

STATE BOARD OF EDUCATION

Consent Item

May 22, 2019

SUBJECT: Approval of Amendment to Rules 6A-23.002, Definitions; 6A-23.003, Eligibility and Procedure for Apprenticeship Program Registrations; 6A- 23.004, Standards of Apprenticeship; 6A-23.005, Apprenticeship Agreement; 6A-23.006, Deregistration of Department Registered Program; 6A-23.008, Complaints; 6A-23.009, Reinstatement of Program Registration; and 6A-23.011, Program Performance Standards

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 446,032, 446.041, F.S.

EXECUTIVE SUMMARY

The amendments include revisions to the rules that align with the following Code of Federal Regulations (CFR):

29 CFR Section 29.2 - Definitions;
29 CFR Section 29.3 - Eligibility and Procedure for Apprenticeship Program Registrations;
29 CFR Section 29.5 - Standards of Apprenticeship;
29 CFR Section 29.7 - Apprenticeship Agreement;
29 CFR Section 29.8 - Deregistration of Department Registered Program;
29 CFR Section 29.12 - Complaints;
29 CFR Section 29.9 - Reinstatement of Program Registration;
29 CFR Section 29.6 - Program Performance Standards.

These rule amendments will also serve as a catalyst for compliance with Federal Regulation 29 CFR Part 29, (Labor Standards for the Registration of Apprenticeship Programs), and 29 CFR Part 30, (Equal Employment in Apprenticeship) leading to full recognition from the United States Department of Labor Office of Apprenticeship as the state approving agency for federal purposes.

Supporting Documentation Included: Proposed Rules: 6A-23.002; 6A-23.003; 6A-23.004; 6A-23.005; 6A-23.006; 6A-23.008; 6A-23.009; and 6A-23.011, F.A.C. Title 29 C.F.R. Part 29, Title 29 C.F.R. Part 30, State Plan for Equal Employment Opportunity in Apprenticeship (under separate cover)

Facilitator: Rod Duckworth, Chancellor, Division of Career and Adult Education

“Substantial rewording of Rule 6A-23.002 follows. See Florida Administrative Code for present text”

6A-23.002 Definitions.

As used in this rule:

(1) “Administrator” means the Administrator of the Florida Department of Education’s (Department) Office of Apprenticeship, or any person specifically designated by the Administrator.

(2) “Apprentice” means a person at least sixteen (16) years of age and who has entered into an apprenticeship agreement with a registered apprenticeship program sponsor and who is engaged in learning an apprenticeable occupation through actual work experience under the supervision of journeyworkers.

(3) “Apprenticeship Agreement” means a written agreement between an apprentice and a participating employer or an apprenticeship committee acting as agent for the participating employer, which contains the terms and conditions of the employment and training of the apprentice.

(4) “Apprenticeship Committee” means those persons designated by the sponsor to administer the program. A committee may be either joint or non-joint, as follows:

(a) “Joint Apprenticeship Committee” means a committee composed of an equal number of representatives of employers and employees, which has been established by an employer or group of employers and a bona fide collective bargaining agent or agents to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices selected for employment under the particular program.

(b) “Non-Joint Apprenticeship Committee” means a committee which may also be known as an individual or unilateral or group non-joint (which may include employees) committee, has employer representatives, but does not have a bona fide collective bargaining agreement as a participant.

(5) “Apprenticeship Program” means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.

(6) “Apprenticeship and Training Representative” means an individual representative of the Department properly authorized to act on behalf of the Department in matters concerning registered apprenticeship and preapprenticeship.

(7) “Cancellation” means the termination of the registration or approval status of a program at the request of the sponsor, or the termination of an Apprenticeship Agreement at the request of the apprentice.

(8) "Certificate" means documentary evidence that:

(a) The Department has approved a set of standards developed by an organization, joint or non-joint, for policy or guideline use as conforming to the Standards of Apprenticeship;

(b) The Department has registered an apprenticeship program as evidenced by a Certificate of Registration; or

(c) The Department has determined that an individual has successfully completed apprenticeship training as verified by the program sponsor.

(9) "Competency" means the attainment of manual, mechanical, or technical skills, and knowledge as specified by an occupational standard and demonstrated by a written and hands-on proficiency measurement.

(10) "Completion Rate" means the percentage of an apprenticeship cohort that receive a certificate of apprenticeship completion within one (1) year of the projected completion date. An apprenticeship cohort is the group of individual apprentices registered to a specific program during a one-year time frame, except that a cohort does not include apprentices whose apprenticeship agreements have been canceled during the probationary period.

(11) "Department" means the Florida Department of Education, which is the Registration Agency for federal apprenticeship purposes.

(12) "Electronic Media" means media that utilizes electronics or electromechanical energy for the end user to access the content and includes, but is not limited to, electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks, and the physical movement of removable or transportable electronic media or interactive distance learning.

(13) "Established Industry Practices" means the length of training required by the majority of registered program standards for the particular apprenticeable occupation.

