



## WASHINGTON STATE APPRENTICESHIP AND TRAINING COUNCIL

### ADMINISTRATIVE POLICY

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**TITLE:** Compliance Policy

**NUMBER:** 2021-01

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**CHAPTER:** [Chapter 296.05 WAC](#)

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#### ADMINISTRATIVE POLICY DISCLAIMER

This policy is designed to provide general information in regard to the current position of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Apprenticeship should be consulted.

This document is effective as of the date of print and supersedes all previous interpretations and guidelines. Changes may occur after the date of print due to subsequent legislation, administrative rule, or judicial proceedings. The user is encouraged to notify the Program Manager to provide or receive updated information. This document will remain in effect until rescinded, modified, or withdrawn by the Washington State Apprenticeship and Training Council.

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#### **Purpose**

This Compliance Policy outlines the procedures used by the CRRS and WSATC to implement current requirements in applicable laws and rules.

The purpose is to establish an EEO compliance administration policy that provides for:

- Consistency in application
- Clear instructions
- Clear expectations
- Clear remedy and consequences for failure
- Compliance with rules and laws

This policy is intended to provide guidance to all parties in the application of rules and laws. This Policy does not change or over rule any provisions in a WAC, RCW or other law. If there is a conflict between the Policy and rule or law, the rule or law provisions shall govern.

#### **Role of CRRS**

The role of the CRRS (Compliance Review and Retention Subcommittee of the WSATC) is to perform EEO and other compliance reviews and recommend actions to the WSATC.

- The Department shall perform apprenticeship program reviews for administrative compliance and recommend actions to the council. It may refer selected matters to the CRRS.
- The primary role of CRRS is to review Program Sponsors' compliance with applicable EEO/ Outreach/ Recruitment requirements.

### **Goals**

Goals currently established by the Department and adopted by the WSATC as a basic guide for finding of a good faith effort for an Apprentice Program's EEO work are as listed below. Other factors can affect a finding of good faith effort or lack of good faith effort.

- Minority Participation - 17% -This base goal is set by multiplying the average current minority participation by 70%. *See, Appendix 2*
- Female- 6.94% - This base goal is determined by using the average of females in Washington Construction Industry Apprenticeship. *See, Appendix 3*
- Minority and Female Goals will generally be evaluated every 5 years or when significant changes in the data have occurred.
- Alternative Goals. Program Sponsors may perform an enrollment deficiency analysis (EDA) in accordance with 296-05-433 WAC and present proposed alternative goals for a particular trade or occupation to CRRS for approval by the CRRS and the WSATC. The EDA shall include sufficient backup and/or documents to support the proposal.

### **Program Evaluation**

- Date: The Apprentice Program Evaluations should be done annually, based on a data range of the prior calendar year as recorded through 12/31.
- Data: The current apprentice count shall only include active apprentices, plus apprentices suspended for less than one year and apprentices who are suspended for active military duty.

### **Trend Analysis**

Prior to a Program's compliance review, the Department shall prepare a graph showing at least a 3 year (when available) trend of the program reflecting total number of applications and registrations of apprentices, and the number of women minority applicants and registrations . *See sample in Appendix 6.*

The time frame used for the graph should coincide with the appropriate review period for each apprenticeship program.

- The program must demonstrate a good faith effort in improving application and participation rates for women and minorities over time. The CRRS may evaluate other factors that have an effect on the trend of Goals and timetables. (296-05-437 WAC)
- A program achieving the pre-determined participation rates would be in compliance.

## **Goals and Timetables**

Program Sponsors should establish reasonable goals and timetables that can be achieved through a good faith effort. The Department, CRRS and the WSATC are responsible for reviewing and enforcing compliance.

- Good faith effort is evaluated by the CRRS using a variety of indicators including the trend analysis.
- Program Sponsors are required to submit and have on file with the Department a current (less than 5 years old) Affirmative Action Plan (296-05-411 WAC).  
Note: The WSATC should direct the development of a revised template as a committee assignment. The template should give a program a baseline set of steps or “marketing plan” to improve its goal achievement and it should be adjustable based on the resources available to the program.
- Program Sponsors are required to submit and must have on file with the Department a current equal employment opportunity plan (less than 5 years old) for outreach and recruitment (296-05-0413 WAC)

## **Good Faith Effort**

Good faith effort is evaluated by the trend analysis and comparison to WSATC basic participation goals. If participation is less than goals for either minorities or women, then CRRS will further review either recruitment or registration along the following lines:

- Outreach/recruitment. If applications are not sufficient to meet goals, then the program shall be directed to implement one or more “Recruitment and Outreach guidelines” in Appendix 1 with specified timetables.
- Intake or registration. If applications are sufficient to meet goals, but actual intake/registration is below compliance, then the CRRS must evaluate where the women and minority candidates are placed on the availability list after the interview process is complete. The program must provide the rankings following testing and interviews and clearly show females and minorities.

