one of the table on this slide, and the available workforce results for each major occupation group, noted in row two on the slide, and we compare them.

The key questions here is whether the representation of women, Hispanics, or any specific racial group in a sponsor's workforce is significantly less than what would be reasonably expected, given the availability of such individuals in the sponsor's relevant recruitment area. If so, the sponsor must establish a goal for that group and these steps are shown in rows three, four and five in the table. Note that we have again abbreviated the names of the racial groups, just for the sake of space on the slide.

Sponsors may choose any appropriate method to determine if their utilization of women, Hispanics or particular racial minority groups is significantly less than would be reasonably expected. Two commonly used methods for doing this are shown on the slide, and they are the 80 percent rule and the two standard deviations rule.

The 80 percent rule means that the ratio in the apprenticeship workforce that for a given group is less than 80 percent of that group's availability in the relevant recruitment area. The two standard deviations method is a statistical probability test that generally should only be used for programs with 30 or more apprentices. But whatever method a sponsor chooses to compare workforce and availability data, the same method needs to be used for each major occupation group in the program.

Sponsors that recruit primarily internally or that use additional program eligibility criteria will have a different availability data. But the concept is the same regardless, comparing the availability demographics to the apprentice workforce demographics. So sponsors may find it useful to set up a matrix like the one shown on the slide. The boilerplate affirmative action plans that the Office of Apprenticeship will make available will also include a sample matrix that any sponsor can use.

Next slide. So where the demographic analyses show that women, Hispanics or Latinos, or one or more racial groups is underrepresented in any of the program's major occupation groups, the sponsor will then set goals for that population. This data will be entered into the affirmative action plan as the utilization goals, and these goals must be at least equal to the percentage of that group in the available workforce in the sponsor's relevant recruitment area. Sponsors do not have to establish goals for groups in which no significant underrepresentation has been found through these analyses.

Next slide. So as I mentioned earlier, the Office of Apprenticeship is developing an online tool to help sponsors carry out steps two and three of the demographic analyses. The tool uses the (conglomerate ?) platform and sponsors that recruit externally and that use education as their only minimum eligibility criterion will be able to use the demographic analysis tool or demographic analysis tool DAT to retrieve the demographics of the available workforce.

The tool pulls the available workforce data from the census bureau. And sponsors will also be able to use the DAT to evaluate whether any differences between the demographics of this workforce and the demographics of the available workforce are significant under either the 80 percent rule or the two standard deviations method. This tool will highlight any groups in a racial, sex or ethnic group where there are significant differences. These are the categories through which utilization goals would then need to be established to get their underutilization.

So on the slide, you can see what the initial screen of the DAT looks like and it'll work for sponsors that recruit all of their apprentices externally. All that these sponsors will have to do will be to input the location of their apprenticeship program, the minimum education qualifications, the recruitment area drawn either my miles from the location of the program or by state, and their apprenticeship workforce demographics.

Drawn on census data, the DAT will calculate the sex, race and ethnic composition of the population in the sponsor's relevant recruitment are who meet the minimum education requirements for the program. The tool may have limited value for sponsors that use additional eligibility qualifications, so just wanted to note that.

As we said earlier, the DAT tool is nearly ready to be used by OA apprenticeship staff to help sponsors with the demographic analyses. The plan is for this tool to be made available for independent use by sponsors at a later point in time, but until then, sponsors should work with OA staff to conduct their demographic analyses. And that pretty much covers the demographic analysis, so now I'm going to turn it back over to Natalie to help wrap things up.

MS. LINTON: Thank you, Jenn. We've covered the most complex topic for AAPs today, the three steps in the demographic analysis for race, sex and ethnicity. And on September 14th, we have another webinar to continue the discussion and talk specifically about the remaining components of sponsors' affirmative action plans, shown here on the slide.

Next slide. So now we'd like to hear from you. What questions do you have? Please enter your questions into the chat window at the lower left side of the screen and while you're doing that, I will turn things over to Zach Boren.

MR. BOREN: OK. Thanks. We have a couple questions that have come in through the chat. We encourage you to continue to populate the chat while we're looking over the initial questions here.

So the first one here is two years after signing up for the apprenticeship program – sorry. OK. Sorry. The first one here is, "We have an affirmative action program approved by the state of Ohio. The apprenticeship –" something about the apprenticeship counsel. Does that comply?

MR. BICKERSTAFFE: Yes. I can start by addressing it. I can chime in. Not exactly. Wasn't sure what the question's getting at. If it's getting at whether an AAP approved by the state of Ohio would exempt them from the AAP requirements of these regulations, the answer is no.