(14) "Established Journeyworker Hourly Rate" means the average of the hourly rates paid to journeyworkers within the same apprenticeable occupation by participating employers in an apprenticeship program.

(15) "Federal Purposes" means any federal contract, grant, agreement or arrangement dealing with apprenticeship; and any federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship.

(16) "Interim Credential" means a credential or certificate issued to the apprentice by the program sponsor, employer, or third-party credentialing entity.

(17) "Journeyworker" means a person working in an apprenticeable occupation who has successfully completed

a registered apprenticeship program or who has worked the number of years required by established industry practices for the occupation. Use of the term may also refer to a mentor, technician, specialist, or other skilled worker who has documented sufficient skills and knowledge of an occupation through practical on-the-job experience and formal training.

(18) "On-the-Job Training" (OJT) means the process by which an apprentice or pre-apprentice acquires knowledge and skills under the supervision and tutelage of an experienced journeyworker within an apprenticeship occupation registered with the Department. On-the-Job Training is the monitoring and training responsibility of the sponsor or participating employer.

(19) "Participating Employer" means a business entity which:

(a) Is actively engaged by and through its own employees in the actual work of the occupation being apprenticed;

(b) Employs, hires, and pays the wages of the apprentice and the journeyworker training the apprentice;

(c) Evaluates the apprentice; and

(d) Is signatory to a collective bargaining agreement or signatory to a participating employer agreement with the program sponsor which is registered with the Department.

(20) "Provisional Registration" means the 1-year initial provisional approval of newly registered programs that meet the required standards for program registration, after which program approval may be made permanent, continued as provisional, or rescinded following a review by the Department, as provided for in the criteria described in Rule 6A-23.003(6), F.A.C.

(21) "Quality Assurance Assessment" means a comprehensive review conducted by the Department regarding all aspects of an apprenticeship program's performance. The review will also determine whether the Department is receiving notification of all new registrations, cancellations, and completions as required.

(22) "Registration Agency" means a recognized State Apprenticeship Agency that has responsibility for registering apprenticeship programs and apprentices; providing technical assistance; and conducting reviews for compliance and quality assurance assessments for federal purposes.

(23) "Registration of an Apprenticeship Agreement" means the acceptance and recording of an agreement by the Department as evidence of the participation of the apprentice in a particular registered apprenticeship program.

(24) "Registration of an Apprenticeship Program" means the acceptance and recording of a program by the

Department as meeting the basic standards and requirements for approval of a program for federal purposes.

Approval is evidenced by a Certificate of Registration.

(25) "Related Technical Instruction" means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to the apprentice's occupation. Such instruction may be given in a classroom, through occupational or industrial courses, correspondence courses, electronic media, or other forms of self-study approved by the Department.

(26) "Sponsor" means any person, association, committee, or organization operating an apprenticeship program and in whose name the program is registered or approved.

(27) "Standards of Apprenticeship" means the minimum requirements established for each apprenticeable occupation under which an apprenticeship program is administered.

(28) "State Apprenticeship Advisory Council" means an entity established to assist the Department and provide advice and guidance on the operation of the state's apprenticeship system.

(29) "State Apprenticeship Agency" means an agency of a state government that has responsibility and accountability for apprenticeship within the state to register and oversee apprenticeship programs and agreements for federal purposes.

(30) "Technical Assistance" means guidance provided by the Department staff in the development, revision, amendment, or processing of a potential or current program sponsor's Standards of Apprenticeship, Apprenticeship Agreements, or advice or consultation with a program sponsor to further comply with state and federal apprenticeship laws or guidance from the Department on how to remedy nonconformity.

(31) "Transfer" means a shift of apprenticeship registration from one program to another or from one employer within a program to another employer within the same program where there is an agreement between the apprentice and the affected apprenticeship committees or program sponsors.

(32) "Work Processes" means an outline of journeyworker supervised work experience and OJT with the allocation of approximate hours to be spent in each activity.

Rulemaking Authority 446.041(13) ~~(12)~~ FS. Law Implemented 446.021 FS. History—New 6-9-81, Formerly 38C-16.02, Amended 5-29-90, Formerly 38C-16.002, Amended 9-4-97, Formerly 38H-16.002, Amended 3-29-11,

6A-23.003 Eligibility and Procedure for Apprenticeship Program Registrations

(1) ~~Eligibility for registration of an~~ No apprenticeship program for Federal purposes with the or agreement shall be eligible for Florida Department of Education is conditioned upon a program's registration unless it is in conformity with the applicable provisions of Chapter 446, F.S., and Chapter 6A-23, F.A.C. and the training is in an apprenticeable occupation under Section 446.092, F.S., and included on the U.S. Department of Labor's apprenticeable occupation list <http://www.flrules.org/Gateway/reference.asp?No=Ref-00161> as of the effective date of this rule, which is incorporated by reference. A hard copy may be obtained by contacting the Florida Department of Education, Division of Career and Adult Education, Apprenticeship Section, 325 West Gaines Street, Room 754, Tallahassee, FL 32399.

