



# INDUSTRY-RECOGNIZED APPRENTICESHIP PROGRAM FREQUENTLY ASKED QUESTIONS

## GENERAL INFORMATION

### What are Industry-Recognized Apprenticeship Programs (IRAPs)?

IRAPs are high-quality apprenticeship programs that provide individuals with opportunities to obtain workplace-relevant knowledge and progressively advancing skills. IRAPs include a paid-work component and an educational component and result in an industry-recognized credential. An IRAP is developed or delivered by entities such as trade and industry groups, corporations, non-profit organizations, educational institutions, unions, and joint labor-management organizations. The final rule establishes a process for the Department of Labor's Office of Apprenticeship (OA) Administrator to recognize qualified third-party entities, known as Standards Recognition Entities (SREs), which will, in turn, evaluate and recognize IRAPs consistent with the Department's standards.

High-quality IRAPs include the following components:

- **Paid Work.** IRAPs ensure apprentices are paid at least the applicable Federal, State, or local minimum wage.
- **Written Training Plan.** A written apprenticeship agreement for each apprentice outlines the terms and conditions of the apprentice's employment and training.
- **On-the-Job Training/Structured Work Experience.** IRAPs must provide structured work experience, designed so that apprentices demonstrate competency and progressively advancing industry-essential skills.
- **Safety and Equal Employment Opportunity.** IRAPs must affirm their adherence to all applicable Federal, State, and local laws pertaining to EEO and must provide a working environment for apprentices that adheres to all applicable Federal, State, and local safety laws and regulations, and complies with any additional safety requirements that the SRE may require.
- **Related Instruction.** IRAPs must provide appropriate related instruction, designed so that apprentices demonstrate competency and progressively advancing industry-essential skills.
- **Mentorship.** On-the-Job Training is conducted in the work setting under the ongoing, focused supervision and training of a mentor.
- **Industry-Recognized Credentials.** IRAPs provide apprentices industry-recognized credential(s) during participation in or upon completion of the program.



## **Are IRAPs excluded from any sector?**

IRAPs will supplement the successful Registered Apprenticeship Program (RAP). Since the RAP model is already widespread within the construction sector, IRAPs can be developed in any sector except construction.

## **What is DOL's role and oversight of IRAPs?**

- The final rule strengthens and clarifies the Department's standards for recognition of high-quality IRAPs.
- The final rule adopts changes suggested by commenters that increase the Department's role in program oversight, clarify the requirements to become a recognized Standards Recognition Entity, and heighten SRE and IRAP program transparency.
- The final rule adds transparency regarding the significant responsibilities SREs are undertaking with their recognition, and more clearly puts potential SREs on notice regarding the Department's expectations for high-quality, high-performing programs. These provisions strengthen the Department's role in holding SREs accountable. The Department believes these changes will serve as an increased deterrent against unqualified or subpar entities seeking to become recognized SREs.
- The Department's quality assurance role allows the Department to evaluate the SRE's ability to fulfill its responsibilities to ensure that their IRAPs continue to satisfy the Department's standards of high-quality apprenticeships.
- The Administrator may use information described in § 29.22 to discharge recognition, review, suspend, and derecognize SREs.

## **STANDARDS RECOGNITION ENTITIES (SREs)**

### **What types of entities can become SREs?**

- The types of entities that can become SREs include, but are not limited to:
- Trade, industry, and employer groups or associations
- Corporations and other organized entities
- Educational institutions, such as universities or community colleges
- State and local government agencies or entities
- Non-profit organizations
- Unions
- Joint labor-management organizations
- Certification and accreditation bodies or entities for a profession or industry
- A consortium or partnership of entities such as those above

Ineligible to Apply for DOL Recognition: Under 29 CFR § 29.30, the U.S. Department of Labor will not recognize SREs that intend to recognize programs that train apprentices to perform construction activities, consisting of: the erecting of buildings and other structures (including additions); heavy construction other than buildings; and alterations, reconstruction, installation, and maintenance and repairs. After receiving recognition, SREs may not recognize programs seeking to train apprentices in these activities.