So our regulations only provide, and if you have an AAP that worked with Title VII or Executive Order 11246, those are the ones that can be exempted. I'm not exactly sure where the AAP in this question comes from. It sounds like it would be the AAP that is kept as a result of being an apprenticeship sponsor under our regs. If it's something different, you would still need to create an AAP that complies with our regulations.

MR. BOREN: Yeah. I think the other thing to note here on Ohio, which is a State Apprenticeship Agency state, versus those that are programs are operated under the Office of Apprenticeship, is that a lot of the affirmative action requirements under the new regulation will be going into effect later to states like Ohio. So just keep that in mind as you want to understand if you're incompliance with Part 29 and 30. There may be a difference whether or not you're in a state like Ohio that's an SAA versus a state like Indiana, which is operated by the Office of Apprenticeship.

So the next question we have here is two years after signing up for an apprenticeship program, does that mean two years after the company first starts sponsoring apprentices or two years after each apprentice has started applying.

MS. FREY: So I think what this question is referring to is the times by which sponsors need to start complying with these AAP requirements, and we do reference that sponsors have two years post registration to do that.

So the answer would be it's two years after the sponsor registers with OA and that may be when the sponsor starts sponsoring apprentices, but it's tied to when the sponsor is registered, not when the individual apprentices are starting to take classes within that program if that answers the question.

MR. BOREN: Right. And it's kind of a clarifying point on that is for existing sponsors, a lot of requirements are going to come in in January 2019 upon your first compliance review. For sponsors that started programs after January 17th, 2017, that requirement will be two years after.

So if you started in April of 2017, you'll have a two year window before you'll have to start your first affirmative action plan, which will come April 2019, and then you would likely have a compliance review sometime after that point.

The next question that comes up is, "Will the minimum five apprentices apply in this situation? Sponsor is an intermediary, such as a community college, and the college has three participating employers, each with only two apprentices for a total of six apprentices."

KIER BICKERSTAFFE: So if I'm understanding the question correctly, I think the answer is yes. So the touchstone is how many sponsor, or how may apprentices are under the sponsor's umbrella, no matter how many different employers they are at. So if there are, if a sponsor has six apprentices but there are three different places, they would still need to comply with the AAP requirement.

MR. BOREN: Jenn, did you want to add something? Good? Great.

The next question is, "It says on page 12 of the PowerPoint under ethnicity, the second line says non-Hispanic or Latino. Should I interpret that, that that is both non-Hispanic or non-Latino or should I interpret it just to mean what it says?"

MS. LINTON: OK. Yes. It means non-Hispanic or Latino. There simply was not enough space on the slide for all the nons. So we apologize because that was confusing.

MR. BOREN: All right. Great. The next question here is, "Is there a reason for a sponsor to score a GED lower than a high school diploma?" And the question goes on to say, "I see none but was just curious about your opinion. I saw this in a selection group reg."

MR. BICKERSTAFFE: I'll tell you man, it is hard to answer that question without sort of knowing the facts and the job requirements for the position. I think that the answer is probably no, but if there is some reason that his job delay is inconsistent with business necessity that would, that a high school diploma would somehow be different from a GED, it's possible I suppose. But it would be difficult to apply without a particular job question.

MR. BOREN: Great. The next question here is, "Is there a direct link to the demographic tool?" And the answer is not yet today. So the demographic tool will be coming online in the coming months, but initially the demographic tool is just going to be available for your OA representative and the OA representative will be working with you using the tool to help support your demographic analyses as you do them.

The next question is about the availability analysis and says, "I need some clarification on availability analysis. Is this looking at all individuals in a market or those we are working with in pre-apprenticeship programs run by our partners?"

MS. FREY: So I can take that one. It might depend. The availability analysis is largely determined by how the sponsor does its recruiting. I think for many sponsors, that will be looking at the larger market within its relevant recruitment area, narrowed down by the basic educational minimum qualifications that it applies for sponsors.

But again, we talked about if sponsors recruit internally through their own workforce and that is also a definition of what the available workforce recruitment could look like. So if the sponsor only takes sponsors from the partners that it works with, then that could make up its relevant recruitment area, but if they also recruit generally, then usually what we're referring to is the larger market defined by the scope of its relevant recruitment area.

MR. BOREN: Great. The next question is, "What does a compliance review involve?" And if you're a sponsor, you may be familiar with your OA staff that often provide technical assistance to you on setting up your apprenticeship program. And as a regulatory requirement, we do a couple of reviews.

One is really kind of a quality review where we'll be going back and checking in with you to see how your apprenticeship program is doing, ensuring that you're able to use the standard that you developed in compliance with the plan that you set forth. And the compliance review is really around what we're talking about today, and that's really about supporting equal employment opportunity and apprenticeship and ensuring that the program is in compliance with all aspects of Part 29 and 30.