(a) ~~Prior to the registration of any apprenticeship program, all of the standards established by the Department shall be met;~~

(b) ~~The Department shall cooperate with and give all possible assistance to employers, associations, committees and other organizations that request registration of an apprenticeship program;~~

(c) ~~There shall be a presumption that there is a need for apprenticeship training in each county in Florida unless proven to the contrary.~~

(2) Prior to registration of a program by the Department, program sponsors or employers must demonstrate ~~Reasonable assurance of employment opportunities for training purposes necessary for completion of the apprenticeship contemplated program by individual apprentices, shall be demonstrated prior to registration of a program by the Department. The number and size (number of employees) of employers committed to support the program will be considered in making this determination.~~

(3) Apprentices must be individually registered under a registered program. The program sponsor or employer must. Such registration shall be made by filing originals of each apprenticeship agreement with the Department's appointed apprenticeship representative within forty-five (45) calendar days of the date of selection or hire, file original documentation of the Apprenticeship Agreement with the Department's and shall become effective upon signature by the Apprenticeship and Training Representative for approval. The apprenticeship start date shall be the date OJT or related technical instruction begins, whichever comes first, in the apprenticeable occupation for which the apprentice is being trained. Nothing herein shall invalidate or cause to invalidate any provision in a collective bargaining agreement between employers and employees.

(4) ~~The program sponsor must notify [The Department must be notified within forty-five (45) calendar days of persons who have successfully completed apprenticeship programs, transfers, cancellations of apprenticeship agreements, and a statement of the reasons by the program sponsor, the event through the appropriate field office of the cancellation, suspension, or termination of any apprenticeship agreements, with cause for same, and of apprenticeship completions.~~

(5) Upon approval by the ~~Department Registration Officer~~, apprenticeship programs shall be accorded registration; ~~for federal purposes evidenced by a certificate of registration.~~

(6) Applications for new programs that the Department determines meet the required standards for program registration ~~shall~~ ~~must~~ be given provisional approval for a period of one (1) year. The Department must review all ~~new programs for conformity with the requirements of this rule performance standards outlined in Rule 6A-23.011, F.A.C., at the end of the first year after of registration provisional approval. A satisfactory review of a provisionally approved program will result in conversion of provisional approval to permanent registration. At that time:~~

~~(a) A program that conforms with the requirements of this rule –~~

~~1. May be made permanent; or~~

~~2. May continue to be provisionally approved through the first full training cycle.~~

~~(b) A program not in operation or not conforming to the regulations during the provisional approval period must request cancellation or be recommended for deregistration procedures.~~

(7) Any recommended modification(s) or change(s) to registered standards shall be submitted to the Department through the ~~appropriate~~ Apprenticeship and Training Representative. In addition:

(a) The Department must make a determination as ~~to~~ whether to approve such submissions within ninety (90) calendar days from date of receipt;

(b) If approved, the modification(s) or change(s) will be recorded and acknowledged within ninety (90) calendar days of approval as an amendment to ~~the such~~ program; and

(c) If not approved, the sponsor must be notified of the disapproval and the reasons therefore and provided technical ~~appropriate~~ assistance.

~~(8) The certificate of registration for an approved program will be made in the name of the program sponsor and will remain in effect subject to the rules as stated herein.~~

~~(9) The request for registration, together with all documents and data required by Chapter 6A-23, F.A.C., shall~~

~~be submitted in four (4) copies.~~

~~(8) (10) Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement, or other instrument, provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or "no objection" to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union local, if any, which is the recognized or certified collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The Department must provide for receipt of union comments in writing on official letterhead, if any, within forty-five (45) days before final action on the application for registration or approval In addition, upon receipt of the application and apprenticeship program, the Department shall promptly send by certified mail to such union local another copy of the application and of the apprenticeship program together with a notice that union comments will be accepted for forty-five (45) calendar days after the date of the agency transmittal.~~

~~(9) (11) Where the employees to be trained have no collective bargaining agent, an apprenticeship program may be proposed for registration by an employer, or group of employers, or an employer association.~~

~~(10) (12) An apprenticeship program may register be registered in one or more occupations simultaneously or individually with the provision that the program sponsor shall, within one (1) year of registration, be actively training apprentices on the job in each occupation for which registration is granted.~~

~~(11) (13) Each occupation for which a program sponsor holds registration shall be subject to cancellation or deregistration proceedings if no active training of apprentices has occurred within one (1) year.~~

~~(12) (14) Standards registered pursuant to all requirements of Title 29 C.F.R. Part 29, by any federally recognized state apprenticeship agency or council or by the Office of Apprenticeship of the U.S. Department of Labor shall be afforded approval reciprocity by the Florida Department of Education based on the following if such reciprocity is requested by the sponsoring entity: -~~

~~(a) National Program sponsors requesting and seeking reciprocal approval must register with the Department and meet the wage and hour provisions and numeric apprentice ratio of apprentices to journeyworkers as found in Rule 6A-23.004, F.A.C. standards of the Department.~~

~~(b) National Guideline sponsors must register with the Department and meet all the requirements set forth in~~

Chapter 446, F.S., and Chapter 6A-23, F.A.C.