If women and minorities are placed low on the hiring list on a regular basis, the Program shall provide a review of the interview process. The Department or CRRS shall recommend changes to address the placement of women and minorities on the hiring lists. The Program shall demonstrate that the selection process is not discriminatory toward women and minorities.

Note: Evidence of the selection process may include ranked lists, interview notes and proof of multiple interviewers.

If the women and minority applicants are being placed high or reasonably ranked on the hiring list then the Department or CRRS will determine if these individuals being registered. If not, the registration and/or hiring process shall be reviewed by the Department or CRRS.

Note: The Department or CRRS may want to question why actual intake excluded women and minorities of similar rankings.

The Department or CRRS shall recommend changes to the registration and/or hiring process.

If there are female and minority applicants and the rankings are reasonable, but intake remains below goal, then further action shall be taken. The Council may direct that the program intake the number of apprentices desired by the Program conducting a random drawing of eligible applicants. The drawing shall be supervised by the Department. A Program Sponsor performing a random intake drawing shall be considered to be in compliance.

### **Time Tables**

Program Sponsors should have reasonable time, as approved by CRRS/WSATC, to achieve compliance and demonstrate good faith effort. Corrective Action Plans required by CRRS shall have reasonable due dates.

- Sponsors are generally allowed 1 year for the first plan, another year for revised and then begin next compliance steps if goals are not achieved. Programs would be “In Compliance” if completing steps of approved action plans in accordance with the agreed timetable.

### **Corrective Action Plans (CAP)**

- Shall be reviewed by the Department and then CRRS and then the WSATC.  
Note: This may extend the CRRS pre-meeting.  
Note: It will be important to maintain consistency between programs (The WSATC must consider size, type and resources of program- 296-05-413 WAC)
- Action plan results should be structured for ease of review-  
Note: The WSATC should consider developing a template via a committee.  
Note: CAP's are often not reviewed for progress by the Department or the CRRS unless asked for. Many times the CAP's are inconsistent in content and not tracked. Progress would have to more closely tracked under this policy.
- Compliance Duration  
The CRRS as approved by the WSATC has authority and discretion to determine how many times a program may revise its CAP.  
Note: CRRS should consider the program opportunities compared to the general economy and work availability. Program sponsors should be spending time on achieving the goals, not reporting.
- The size and type of the Program shall be considered. Questions to be considered should be :
  - 1)What can the program afford to do? (296-05-413 (2) WAC).
  - 2)Is the program doing everything possible for their size, type and resources?
- The WSATC based on a recommendation from CRRS may consider a program to be in compliance if it demonstrates progress through good faith efforts, but remains below the WSATC basic participation goals.

### **Summary of Enforcement/Sanctions**

The WSATC is responsible to take the necessary action to bring a non-complying program into compliance with the rules of 296-05 WAC. (296-05-013 WAC). Actions that may be taken are outlined in 296-05-013 WAC, 413, 439, 441, 447 & 449. The WSATC upon recommendation of the CRRS may:

- Order that corrective actions be taken, which may include modifications to the program sponsor's affirmative action plan. (296-05-441 WAC)
- Recommend outreach efforts (*See suggested template*)
- Determine if qualification standards are reasonable (296-05-419 WAC)
- Determine if selection requirements are reasonable
  - Is the form of selection a ranked pool?
  - Dictate a random selection pool
- Require EEO records as required by 296-05-431 WAC and Federal requirements
- Institute proceedings to withdraw program registration (296-05-013 WAC & 296-05-449 WAC)
  - WSATC shall comply with applicable notice and procedure requirements in 296-05 WAC, particularly 296-05-013 WAC and 296-05-449 WAC.
  - The Department Apprenticeship Supervisor, based on a compliance review or other reason may conclude that a program is not in compliance and the Program will not take voluntary action.
  - CRRS is to review the conclusion and make a recommendation for action to the WSATC. The recommendation to withdraw a program registration should be based on the significant lack of action and/or affirmative non-compliance by the program with the recommendations and directives of the WSATC.
  - If the WSATC agrees with the withdrawal recommendation, it must institute proceedings to withdraw program registration and take other action in accordance with 296-05-013 WAC.
  - 296-05-449 WAC outlines notice requirements and the opportunity for the sponsor to request a hearing. The section also outlines other actions that the WSATC may take following a hearing.

### **Administrative Compliance**

The Department shall prepare a Program Review checklist for "Administrative Reviews" incorporate into this administrative policy. Elements may address:

- OJT hours exceed requirements: *Why has apprentice not graduated?*
- OJT hours are under requirement but apprentice graduated: *Can the program explain?*
- Why does the department "suspend" an apprentice who is laid off but is still attending schools? RSI hours should count.
- Apprenticeship committee meeting minutes on time and complete?

