MINIMUM STANDARDS FOR APPRENTICESHIP

Registered with the Virginia Apprenticeship Council
According to Chapter 6, Title 40.1
Code of Virginia

Effective May 30, 2018
and
Recognized by the U. S. Department of Labor
Office of Apprenticeship

These Minimum Standards for Apprenticeship are hereby adopted for use by:

Sponsor: _____

Date: _____

Signature of Sponsor's Representative: _____

These Standards for Apprenticeship are hereby approved:

Secretary of the Virginia Apprenticeship Council: C. Ray Davenport

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1. INTERPRETATIONS AND IMPLEMENTATION OF STANDARDS

a. The Minimum Standards For Apprenticeship ("Standards") are based on, and conform to:
   i. Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia", Chapter 20 of the Virginia Administrative Code." (Regulation 16VAC20-21-10 et. seq.)
   ii. "Voluntary Apprenticeship Act", §§40.1-117 through 40.1-126 of the Code of Virginia.

b. Each registered apprenticeship program must comply, at a minimum, with all items in these Standards. (Regulation16VAC20-21-30)

c. Each apprenticeship agreement will be governed by the terms and conditions in these Standards. (Regulation 16VAC20-21-70; VA Code §40.1-121)

d. If a sponsor and apprentice have a difference of opinion in the interpretation of the Standards which cannot be satisfactorily resolved, either of them may consult with the Commissioner through the Apprenticeship Director, for clarification of the matter in question. (Regulation 16VAC20-21-120)

2. DEFINITIONS

a. Apprentice - A person at least 16 years old, (whose employment is currently in compliance with all State and Federal laws) who is learning and working in an apprenticeable occupation and is covered by a written Apprenticeship Agreement with an employer, registered with the Virginia Department of Labor and Industry (DOLI). (Regulation 16VAC20-21-20; VA Code §40.1-120)

b. Apprenticeable Occupation - A skilled occupation which: is customarily learned in a practical way through a structured systematic program of on-the-job supervised work experience; is clearly identifiable and recognized throughout an industry; involves manual, mechanical or technical skills which require a minimum of 2,000 hours of on-the-job work experience; requires related instruction to supplement the on-the-job work experience. (Regulation 16VAC20-21-20, VA Code §40.1-120)

c. Apprenticeship Agreement - (Agreement) An approved written agreement between a sponsor and apprentice (and guardian if apprentice is under 18), as defined in Regulation 16VAC20-21-20. By signing the Agreement, all parties agree to accept all terms and requirements contained in the Standards, the sponsor's Program Registration, the Act and the Regulations. (Regulation 16VAC20-21-70; VA Code §40.1-121)

d. Sponsor - An employer, association of employers, joint apprenticeship committee or organization of employees that has an approved apprenticeship program registered with the DOLI. A program shall be operated by the sponsor and registered in the sponsor's name. (Regulation 16VAC20-21-20; VA Code §40.1-120)

e. Supervisor of Apprenticeship - The person designated by the sponsor to perform the duties outlined in the Standards and will be designated on the Program Registration. (Regulation 16VAC20-21-20)

f. Program Registration - An approved written description of the terms and conditions of apprentices' employment, training and supervision under a sponsor's apprenticeship program for a specific apprenticeable occupation, in accordance with the Act, Regulations, Standards, and any additional State Board Apprenticeship Standards which apply. The Program Registration shall incorporate a written Schedule of Work Processes. (Regulation 16VAC20-21-50)

g. Virginia Apprenticeship Council (VAC) – Advisory organization which provides guidance on regulations and policies. Members are appointed by the Governor. The U.S. Department of Labor's Office of Apprenticeship has granted VAC authority to issue Certificates of Completion upon completion of the program. (Regulation 16VAC20-21-20, VA Code §§40.1-117 & 40.1-118, items 1, 3, 4, 5)

h. Virginia Department of Labor and Industry (DOLI) - The agency which administers the Voluntary Apprenticeship Act and its related regulations in Virginia. DOLI acts as the official agent of the VAC. (Regulation 16VAC20-21-20, VA Code §40.1-125)

i. Commissioner - The Commissioner of the Virginia Department of Labor and Industry as defined by VA Code §40.1-2.