Rulemaking Authority 446.032, 446.041 F.S. Law Implemented 446.032, 446.041, 446.051, 446.052, 446.071, 446.075, 446.092 F.S. History—New 6-9-81, Formerly 38C-16.03, Amended 5-29-90, Formerly 38C-16.003, Formerly 38H-16.003, Amended 3-29-11.

6A-23.004 Standards of Apprenticeship.

An apprenticeship program, to be eligible for approval and registration by the Department, must conform to the following Standards of Apprenticeship ~~The following standards are prescribed for an apprenticeship program:~~

(1) The program must ~~have~~ be an organized, written plan of program standards embodying the terms and conditions of employment, training, and supervision of one or more apprentices in an apprenticeable occupation, ~~as defined in Chapter 6A-23, F.A.C.,~~ and subscribed to by a sponsor who has agreed to carry out the apprentice training program.

(2) The program standards must contain provisions that address ~~concerning the following:~~

(a) The employment and training of the apprentice in an apprenticeable ~~a skilled~~ occupation.

(b) ~~The~~ A term of apprenticeship for an individual apprentice which may be measured ~~either~~ through the completion of either the ~~industry standard for on-the-job training (at least 2,000 hours exclusive of time spent at related instruction)~~ (time-based approach); the attainment of competency (competency-based approach); or a blend of the time-based and competency-based approaches (hybrid approach).

1. The time-based approach measures skill acquisition through the ~~individual~~ apprentice's completion of at least 2,000 hours of on-the-job training (exclusive of time spent at related technical instruction) as described in an outline within the approved Standards of Apprenticeship ~~a work process schedule~~.

2. The competency-based approach measures ~~skill acquisition through~~ the ~~individual~~ apprentice's successful demonstration of acquired skills and knowledge, as verified by the program sponsor. Programs utilizing this approach must still require apprentices to complete an on-the-job training component (exclusive of time) and complete a related technical instruction component (exclusive of time spent on the job) as outlined within the approved Standards of Apprenticeship ~~of registered apprenticeship~~. The outline program standards must contain and address how on-the-job training will be integrated into the program, describe all the competencies and identify a an appropriate means of testing and evaluation for such competencies.

3. The hybrid approach measures the individual apprentice's skill acquisition through a combination of a range of specified ~~minimum~~ number of hours (time-based approach) of on-the-job training and the successful demonstration of competency (competency based approach) as described in an outline within the approved Standards of Apprenticeship a work process schedule.

4. Program standards that utilize the competency-based or hybrid approach for progression through an apprenticeship and that choose to issue interim credentials must clearly identify the interim credentials, demonstrate how the credentials link to the components of the apprenticeable occupation, and establish the process for assessing an individual apprentice's demonstration of competency associated with the particular interim credential. Further, interim credentials must only be issued by the program sponsor or employer for recognized components of an apprenticeable occupation, thereby linking interim credentials specifically to the knowledge, skills, and abilities associated with those components of the apprenticeable occupation.

5.4. The determination of the ~~appropriate~~ approach for the program standards is made by the program sponsor, subject to approval by the Department ~~of the determination as appropriate to the apprenticeable occupation for which the program standards are registered.~~

(c) An outline of the on-the-job training work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process.

(d) Provision for organized, related technical instruction for and supplemental instruction in technical subjects related to the apprenticeable occupation. A minimum of 144 hours for each year of apprenticeship is recommended required. ~~This~~ Such instruction in technical subjects may be accomplished through media such as given in a classroom, occupational or industry courses, via electronic media, through occupational, industrial, or approved correspondence courses of equivalent value or other instruction forms of self study approved by the Department.

(e) Wage Provisions –

1. A progressively increasing schedule of wage rates is to be paid to the apprentice, consistent with the skill acquired, which shall be expressed in percentages of the established journeyworker hourly rate. The rates represent the minimum for each incremental period of apprenticeship. The established journeyworker hourly rate ~~applicable~~ among all participating employers in the same apprenticeable occupation shall be stated in dollars and cents.

2. The entry apprentice wage rate shall be no less than thirty-five (35) percent of the established journeyworker hourly rate ~~paid by all participating employers in the program.~~ Provided, However, ~~that~~ in no event shall the

apprentice wage rate be less than the minimum wage prescribed by the Fair Labor Standards Act, collective bargaining agreements, or by Florida Statutes, whichever is higher.

3. No apprentice shall receive an hourly wage less than the percentage for the incremental period in which the apprentice he is serving ~~applied to the established journeyworker rate.~~

4. The established journeyworker hourly wage rate ~~provided for by the standards~~ shall be reviewed ~~and adjusted~~ annually and amended when determined by program sponsor or as per the collective bargaining agreement.

5. The minimum hourly apprentice wage rate paid during the last incremental period of apprenticeship shall be not less than seventy-five (75) percent of the established journeyworker wage rate.