## What is the criteria to become an SRE?

SREs are trusted workforce development leaders in their industry. An entity is qualified to be recognized as an SRE if it demonstrates the following:

- SREs must have the expertise to set competency-based standards, through a consensus-based process involving industry experts, for the requisite training, structure, and curricula for apprenticeship programs in the industry(ies) or occupational area(s) in which they seek to be an SRE.
- SREs must have the capacity and quality assurance processes and procedures to ensure IRAPs comply with the § 29.22(a)(4), which details the DOL standards for safety, compensation, and quality with which IRAPs must comply.
- SREs must have the resources to operate as an SRE for a 5-year period.
- SREs must demonstrate impartiality by disclosing partners who will be engaged in recognition activities, describing their roles, including their relationships with subsidiaries.
  - SREs must be in good standing with the U.S. Federal Government. They cannot be suspended or debarred from doing business with the Federal government.
  - SREs must have policies, processes, procedures, or structures in place to mitigate any conflicts of interest.
  - SREs must have the appropriate industry and occupational expertise and resources in place to recognize IRAPs in their selected geographical area (Nationwide or limited to a region, State, or local area).

## What are the responsibilities of an SRE?

- SREs are responsible for recognizing or rejecting IRAPs in a timely manner.
- SREs must notify the Office of Apprenticeship within 30 days when they have recognized, suspended, or derecognized an IRAP, and include the name and contact information of the program.
- SREs are responsible for providing program and performance data to the Office of Apprenticeship in a timely manner.
- SREs are responsible for only recognizing high-quality IRAPs as set forth by the Department in § 29.22(a)(4).
- SREs must establish policies and procedures for recognizing, and validating compliance of, programs that ensure that SRE decisions are impartial, consistent, and based on objective and merit-based criteria.
- SREs will review programs and validate that they meet the high-quality criteria of an IRAP (as set forth by the Department in § 29.22(a)(4)) at initial recognition and on an annual basis.
- SREs must remain in an ongoing quality-control relationship with the IRAPs they have recognized, to include periodic compliance reviews and consideration of apprentices' credential attainment, program completion, retention rates, and earnings.
- SREs must publicly disclose the credential(s) that apprentices will earn during their participation in or upon completion of an IRAP.



- SREs are responsible for developing policies and procedures for the suspension or derecognition of an IRAP that fails to comply with the SRE's requirements.
- SREs are responsible for developing policies and procedures that require IRAPs' adherence to applicable Federal, State, and local laws pertaining to EEO and reflect comprehensive outreach strategies to reach diverse populations.
- SREs are responsible for having policies and procedures for addressing complaints filed against their IRAPs.
- An SRE must notify the Administrator and must provide all related material information if:
  - It makes any major change that could affect the operations of the program, such as involvement in lawsuits that materially affect the SRE, changes in legal status, or any other change that materially affects the SRE's ability to function in its recognition capacity; or
  - It seeks to recognize apprenticeship programs in additional industries, occupational areas, or geographical areas.

### **What is the process for becoming a DOL recognized SRE?**

Consistent with 29 CFR 29 subpart B, prospective SREs that intend to recognize IRAPs must first apply for recognition by submitting the information requested in the application to the Administrator. Organizations interested in serving as SREs will be able to submit their applications online once the Final Rule goes into effect on May 11, 2020. Before the rule goes into effect, entities will be able to consult with and receive technical assistance from DOL about how to prepare their applications and can begin putting together an application so that it is ready to submit as soon the rule is effective.

Applications should be submitted electronically using the Department's online application form on [www.apprenticeship.gov](http://www.apprenticeship.gov). The application must include all required policies and procedures. Based upon the information submitted, the Administrator will determine whether the applicant is qualified to be recognized as an SRE of IRAPs under 29 CFR 29 subpart B. DOL's Office of Apprenticeship will notify the applicant. An SRE will be recognized for 5 years, and must reapply at least 6 months before the date that its current recognition is set to expire if it seeks re-recognition.

### **How will you know if you aren't approved to become an SRE?**

The Office of Apprenticeship will provide a denial of recognition with the reason(s) for denial. The notice will tell the applicant what it needs to do differently before resubmitting its application. The notice will also explain that a request for administrative review must comply with the service requirements contained in 29 CFR part 18. The Administrator will refer any requests for administrative review to the Office of Administrative Law Judges to be addressed in accordance with § 29.29.