And part of that is really looking at this demographic analysis and another part of that is really looking at how you're recruiting, how you're operating your program in a way that does not discriminate against in terms of sex, ethnicity or disability.

OK. And the next question that comes up, "Can you do a sample of using the analysis tool of one area?" Kier, do you want to try to get that one?

MR. BICKERSTAFFE: I think the answer to that is just not yet, but – (inaudible) – doing, developing, but it's not something we can do right now.

MR. BOREN: Great. How accurate is the demographic tool? I'll try to start out with that one. You know, this is going to be, it's really based off of census data, so our analysis is as good as the census data is to ensure that your goals are going to be set against whatever the census tells us. So that's kind of a critical aspect of ensuring how great of a tool this is going to be. I'll just say this.

For the demographic analysis tool, this is going to be 100 percent easier than it's been in years past where we've had sponsors have to download census data. This is going to populate it for you in cooperation with the OA technical staff. And so, we really see this as an improvement in something that we're working to really deliver for you to ensure that you understand what's required of you under the regulations.

So let's see the next question here. Really appreciate all these really thoughtful questions by the way. So both the EE – sorry. We're popping around here. Nope. Number 12? OK. "If the sponsor's jurisdiction covers multiple counties, does the demographic analysis have to be done separately for each county or all counties as a whole?"

MS. FREY: You can just group the data from all the counties as a whole together as your availability figure, which you'll use to compare to your workforce analysis and also will help set your goals if you need to set goals. So yes. It would be an aggregation of all the areas from which your relevant recruitment area would cover.

MR. BOREN: Great. Thanks, Jenn. The next one is a follow-up question. It's follow-up from that previous college question. "Back to the minimum five apprentice question, since the answer is yes, you would have to do an affirmative action plan – they had six apprentices across three employers. The college's program is subject to affirmative action requirements. How does that account for differences among employers? For example, one employer recruited only internally, and another recruited externally." Kier, would you like to try that one?

MR. BICKERSTAFFE: Yeah. I mean that is a complicated scenario. I think that there are ways to weight the availability analysis so that, for instance, if a certain percentage of positions are filled internally versus externally, there's a way to weight the availability analysis that way. But I think that we would have to, that's a scenario that you'd want to work, I think, with the OA staff and follow up potentially with solicitor's office here at the department to work out to make sure that it's being done correctly.

MR. BOREN: Great. Let's see. If an employer's candidate pool is a high school or a regionally local pre-apprenticeship program, how would you accommodate those more focused candidate pools if they did not meet the demographic expectations?

MS. FREY: So I can take this line here this time and if he has additional thoughts, but when we're looking at the pools from which sponsors are recruiting, that's sort of setting the data that we're looking at. So if you recruit internally, we're taking stock of the figures of the demographics that are available within your larger workforce and that can include partners as well.

But in saying that, I do want to caution that sponsors should try to think about ways that they can partner with lots of different types of organizations so that those figures do look more diverse and that sponsors can make sure that they're partnering with different programs that can really take advantage of all types of candidates for apprenticeship that are out there.

MR. BOREN: We can answer that next question. But just to add on to Jenn's notion is that some programs are going to be really recruiting apprenticeship programs from their incumbent workforce, and so you're just going to have to keep in mind what the availability is in your incumbent workforce when doing that workforce analysis.

And just making that really apparent for the OA staff, that that's your recruiting pool, it's your incumbent workforce, just so they know how to do that, ensure that analysis is actually correct.

MS. FREY: Right. Defining the relevant recruitment area will certainly be a discussion between sponsors and their registration agency during compliance reviews and the registration agency can help sponsors draw other relevant recruitment areas. And like I said, that can be either drawn mostly from internal sources or from external sources. And so, as long as the sponsor has a good reason or justification for drawing their relevant recruitment area that way, then that's what we'll go with.

MR. BOREN: Great. "Will there be an allowance for sponsors, employers to dispute the data this tool provides if they have date from their – if they have data from their state labor market information office or their area chamber of commerce or a local workforce board, etc."

MR. BICKERSTAFFE: You know, I guess I'll answer this just by stating, I mean that the tool is going to work best in those situations where the, there's not a number of different prerequisite skills or requirements that are needed, aside from a certain level of educational background. That is easy to plug in and that will spit out, based on the census data, I think a fairly discrete and accurate (just come ?) for your answer.

In those situations where there are more things to take into account in terms of skills or experience, different certifications that are required that may have an effect on the availability, we would, I think we would take our tool as a jumping off point. Then it could be potentially refined by other information like that that the sponsor can bring to our attention.