6. This subsection governing apprentice wages shall not be interpreted or construed in a manner that would cause a conflict with applicable federal law or regulations. ~~The minimum entry apprentice wage rate and the minimum apprentice wage rate during the last incremental period of apprenticeship shall be reviewed periodically by the Department and amended when determined necessary.~~

(f) Periodic review and evaluation of the apprentice's progress in job performance and related technical instruction, and the maintenance of ~~appropriate~~ progress records.

(g) A numeric ~~The~~ ratio of apprentices to journeyworkers consistent with proper supervision, training, safety, and continuity of employment ~~and or applicable~~ provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements, but in a ratio of not more than one (1) apprentice to the participating employer in each apprenticeable occupation, and two (2) apprentices for every three (3) journeyworkers thereafter. It shall be the responsibility of the apprenticeship committee or / sponsor to ensure that the allowable ratio of apprentices to journeyworkers is consistently maintained in the program as a whole, by each participating employer, and on the job site as follows;

1. For construction-related programs and participating employers in each apprenticeable occupation, an initial ratio of one (1) apprentice to one (1) journeyworker must be adhered to. Subsequent ratios are two (2) apprentices to three (3) journeyworkers.

2. For non-construction related programs and participating employers in each apprenticeable occupation, a variance may be requested which is subject to approval by the Department.

(h) A probationary period reasonable in relation to the full apprenticeship term, with full credit for such period toward completion of apprenticeship, which cannot exceed twenty-five (25%) percent of the length of the program,

or one (1) year, whichever is shorter.

(i) ~~Adequate and safe~~ equipment and facilities for training and supervision, and safety training for apprentices on the job and in related technical instruction.

(j) The ~~required~~ minimum qualifications required by a sponsor for persons entering an apprenticeship program, with an eligible starting age ~~of~~ not less than sixteen (16) years.

(k) The placement of an apprentice under an apprenticeship agreement. The agreement shall directly, or by reference, incorporate the standards of the program as part of the agreement;

(l) ~~The granting of~~ advanced standing or credit for demonstrated competency, ~~previously~~ acquired experience, training, or skills, or aptitude for all applicants equally, with commensurate wages for any ~~accorded~~ progression step.

(m) The transfer of an apprentice between apprenticeship programs and within an apprenticeship program must be based on agreement between the apprentice and the affected apprenticeship committees or program sponsors and must comply with the following requirements:

1. The transferring apprentice must be provided a transcript of related technical instruction and on-the-job training by the committee or program sponsor;
2. Transfer must be to the same occupation;
3. A new apprenticeship agreement must be executed when the transfer occurs ~~between program sponsors~~; and,
4. The apprentice must receive full credit from the new participating employer or sponsor for satisfactorily completed time and training earned. ~~The transfer of participating employer's training obligation through the committee, if one exists and as warranted, to another participating employer, must provide for full credit to the apprentice for satisfactory time and training earned.~~

(n) Assurance of qualified training personnel and adequate supervision on the job. Every apprenticeship instructor must:

1. Meet the ~~Florida Department's of Education's~~ requirements for a career-technical instructor per ~~s~~Section 1012.55, F.S., or be a subject matter expert, which is an individual who is recognized within an industry as having expertise in a specific occupation, as demonstrated by being a journeyworker, or by holding the licensure or certification required in the given occupation; and
2. Have training in teaching techniques and adult learning styles, which ~~must may~~ occur before ~~or after~~ the

apprenticeship instructor has started to provide the related technical instruction.

(o) Recognition ~~of~~ for successful completion of apprenticeship evidenced by ~~a an appropriate~~ certificate issued by the Department.

(p) Identification of the Department as Registration Agency.

(q) Provision for the registration, cancellation, and deregistration of the program; and ~~requirement~~ for the prompt submission of any program standard modification or amendment to the Department for approval ~~thereof~~.

(r) Provision for registration of apprenticeship agreements, modifications, and amendments; notice to the Department of persons who have successfully completed apprenticeship programs; and notice of transfers, cancellations, suspensions ~~and terminations~~ of apprenticeship agreements and a statement of the reasons ~~causes~~ therefore.

(s) Authority for the cancellation ~~termination~~ of an apprenticeship agreement during the probationary period by either party without stated cause; Cancellation during the probationary period will not have an adverse impact on the sponsor's completion rate.

(t) Provision for not less than five (5) business days' notice to an apprentice and ~~the his/her~~ participating employer of any proposed adverse action and cause ~~therefore~~ with stated opportunity ~~to apprentice during such period~~ for corrective action, unless other acceptable procedures are provided for in the collective bargaining agreement.