### **What happens if an SRE no longer meets the requirements? Can an SRE be suspended or derecognized?**

Under § 29.27 of the final rule, the Administrator may suspend an SRE for 45 calendar days and may initiate review of an SRE if it receives information indicating that: (1) The SRE is not in substantial compliance with this subpart; or (2) The SRE is no longer capable of continuing as an SRE.

The notice will include an explanation of the Office of Apprenticeship's decision, including identified areas in which the SRE is not in substantial compliance or an explanation why the SRE is no longer capable of continuing as an SRE, or both, and necessary remedial actions, and must explain that the Administrator will

derecognize the SRE in 45 calendar days unless remedial action is taken or a request for administrative review is made.

If the SRE does not take remedial action or request administrative review of the suspension, the Administrator will derecognize the SRE, notify the SRE in writing, and specify the reasons for the derecognition. The SRE may request administrative review within 45 calendar days of receipt of the notice.

### **What are an SRE's appeal rights?**

Under the final rule, § 29.21(d)(2)-(3), an entity that has been denied recognition as an SRE will receive notice of a denial of recognition and may request administrative review within 30 calendar days of receipt of the notice. Under § 29.27, an SRE will receive notice of suspension or derecognition and may request administrative review within 45 calendar days of receipt of the notice.

Any request for administrative review must comply with the service requirements contained in 29 CFR part 18. The Administrator will refer any requests for administrative review to the Office of Administrative Law Judges to be addressed in accordance with § 29.29. Requests for administrative review should be submitted electronically using the means provided on the Office of Apprenticeship website at [www.apprenticeship.gov](http://www.apprenticeship.gov).

### **What are the reporting requirements for SREs?**

Each year, an SRE must report to the Administrator, in a format prescribed by the Administrator, and make publicly available the following information on each IRAP it recognizes:

1. Up-to-date contact information for each IRAP;
2. The total number of new and continuing apprentices annually training in each IRAP under an apprenticeship agreement;
3. The total number of apprentices who successfully completed the IRAP annually;
4. The annual completion rate for apprentices. Annual completion rate must be calculated by comparing the number of apprentices in a designated apprenticeship cohort who successfully completed the IRAP requirements and attained an industry-recognized credential with the number of apprentices in that cohort who initially began training in the IRAP;
5. The median length of time for IRAP completion;
6. The post-apprenticeship employment retention rate, calculated 6 and 12 months after program completion;
7. The industry-recognized credentials attained by apprentices in an IRAP, and the annual number of such credentials attained;
8. The average earnings of an IRAP's former apprentices, calculated 6 months after IRAP completion;
9. Training cost per apprentice; and
10. Basic demographic information on participants.

## **COMPLAINTS**

### **Is there a process for complaints against an IRAP?**

Yes, under § 29.22(j)-(k) An SRE must have policies and procedures for addressing complaints filed by apprentices, prospective apprentices, an apprentice's authorized representative, a personnel certification body,



or an employer against each IRAP the SRE recognizes. An SRE must notify the public about the right of an apprentice, a prospective apprentice, the apprentice's authorized representative, a personnel certification body, or an employer, to file a complaint with the SRE against an IRAP the complainant is associated with, and the requirements for filing a complaint.

### **Is there a process for complaints against an SRE?**

Yes, under § 29.25, a complaint arising from an SRE's compliance may be submitted by an apprentice, the apprentice's authorized representative, a personnel certification body, an employer, or an IRAP to the Administrator for review. The complaint must be in writing and must be submitted within 180 calendar days from the complainant's actual or constructive knowledge of the circumstances giving rise to the complaint. It must set forth the specific matter(s) complained of, together with relevant facts and circumstances. The complaints against an SRE are addressed exclusively through the review process outlined in § 29.26. Additionally, nothing within § 29.25 precludes a complainant from pursuing any remedy authorized under Federal, State, or local law. An SRE must notify the public about the right to file a complaint against it with the Administrator as set forth in § 29.25.