- Is reporting adjusted to address the impact that economic downturns have on programs and their apprentices?
- Are modifications to the ARTS system necessary?
- Is the program operating in accordance with their own standards?
  - RSI hours up to date? Correct? Enough?
  - Current apprentice OJT and RSI numbers *Examples?*
- Are Female apprentices getting the hours compared to their male counter parts?
- Apprentices that have been registered for a long period of time without hours.
- Are RSI numbers escalated to get FTE funding from the schools
- Are Suspended female apprentices listed for compliance but have no path to work.
- Provide for reporting of hours to be consistent with how the programs receive hours from payroll systems.

Also- the Department is going to summarize the materials that are typically provided to CRRS.  
 Note: This will be provided to the Sponsors prior to the CRRS meeting.

## **Appendix**

- 1- Recruitment and Outreach Guidelines
- 2- Minority Goal Calculations
- 3- Female Goal Calculations
- 4- CAP Template

## **Recruitment and Outreach Guidelines**

### **Process/Procedure:**

WSATC will require every new and existing program have a recruitment/outreach plan for the WSATC to use as a benchmark for the program's recruitment and outreach efforts; regardless as to whether female and minority numbers have been achieved. The purpose of a required outreach is to continually make the public aware of the opportunities available in apprenticeship.

This plan shall include how the program intends to:

1. outreach
2. recruit
3. track its efforts over the next 12 months

This plan shall include the following as established by the program:

- Goals
- Benchmarks for achieving its goals

If goals/benchmarks are not met by the program then the WSATC will require the program to adjust their initial marketing/recruitment plan through a Corrective Action Plan (CAP). This request should be initiated by the program's apprenticeship

consultant's recommendation which is based on the program's annual review. If upon review, the program has not accomplished everything outlined in their plan then the program has not met good faith effort and would appear before CRRS for review.

### **Recruitment and Outreach Template**

Per the program's EEO section of their standards any combination of EEO activities as described in 1 through 10 of CFR 29 part 30.4. The requirement for programs to establish an equal opportunity plan is established in WAC 296.05 and can be found in approved standards under Section III Part B.

### **Affirmative Action Definitions per CFR 29 part 30:**

1. Dissemination of information concerning the nature of apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications and the equal opportunity policy of the sponsor:  
WSATC
2. Participation in annual workshops conducted by employment service agencies for the purpose of familiarizing school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.
3. Cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.
4. Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under this part.

## Recruitment and Outreach Template

**EEO Element**

**Insert element from Standards here**

| Examples of Outreach & Marketing<br><i>Geared toward general outreach</i> | # of times in 12 month cycle | Examples of Recruitment<br><i>Specific and targeted outreach</i> | # of times in 12 month cycle |
|---|------------------------------|--|------------------------------|
|   |                              |  |                              |
| <b>Total number of Outreach &amp; Marketing efforts:</b>                  |                              | <b>Total number of Recruitment efforts:</b>                      |                              |

### Goal:

| Goal Achieved:  | Yes | No |
|---|-----|----|
| 1. The project was completed on time.                         |     |    |
| 2. The project was completed within budget.                   |     |    |
| 3. The project met the required quality standards.            |     |    |
| 4. The project was completed with all required documentation. |     |    |
| 5. The project was completed with all required approvals.     |     |    |
| 6. The project was completed with all required resources.     |     |    |
| 7. The project was completed with all required stakeholders.  |     |    |
| 8. The project was completed with all required communication. |     |    |
| 9. The project was completed with all required reporting.     |     |    |
| 10. The project was completed with all required monitoring.   |     |    |

### Tracking Efforts/Back Up:

**Comments:**





☐ **Corrective Action Plan** or ☐ **Field Action Plan**

**Program Name/ID#:**

**Time-Period:**

**Action Plan Summary:** *list out the deficiencies identified in the Program managers report here and any other information you would like included about your plan and steps taken to correct them.*

**Goals:** *list your goals and include the timetables by which you plan to meet them*

| Sponsor Action Items                      | Apprenticeship Consultant Actions    | Action Date |
|---|--------------------------------------|-------------|
| <i>Actions to be taken by the sponsor</i> | <i>Actions to be taken by the AC</i> |             |
|   |                                      |             |
|   |                                      |             |
|   |                                      |             |

**Program Sponsor:** *Sponsor representative's name and contact information*

**Apprenticeship Consultant:** *Consultant Name and contact info*

**\*Form must be signed by committee Chair AND Secretary OR Program Authorized Signer**

|  |       |  |       |
|--|-------|--|-------|
| Signature:   |       | Signature:   |       |
| Print Name:  |       | Print Name:  |       |
| <input type="checkbox"/> Chair<br><input type="checkbox"/> Authorized Signer | Date: | <input type="checkbox"/> Secretary<br><input type="checkbox"/> Authorized Signer | Date: |

## Corrective Action Plan Template