(u) Contact information such as name, address, telephone number, and e-mail address ~~Provision for a grievance procedure, and the name and address of the individual with appropriate~~ authority under the program to receive, process and make disposition of complaints;

(v) Recording and maintenance of all records concerning apprenticeship as may be required by state or federal law. Records must be maintained for not less than five (5) years from the date of departure from or completion of the program;

(w) Provision for a participating employer's agreement; –

1. Each participating employer shall sign a participating employer's agreement with the program sponsor accepting the funding formula and all other requirements of the program standards, unless otherwise provided for in a collective bargaining agreement; and

2. The program sponsor shall notify the Department, ~~on a current basis, who its participating employers are and~~

shall notify the Department of any change in the status of each participating employer within the program. Where the program sponsor uses a participating employers' agreement, a copy of the agreement same and the cancellation thereof, shall be being furnished to the Department which will satisfy the requirements of this subsection;

(x) A funding formula providing for the equitable participation of each participating employer in funding of the program;

~~(y) The inclusion of an Equal Employment Opportunity Pledge and Affirmative Action Plan, including;~~

~~1. Procedure for dissemination of program openings and opportunities; and,~~

~~2. An approved selection procedure that does not discriminate against any individual on the grounds of race, color, religion, national origin, sex, or age.~~

~~(y) (z) All apprenticeship standards must contain articles necessary to comply with Title 29 C.F.R. Part 29, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00169> effective December 29, 2008, and Title 29 C.F.R. Part 30, Title 29 C.F.R. Parts 29 (effective October 29, 2008) (DOS link) and 30 (effective December 19, 2016) (DOS link) are hereby incorporated by reference. A copy of the C.F.R. provisions may be obtained by contacting Apprenticeship Programs, Division of Career and Adult Education, Department of Education, 325 W. Gaines Street, Tallahassee, Florida 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00170> effective May 12, 1978, which are incorporated by reference herein. A hard copy may be obtained by contacting the Florida Department of Education, Division of Career and Adult Education, Apprenticeship Section, 325 West Gaines Street, Room 754, Tallahassee, FL 32399.~~

~~Rulemaking Authority 446.032, 446.041(13) (12) F.S. Law Implemented 446.031, 446.041, 446.075 F.S. History—
New 6-9-81, Amended 7-10-83, Formerly 38C-16.04, Amended 5-29-90, Formerly 38C-16.004, 38H-16.004,
Amended 3-29-11.~~

6A-23.005 Apprenticeship Agreement.

The apprenticeship agreement shall contain explicitly or by reference:

(1) Names and signatures of the contracting parties (apprentice; and the program sponsor or participating employer), and the signature of a parent or guardian if the apprentice is a minor;

(2) The date of birth and, on a voluntary basis, Social Security number of the apprentice.

(3) Name and address of the program sponsor and Department;

(4) A statement of the occupation for or craft which the apprentice is to be trained taught, and the beginning date and length term (duration) of apprenticeship;

(5) A statement setting forth a schedule of the work processes in the occupation or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process, and a statement showing:

(a) The number of hours to be spent by the apprentice in work on the job in a time-based program; or a description of the skill sets to be attained by completion of a competency-based program, including the on-the-job training component; or the ~~range~~ minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid program; and

(b) The number of hours to be spent in ~~related and supplemental~~ instruction in technical subjects related to the occupation, which is ~~recommended~~ required to be not less than 144 hours per year; ;

(6) Statements providing:

(a) ~~For a~~ A specific period of probation during which the apprenticeship agreement may be ~~canceled~~ terminated by either party to the agreement upon written notice to the Department, without adverse impact on the sponsor;

(b) That, after the probationary period, the agreement may be ~~suspended, canceled, or terminated~~ for good cause, with due notice to the apprentice and ~~an a reasonable~~ an a reasonable opportunity for corrective action, and with written notice to the apprentice and ~~Department said agency~~ Department of the final action taken;

(c) That, after the probationary period, the agreement may be canceled at the request of the apprentice;

(7) A reference incorporating, ~~as part of the agreement,~~ the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended during the period of the agreement;

(8) A statement of the graduated scale of wages to be paid to the apprentice and whether or not the required related instruction is compensated;

(9) A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, sex, sexual orientation, ~~or age (40 or older), genetic information, or disability~~;

(10) A statement that if an employer is unable to fulfill ~~its his~~ his obligation under ~~the his~~ the apprenticeship agreement, the agreement may, with consent of the apprentice and program sponsor or apprenticeship committee, be transferred to another participating employer under a registered program with written notice of the transfer to the Department and with full credit to the apprentice for satisfactory time and training earned;

(11) Contact information such as name, and address, telephone number, and e-mail address of the ~~appropriate~~ appropriate authority, ~~if any,~~ designated under the program to receive, process and make disposition of controversies or

differences arising out of the apprenticeship agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established ~~occupation~~ procedure or ~~applicable~~ collective bargaining provisions;

(12) A request for demographic data, including the apprentice's race, sex, and ethnicity, and disability status ~~statement that in the event the registration of the program has been canceled or revoked, the apprentice will be notified by the sponsor within fifteen (15) business days of the event.~~

*Rulemaking Authority 446.032, 446.041(13) (12) F.S. Law Implemented 446.032, 446.041, 446.092 F.S. History—
New 6-9-81, Formerly 38C-16.05, 38C-16.005, 38H-16.005, Amended 3-29-11,*

6A-23.006 Deregistration of Department Registered Program.