3. APPRENTICESHIP PROGRAMS

a. Program Approval - Sponsors must have written notice of registration before establishing any Apprenticeship Agreements to employ and train individual apprentices. (Regulation 16VAC20-21-30, items A, C, D)

b. Program Termination - Programs may be canceled by sponsor request or de-registered by the DOLI. Canceled programs may be reinstated upon sponsor request, if they meet registration requirements. De-registered programs may be reinstated if the DOLI determines that there is adequate evidence that the program is being operated in accordance with the Act and Regulations. (Regulation 16VAC20-21-70 & 16VAC20-21-80)

c. Program Evaluation - DOLI shall review and evaluate each sponsor's program as required. (Regulation 16VAC21-30, item H)

4. APPRENTICESHIP AGREEMENTS

a. Each Apprenticeship Agreement is a contract between, and must be signed by, the apprentice (and guardian if apprentice is under 18 years of age) and the sponsor's authorized representative, and registered with the DOLI. (Regulation 16VAC20-21-70 item 1, VA Code §40.1-122)

b. A signed Apprenticeship Agreement indicates that both apprentice (and guardian) and sponsor understand and agree to all apprenticeship requirements.

c. To be valid, each Apprenticeship Agreement must:
   i. Comply with Regulation 16VAC20-21-70, VA Code §40.1-121.
   ii. Contain all required signatures. (Regulation 16VAC20-21-70 item 1, VA Code §40.1-121)
   iii. Be approved by the DOLI. (Regulation 16VAC 20-21-30, VA Code §40.1-122)
   iv. Be registered and filed by the sponsor. (Regulation 16VAC20-21-30, item C.1 & 2)

d. All required signers must receive a copy of the signed Apprenticeship Agreement and Standards.

5. EQUAL EMPLOYMENT OPPORTUNITY

a. Sponsors and potential sponsors must not discriminate (based on race, color, religion, national origin, sex or physical handicap, which is unrelated to the person's qualifications and ability to perform the job) in recruiting, selecting, employing or training apprentices. (Regulation 16VAC20-21-30 item 2; and 16VAC20-21-50, item 23)

b. Sponsors must take affirmative action to provide equal opportunity in operating apprenticeship programs. Programs must operate as required under the Virginia State Plan, and they must comply with Title 29 of the Code of Federal Regulations, Part 30. (Regulation 16VAC 20-21-30, item B.2)

6. TERM OF APPRENTICESHIP

a. The minimum term for any apprenticeship program shall be 2,000 hours of reasonably continuous employment, or if the Competency or Hybrid term is proposed, DOLI will review on a case by case basis and may approve if requirements are addressed. (Regulation 16VAC20-21-50, item B. 2.a.; VA Code §40.1-120)

b. Employment must be supplemented by the amount of related instruction required in the occupation. A minimum of 144 hours of related instruction is required for each year of apprenticeship to be completed by the end of the term. (Regulation 16VAC20-21-50, item B.4.)

c. When the apprentice is required to work overtime, these overtime hours WILL/WILL NOT be credited to the term of apprenticeship. (Regulation 16VAC20-21-50, item B.2.)

7. CREDIT FOR PREVIOUS EXPERIENCE

a. An applicant for apprenticeship may be allowed credit on the term of apprenticeship documented for prior experience whether with the sponsor or elsewhere.

b. The sponsor's Supervisor of Apprenticeship must review and approve the applicant's record of previous experience before such experience will be credited. (Regulation 16VAC20-21-50, item B.14)

8. SUPERVISION OF APPRENTICES

a. Each sponsor must designate a Supervisor of Apprenticeship. (Regulation 16VAC20-21-20)

b. The Supervisor of Apprenticeship must assure that:

i. All programs are registered with the DOLI.

ii. All apprentices receive a company orientation that includes: Standards of Apprenticeship, any additional industry standards, company policies, safety rules and regulations.

iii. All apprentices receive instruction in safe and healthful working methods in each operation as it is encountered throughout the term of apprenticeship.