MR. BOREN: But again, you know the tool is really working off of census data. This is the best data that we have available for your recruiting area, so just keep that in mind, that this is nationally valid data that this tool is really going to be working from.

Next question here. "In Ohio, they do a compliance review and this information is included in that review. Will there be a compliance review by another agency?" No. The state apprenticeship agency in Ohio is the only organization that is designed to really develop, deliver, provide technical assistance and work with sponsors on equal employment opportunities. So we'll do that Office of Apprenticeship in Ohio that will be working with you on this.

OK. Great. The next question is, "Can these questions be grouped and provided for future reference? Questions may come up later from staff, a sponsor, etc., and the answers may be helpful. If so, where can they be found?"

We have a lot of FAQs on our website and that might be a good chance to show our, the next slide here and just show some of those resources. So just note that the Apprenticeship EEO website has a little minor typo in it. John, can we show the actual website here, which is https doleta.gov/oa/eeo. There are a variety of tools that are available for sponsors to ensure that they have all the tools in their tool belt to be able to comply with equal employment opportunity.

And one of those things that we've really honed in on is ensuring that we put as many frequently asked questions up on that website. We're constantly updating those questions and we'll be adding to those, taking many of these from the webinar today and ensuring that those get populated there as well. So check back with our website and those will really, we refresh that website just about every month. So you'll have a chance to tap into more resources there.

We'll go to maybe another question here. We got a little bit of time. "Will the demographics tool be accurate if one of the minimum requirements includes a valid driver's license?"

MR. BICKERSTAFFE: I don't know the answer off hand. I don't know if there's data to suggest that one race or one sex is less likely to have a driver's license than another. I'd imagine that there probably is, so it is possible.

I think that we would need to be careful that the requirement for a driver's license is something that is related to the job and is a necessity. If it weren't then there could be some legal risk in applying a requirement that isn't necessary for the job. But if it is, that's just an issue that we'll have to look at when we coincide.

MR. BOREN: Good. Good question. I've got another question in here. A lot of questions about Ohio. Love Ohio. "Since Ohio is an SAA state, would we work with directly with them? Just trying to make sure I understand who is the go-to." Yeah. Again, you're going to be working with the Ohio state apprenticeship agency.

You won't have direct contact with the Office of Apprenticeship staff here at the Department of Labor, but it is a partnership to really deliver the registered apprenticeship system between the Office of Apprenticeship and those states that have a state apprenticeship agency.

We meet with them regularly. We're good friends with Patrick Reardon, who heads up that agency in Ohio and we've been working with Patrick and actually all the state apprenticeship agencies to update their laws and regulations to be in compliance with part 30. And so, the State Apprenticeship Agency in Ohio will be getting in touch with you as they move ahead on these rules to let you know when you need to come into compliance with all the aspects of affirmative action.

OK. Great. The next one is, "Please explain how national programs will be affected when operating in multiple states." That's a good question. You know, it will really depend on what your recruiting area is.

Not knowing your recruiting area, the national program may be working in three states, five states, all 50 states, so you're really going to have to determine what your recruiting area is. The tool will work as well for local programs as it would for national programs, and our staff that are servicing your national program will be working alongside with you to make sure that the tool works for your unique situation.

And let's see. We have any more? We'll take another minute to see if any more questions that come in. Just want to note that our staff is really here for you as a technical resource to really help ensure that you understand the how to deliver this program and to really work with you as a sponsor to use the tool that we're going to be putting out for you.

So just keep that in mind. If you have questions about the tool that is coming out, about any, when your next review is going to be coming up so you can be prepare, our staff, we're located in your state and certainly available and ready to answer further questions as you need it. You have a friend in OA for sure when it comes to being in, understanding the requirements that we've laid out here today.

So should we go to our wrap up slides here? Again, showing a few of those resources. We again put up the Apprenticeship EEO website. Be sure to check back there at doleta.gov/oa/eeo. We've done a variety of different webinars that are available for you as well. Just back in June, we did a webinar on ensuring self-identification of those apprentices that have a disability.

And so you may want to check back and catch up with that webinar. Additionally, we have upcoming webinars in September. It will be part two of this phase-in requirements for affirmative action and equal employment opportunity. So check out those resources. Hope you'll be able to join us again on September 14th from 1:00 to 2:00 p.m. Eastern.

OK. And then you have our contact information as well. Feel free to reach out if you have a question about this webinar that you didn't get answered. We'll also be working to ensure that all the questions that came in are part of our frequently asked questions. You can contact myself, Zach Boren, my colleague Natalie Linton, my other colleague Jennifer Frey and Kier Bickerstaffe here at the Office of Civil Rights and Labor Management Division.

So that concludes our webinar. We thank you for joining us and we look forward to talking to you more in September.

(END)