Deregistration of a program may be effected either upon the voluntary action of the sponsor by a request for cancellation ~~of the registration~~ or upon notice by the Department to the sponsor stating cause, and instituting formal deregistration proceedings ~~in accordance with the provisions of Chapter 6A-23, F.A.C.~~

(1) Cancellation by request of the sponsor. The Department may cancel the registration of an apprenticeship program by a written acknowledgement of a ~~such~~ request stating, but not limited to, the following:

(a) The registration is canceled at sponsor's request and ~~giving~~ the effective date ~~of such cancellation~~; and,

(b) Within fifteen (15) ~~business days of the effective~~ date of the acknowledgement, the sponsor must notify all registered apprentices of ~~such~~ cancellation and the effective date that will such cancellation automatically deprives the apprentice of ~~his~~ individual registration; that the cancellation removes the apprentice from coverage for federal and state purposes; and that all apprentices will be referred to the Department for information regarding other registered apprenticeship programs.

(2) Deregistration by the Department. Deregistration proceedings shall be conducted ~~in conformity with Title 29 C.F.R., §§ 29.8 and 29.10, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00172> effective December 29, 2008, which are incorporated by reference herein and may be obtained by contacting the Florida Department of Education, Division of Career and Adult Education, Apprenticeship Section, 325 West Gaines Street, Room 754, Tallahassee, FL 32399,~~ as follows:

(a) Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, or administered in accordance with ~~the registered standards or the requirements of Chapter 6A-23, F.A.C., including,~~

~~but not limited to; failure to provide on the job training; failure to provide related instruction; failure to pay the apprentice a progressively increasing schedule of wages consistent with the skills acquired; or a persistent and significant failure to perform successfully. Deregistration proceedings for violation of equal opportunity requirements must be processed in accordance with the provisions under Title 29 C.F.R., Part 30.~~

(b) ~~When the apprenticeship program is not~~ ~~Where it appears the program is not~~ being operated in accordance with the registered standards or with the requirements of Chapter 6A-23, F.A.C., ~~the apprenticeship representative shall notify the Department must, and the Registration Officer shall so~~ notify the program sponsor in writing.

(c) The notice shall be sent by registered or certified mail, return receipt requested, shall state the deficiency(ies) and remedy(ies) required, and shall state that the program will be deregistered for cause unless corrective action is taken within thirty (30) calendar days of receipt. ~~Good cause shall include any circumstance under which the sponsor is making a good faith effort to resolve the claimed deficiency.~~

(d) Upon request by the sponsor, the 30-day term may be extended for another thirty (30) days. During the period for corrective action, the Department must assist the sponsor in every reasonable way to achieve conformity. ~~During the period for correction, the sponsor shall be assisted in every reasonable way by the Department.~~

(e) If the required action is not taken within the allotted time, the Department shall send a notice to the sponsor by registered or certified mail, return receipt requested, stating the following:

1. This notice is sent pursuant to this subsection;

2. The sponsor was advised of ~~That~~ certain deficiencies ~~were called to sponsor's attention (enumerating them and the remedial measures requested, with the dates of such occasions and letters), and has failed or refused to effect correction~~ ~~remedial actions requested~~;

3. Based upon the stated deficiency(ies) and failure to remedy ~~them~~, a determination has been made that there is ~~reasonable~~ cause to deregister the program, and the program may be deregistered unless within fifteen (15) days of the receipt of this notice, the Department receives a request for hearing from the sponsor;

4. If a hearing is not requested by the sponsor, the entire matter will be submitted to the Administrator of the U.S. Office of Apprenticeship, for a decision on the record with respect to deregistration.

5. If requested, the sponsor may seek an administrative hearing in accordance with the provisions of Chapter 120, F.S.

(f) The Department shall transmit to the Administrator of the U.S. Office of Apprenticeship all documents and

information relating to the deregistration proceedings ~~that is required under Title 29 C.F.R., § 29.8. Thereafter, the deregistration proceeding shall be governed in accordance with the provisions of Title 29 C.F.R., §§ 29.8 and 29.10.~~

(g) Every order of deregistration must contain a provision that the sponsor must, within fifteen (15) days of the effective date of the deregistration order, notify all registered apprentices of the deregistration and the effective date thereof that will automatically deprive the apprentice of individual registration; that the deregistration removes the apprentice from coverage for federal and state purposes; and that all apprentices will be referred to the Department for information regarding other registered apprenticeship programs.

Rulemaking Authority 446.032, 446.041(13) (42) F.S. Law Implemented 446.032, 446.041, 446.051, 446.075 F.S. History—New 6-9-81, Formerly 38C-16.06, 38C-16.006, 38H-16.006, Amended 3-29-11.

6A-23.008 Complaints.

(1) This section is not applicable to any complaint concerning discrimination or other equal employment opportunity matters; all such complaints must be submitted, processed, and resolved in accordance with provisions of Title 29 C.F.R. Part 30 as incorporated in rule 6A-23.004, F.A.C., or provisions of the Florida State Plan for Equal Employment Opportunity in Apprenticeship which is hereby incorporated by reference (effective June 2019) (DOS link). A copy of the C.F.R. and the State Plan may be obtained by contacting Apprenticeship Programs, Division of Career and Adult Education, Department of Education, 325 W. Gaines Street, Tallahassee, Florida 32399.