iv. All apprentices are adequately trained and supervised in all areas by qualified personnel. (Regulation 16VAC20-21-50, item B.11)

v. Each apprentice's progress is reviewed and documented prior to moving to a new wage level. (Regulation 16VAC20-21-50, items B.5, B.6)

vi. Credit for previous experience is granted when appropriate. (Regulation 16VAC20-21-50, item B.14)

vii. Each apprentice is notified of related instruction requirements and the name and location of each approved related instruction provider. (Regulation 16VAC20-21-50, item B.4)

viii. Related Instruction Provider(s) is contacted to review each apprentice's educational progress before the expiration of each wage period. (Regulation 16VAC20-21-50, item B.6)

ix. Records are prepared and filed at specified intervals of apprentice's aptitude, skill and progress. Submits prompt and complete written notification to DOLI of any change in apprentice status. (Regulation 16VAC20-21-30.E;16VAC20-21-50, item B.6.)

x. Any other duties needed to develop and maintain an effective apprenticeship program. (Regulation 16VAC20-21-50)

9. RESPONSIBILITIES OF APPRENTICES

a. Apprentices are employees and have basic employee responsibilities. Each apprentice must make every effort to become a well-qualified journeyworker.

b. Each apprentice must be on time for work, learn all work processes, complete all work assignments, and take initiative to ask appropriate questions.

c. Each apprentice must be registered for related instruction, attend regularly and be on time.

d. Each apprentice should review these Standards and the sponsor's Program Registration to ensure that he/she is trained and paid according to these documents.

e. Each apprentice has the responsibility to consult with the Supervisor of Apprenticeship to assure that all accurate and appropriate records are updated and DOLI Is notified promptly of any changes in status.

f. Each apprentice must use appropriate conduct during related instruction process and on the job site.

g. Each apprentice must obtain licensing applications following completion of the apprenticeship Program.

10. ON-THE-JOB TRAINING

a. The apprentice shall be given instruction and work experience as established by industry practice and as listed in the work processes.

b. The work experiences do not need to be in the precise order as listed in the work processes.

c. The work processes must be recorded in the Program Registration.

11. RELATED INSTRUCTION

a. Each apprentice shall receive related instruction and shall provide the Supervisor of Apprenticeship with evidence of satisfactory participation and progress following completion of each designated portion.

b. A minimum of 144 hours of related instruction is required for each year of apprenticeship, to be completed during the full term. (Regulation 16VAC20-21-50, item B.4; 16VAC20-21-70, item 5.b.)

c. The Apprenticeship Agreement can be suspended or canceled when an apprentice does not satisfactorily complete either the on-the-job training or related instruction. Exceptions may be allowed for sickness or injury. (Regulation 16VAC20-21-70, item 8.b.(1)&(2))

12. INITIAL PROBATIONARY PERIOD

a. Each apprentice must serve between 500 and 2,000 hours of the apprenticeship term as an initial probationary period. The specific number of hours is stated in each Program Registration. (Regulation 16VAC20-21-50, items B.2 & B.10; 16VAC20-21-70, item 8.a)

b. During the probationary period cancellation of the Apprenticeship Agreement may be requested by the sponsor or the apprentice. Notice of such actions must be given to the DOLI. (Regulation 16VAC20-21-50, item B.20-22; 16VAC20-21-60, item B.2.b)

c. Full credit will be given for the initial probationary period toward completion of the apprenticeship program. (Regulation 16VAC20-21-50, item B.10)

d. All apprentices registered under these Standards shall be subject to an initial probationary period of _____hours of employment.

13. PERIODIC EVALUATION

The progress of each apprentice's job performance and related instruction shall be subject to a periodic review prior to the expiration of each wage period. Should a review reveal a lack of interest or ability on the part of the apprentice, the apprentice will be informed of the deficiency and may be placed on probation for a sufficient period to determine improvement or failure. At the end of the probationary period, if the apprentice has not shown acceptable improvement, the apprenticeship agreement may be suspended or canceled. The sponsor must promptly notify the apprentice and the DOLI in writing of any suspension or cancellation. (Regulation 16VAC20-21-50, items B.6 & B.22; 16VAC 20-21-70, item 8.b)

14. HOURS OF WORK

a. Hours of work for apprentices shall be determined by the Sponsor and apprentice with full-time being the norm. Part-time schedules are permitted and must be recorded the same as for all other employees.

b. Time spent at related instruction MAY OR MAY NOT be considered as hours of work. The sponsor's decision must be documented in the Program Registration. (Regulation 16VAC20-21-70, item b.7)

c. Sponsors shall not require apprentices to work hours that would interfere with attending related instruction except in emergencies.

