

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF WORKFORCE EDUCATION--APPRENTICESHIP



Apprenticeship Section Procedures

SUBJECT

Electronic record keeping by program sponsors operating apprenticeship, preapprenticeship and on-the-job training programs.

PURPOSE

To provide guidelines for electronic storage of records by program sponsors.

APPLICABILITY

This policy applies to all registered apprenticeship, preapprenticeship and on-the-job training program sponsors as defined in Chapter 38H-16 FAC and Chapter 446 FS operating registered apprenticeship, preapprenticeship and on-the-job training programs. This policy covers all electronic record keeping systems employed by such program sponsors for registered apprenticeship program records [and records maintained for registered preapprenticeship and registered on-the-job training programs] including, but not limited to, microcomputers, minicomputers, main-frame computers, and image recording systems (regardless of storage media) in network or stand-alone configurations. Electronic records include numeric, graphic, audio, video, and textual information recorded or transmitted in analog or digital form.

EFFECTIVE DATE

Upon issuance.

EXPIRATION DATE

Until superseded or rescinded.

POLICY

Program record keeping procedures have become more complex as record keeping media have increased in complexity and variety. At present sponsors may be recording data relative to their programs on paper, in photographic formats or electronic formats using various types of media. Additionally, program sponsors may employ outside vendors for processing and recording portions of program performance. Despite this complex mix of record keeping procedures,

certain requirements must be met by sponsors in order to maintain their compliance with applicable state and federal laws and codes.

Title 29 CFR Part 29.5(b)(6) provides requirements for apprenticeship program sponsors wishing to register standards to include a provision for “Periodic review and evaluation of apprentice’s progress in job performance and related instruction; and the maintenance of appropriate progress records...” In addition, Title 29 CFR Part 29.5(b)(22) requires “Recording and maintenance of all records concerning apprenticeship as may be required by the Bureau or recognized State Apprenticeship Agency and other applicable law.” These same requirements are reiterated in 38H-16.004(2)(f) FAC and 38H-16.004(2)(v) FAC respectively.

Additionally, Title 29 CFR Part 30.8(a) sets out, in part, the following requirements on sponsors:

“Each sponsor shall keep adequate records including a summary of the qualifications of each applicant, the basis for evaluation and for selection or rejection of each applicant, the records pertaining to interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay, or other forms of compensation or conditions of work, hours including hours of work and, separately, hours of training provided, and any other records pertinent to a determination of compliance with these regulations, as may be required by the Department.....”

Title 29 CFR Part 30.8(e) states “The records required by this part and any other information relevant to compliance with these regulations shall be maintained for 5 years and made available upon request to the Department or other authorized representative.” While not subject to the same compliance requirements as registered apprenticeship programs, records for registered preapprenticeship and on-the-job training programs should be maintained for two years per 38H-16.010[4][c]9 FAC and 446.091 FS.

Where the sponsor keeps records in an electronic format, such electronic records must be accessible upon request and in a format that allows for production of an individual record requested. Additionally, such electronic or other media records must be able to be reproduced on paper for direct examination, copying and inclusion in compliance review files. The sponsor shall maintain such records for a period of five years from the date of last activity for apprenticeship programs and two years for other programs.

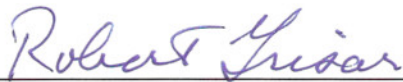
Each program sponsor is responsible for ensuring the continued accessibility and readability of records throughout the entire life cycle of the records regardless of the format or media in which the records are maintained. Additionally, sponsors shall back up electronic records on a regular basis to safeguard against the loss of information due to equipment malfunctions, human error, or other disaster. Sponsors shall select appropriate media and systems for storing master copies of electronic records throughout their life cycle which, as a minimum:

- Permit easy and accurate retrieval in a timely fashion, and;
- Retain the records in a usable format until their authorized disposition date.

Program sponsors should note that during the conduct of a compliance review or other records reviews the Apprenticeship and Training Representative [ATR] is required to examine records without prior notice to the sponsor regarding which specific records will be subject to the review. In order to comply with these requirements program sponsors must have the capacity to provide original and/or legible paper copies of source documents for review by the ATR or other authorized agency representative upon request.

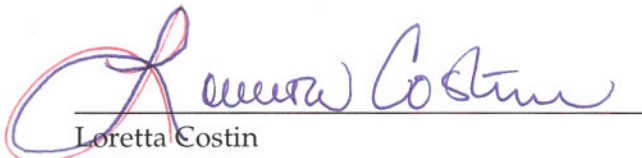
AUTHORITY

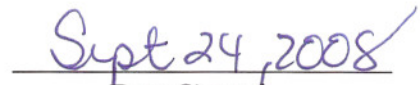
Florida Department of Education, Division of Workforce Education—Apprenticeship; Chapter 446 FS; Chapter 38H-16 FAC; Title 29 CFR Part 29; Title 29 CFR Part 30.



Robert Grisar
Program Director of Apprenticeship


Date Signed


Loretta Costin
Vice Chancellor


Date Signed