(2) (4) Except for matters described in subsection (1) of this rule, any apprentice, preapprentice, or other affected person aggrieved by the alleged failure of any registered program to meet the standards established by the Department shall notify the program sponsor within thirty (30) calendar days of the alleged failure. The notification shall must be in writing and signed by the complainant, or parent or guardian if a minor.

(2) Within sixty (60) days of the local decision, or if the dispute is not resolved within thirty (30) calendar days of the sponsor's receipt of the notification, the apprentice, preapprentice, or other affected person may file with the Department a complaint concerning the alleged failure of any registered program to meet the standards established by the Department.

(3) The complaint must be in writing and signed by the complainant, or authorized representative, and must be submitted within sixty (60) days of the final decision of the program sponsor or committee. It must set forth the

~~specific matter(s) complained of, together with relevant facts and circumstances. Copies of pertinent documents and correspondence must accompany the complaint when submitted to the Department, shall be in writing and signed by the complainant. The complaint shall set forth the specific standards alleged to have been violated, and the facts and circumstances substantiating the complaint. Copies of all pertinent documents and correspondence shall accompany the complaint.~~

~~(4) The Department will render an opinion within ninety (90) days after receipt of the complaint, based upon such investigation of the matters submitted, as may be found necessary, and the record before it. During the ninety-day (90) period, the Department will make efforts to effect a satisfactory resolution between the parties involved. If so resolved, the parties will be notified that the case is closed. Where an opinion is rendered, copies will be sent to all parties. If requested, the sponsor may seek an administrative hearing in accordance with the provisions of Chapter 120, F.S. shall review the complaint and all available pertinent information and shall conduct such investigation as may be necessary to make a determination regarding the complaint. The Department will render an opinion within ninety (90) days after receipt of the complaint, based upon such investigation of the matters submitted as may be necessary, and the records before it. During the ninety (90) day period, the Department will make reasonable efforts to effect a satisfactory resolution between the parties involved. If so resolved, the parties will be notified that the case is closed. Where an opinion is rendered, copies will be sent to all interested parties. Parties substantially affected by the Department's determination may seek an administrative hearing in accordance with the provisions of Chapter 120, F.S.~~

(5) Nothing herein shall operate to invalidate any provision in a collective bargaining agreement between employers and employees setting higher apprenticeship standards. Any dispute covered by a collective bargaining agreement shall be resolved in accordance with the procedures and terms provided therein.

~~(6) This section is not applicable to any complaint concerning discrimination or other equal employment opportunity matters; all such complaints must be submitted, processed and resolved in accordance with applicable provisions of Title 29 C.F.R., Part 30 <http://www.flrules.org/Gateway/reference.asp?No=Ref 00173> effective May 12, 1978, which is incorporated by reference herein. A hard copy may be obtained by contacting the Florida Department of Education, Division of Career and Adult Education, Apprenticeship Section, 325 West Gaines Street, Room 754, Tallahassee, Florida 32399.~~

Rulemaking Authority 446.032, 446.041 F.S. Law Implemented 446.041(2), (4) F.S. History—New 6-9-81, Formerly

38C-16.08, 38C-16.008, 38H-16.008, Amended 3-29-11.

6A-23.009 Reinstatement of Program Registration.

Any apprenticeship program deregistered pursuant to Chapter 6A-23, F.A.C., may be reinstated upon presentation of ~~adequate~~ evidence that the apprenticeship program will operate ~~is operating~~ in accordance with Chapter 6A-23, F.A.C. Such evidence shall be presented to the Department through the Director of Apprenticeship at: 325 West Gaines Street, Room 754, Tallahassee, Florida, 32399. ~~if the sponsor had not requested a hearing or to the Department if an order of deregistration was entered pursuant to a hearing.~~

Rulemaking Authority 446.032, 446.041(13) (12) F.S. Law Implemented 446.041(2), (3) F.S. History--New 6-9-81, Formerly 38C-16.09, 38C-16.009, 38H-16.009, Amended 3-29-11.

6A-23.011 Program Performance Standards.

(1) No change.

(2) The Department must evaluate performance of registered apprenticeship programs. The tools and factors to be used must include, but are not limited to, the following:

(a) Quality assurance assessments;

(b) Equal Employment Opportunity (EEO) Compliance Reviews; ~~and,~~

(c) Completion rates; ~~-~~

(d) Adherence to the approved program standards; ~~and,~~

(e) Compliance with rules relating to apprenticeship programs established in Chapter 6A-23, F.A.C.

(3) ~~In order to evaluate completion rates,~~ The Department must review a program's completion rates in comparison to the national average for completion rates. Based on the review, the Department must provide technical assistance to programs with completion rates lower than the national average.

(4) No change.

Rulemaking Authority 446.032, 446.041(13) (12) F.S. Law Implemented 446.052 FS, History--New 3-29-11.