15. APPRENTICE WAGES

a. The term of each apprenticeship program shall be divided into periods, with wages that progressively increase as the apprentice progresses in skill and productivity. Wages will be established in accordance with federal and state wage laws. (Regulation 16VAC 20-21-50, items B.5 & B.14;16VAC20-21-70, item 7; 16VAC20-21-80, item C.1.(iii))

b. Wages are based on the basic rate paid to journeyworkers and must reflect any credit given for previous experience. Overtime shall be based on the same percentage as that paid all other hourly employees. (Regulation 16VAC20-21-50, item B.5)

c. The minimum wages paid all apprentices employed under these Standards must be recorded in the Program Registration. (16VAC20-21-50, item B.5)

d. Apprentices who are given credit for previous training or experience shall be paid the wage rate commensurate with the period to which such credit advances them. (Regulation 16VAC20-21-50, items B.5 & B.14)

16. TRANSFER, LAYOFF/REINSTATEMENT, SUSPENSION OR CANCELLATION

a. Transfer - If a sponsor is no longer able to fulfill his obligation for training of an apprentice, the apprentice may be transferred or registered with credit for previous training to another sponsor. DOLI must be notified in writing and must approve all transfers. (Regulation 16VAC20-21-30.E;16VAC20-21-50, item B.15; 16VAC20-21-80, item B.)

b. Layoff/Reinstatement - Apprentices may be laid-off in the commensurate ratio of apprentices to journeyworkers. Apprentices laid-off under these Standards shall be entitled to seniority privileges and shall be reinstated in the seniority standing before any new apprentices are registered. DOLI must be notified in writing of all apprentices laid-off and/or reinstated.

c. Suspension and Cancellation - Apprenticeship agreements may be suspended or canceled at any time for appropriate reason. The sponsor must notify DOLI in writing within 45 days stating the reason for the suspension or cancellation. (Regulation 16 VAC 20-21-70, item 8.b. (1 & 2); 16VAC20-21-30, item E; 16VAC20-21-50, item B.20)

17. CERTIFICATE OF COMPLETION

Upon the completion of the term of apprenticeship and having met the requirements of the program, the VAC shall be requested by the sponsor to prepare a Certificate of Completion, to be issued in the name of the apprentice who has successfully completed training and the term of apprenticeship.(Regulation 16VAC20-21-30,item E; 16VAC20-21-50, item B.17)

18. STUDENT APPRENTICES

a. Student apprentices are defined as a high school student participating in Registered Apprenticeship

b. Youth Registered Apprentices are defined as a high school student participating in Registered Apprenticeship where the related instruction is provided in large part by the Career and Technical Education division within the School division.

c. All apprenticeships requirements and restrictions described in the Standards shall apply to student apprentices, except the following:

   i. For high school students, a letter of permission from their principal is required;

   ii. Student status must be maintained. If a student leaves school prior to graduation his/her student apprenticeship will be canceled;

   iii. Work hours and related instruction requirements may be different for student apprentices than non-student apprentices.

19. NUMBER OF APPRENTICES TO BE TRAINED IN THE PROGRAM

The number of apprentices shall be determined by the adequacy of facilities, the need of journeyworkers in the community and reasonable assurance of employment in the occupation establishment upon completion of training. To ensure adequate training the ratio of apprentices to journeyworkers shall not exceed: one (1) apprentice to _____ journeyworker(s).The default ratio is 1 apprentice to 1 journeyworker. A variance may be requested of the Director of Registered Apprenticeship and will be evaluated on a case by case basis. (Regulation 16VAC20-21-50, items B.8 & B.9) All variances must also be approved by the Commissioner of the DOLI.

20. ADDITIONAL SPONSOR APPRENTICE QUALIFICATIONS (optional)

a. Age Minimum*_____

b. Education_____

c. Physical Capability_____

d. Other_____

e. See attached _____

*minimum permitted by law is 16 years of (whose employment is currently in compliance with all State and Federal laws)

21. MODIFICATIONS

The sponsor must notify the DOLI promptly in writing of any proposed program modifications and request approval from the DOLI. Any program modifications shall not alter or affect apprenticeship agreements in effect at the time of modification without the consent of all parties affected. (Regulation 16VAC20-21-30, items E. and H.2; 16VAC20-21-50, item B.20)

The apprenticeship program may be cancelled by DOLI for due cause. The sponsor may withdraw his program by submitting a written request to the DOLI. (Regulation 16VAC20-21-80, item B.1)