### **What happens to IRAPs if their SRE is derecognized?**

Following its SRE's derecognition, an IRAP will maintain its status until 1 year after the Administrator's decision derecognizing the IRAP's SRE becomes final, including any appeals. At the end of 1 year, the IRAP will lose its status unless it is recognized by another approved SRE. Once derecognized, the Administrator will update the online list of SREs to reflect the derecognition, and the Administrator will notify the SRE's IRAP(s) of the derecognition.

## **IRAP SPONSORS**

### **What are IRAP Sponsors?**

An IRAP Sponsor is the entity responsible for administering the Industry-Recognized Apprenticeship Program. IRAP Sponsors are entities such as trade and industry groups, corporations, non-profit organizations, educational institutions, unions, and joint labor-management organizations.

### **How can my company start an IRAP? How can I prepare my organization to start an IRAP?**

- Assess your workforce needs, consider how this new flexibility in apprenticeship could offer the right talent development solution, and develop a program.
- Familiarize yourself with the DOL standards for high-quality IRAPs.
- Identify trusted national industry leaders in your industry sector and encourage them to apply for recognition as an SRE.
- Monitor DOL's IRAP website for up-to-date information about recognized SREs.
- Seek recognition from an SRE in your industry or occupational area.
- IRAPs that seek to train apprentices to perform construction activities as described in §29.30 of the Final Rule cannot be recognized by SREs.
- To learn more about IRAPs and SREs
  - Visit [www.apprenticeship.gov](http://www.apprenticeship.gov) to review the IRAP Final Rule and resources to become familiar with IRAPs and the roles and responsibilities of SREs.



- Sign up for our [Apprenticeship Newsletter](https://public.govdelivery.com/accounts/USDOL/subscriber/new) to receive the latest apprenticeship-related news from the USDOL.  
(<https://public.govdelivery.com/accounts/USDOL/subscriber/new>)

### **My SRE is derecognized, what happens to my program?**

Following an SRE's derecognition, an IRAP will maintain its status until 1 year after the Administrator's decision derecognizing the SRE becomes final, including any appeals. At the end of 1 year, the IRAP will lose its status unless it is recognized by another approved SRE. Once the SRE is derecognized, the Administrator will update the online list of SREs to reflect the derecognition, and the Administrator will notify the SRE's IRAP(s) of the derecognition.

## **WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA SERVICES) FOR IRAPS**

### **How can an IRAP be added to the Eligible Training Provider (ETP) List?**

IRAPs must apply to be added to the state ETP list, as is the case with any other prospective training provider.

### **Are WIOA services covered under the Industry-Recognized Apprenticeship Programs?**

State and local WDBs can combine IRAPs and WIOA services as they would in the case of any other training provider. Although IRAPs are not mentioned specifically in the WIOA Final Rule, IRAPs do fall under the umbrella of training services under WIOA sec.

134(c)(3)(D).

In terms of supporting the related training component of an IRAP using a WIOA Individual Training Account (ITA), these programs would still have to apply for status as an ETP on the state's list of eligible training providers (ETP list). Once on the ETP list, local American Job Centers (AJCs) can refer WIOA participants to an IRAP and use ITAs to pay for the training costs of a participant who enrolls in those IRAPs that are taking applications (i.e., openings are or will become available).

In addition to ITAs, the local AJC may fund portions of the work-based learning component of the IRAP using contracts, based on local policies. WIOA allows for on-the-job training (OJT), customized training, and incumbent worker training to be paid for with contracts, which can be made with providers that are not on the ETP list. WIOA OJT contracts may be used to fund OJT for one or more eligible participants and may be used to reimburse employers for the extraordinary costs of training at a level of up to 75 percent of the participants' wages in certain circumstances.

WIOA-funded supportive services may also be provided, in accordance with TEGL 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules, to enable WIOA participants to participate in career and training services.

ETA strongly encourages the WIOA workforce system to coordinate services with IRAPs.

## What are other sources of funding for Industry-Recognized Apprenticeship Programs?

- **Trade Adjustment Assistance (TAA).** IRAPs are an allowable type of employer-based training that may be approved for a worker covered by the certification of group eligibility for the TAA program authorized by the Trade Act of 1974, as amended. For a worker to receive approval to enroll in an IRAP funded by TAA, the state must determine that the following six criteria are met according to 20 CFR 617.22: 1) no suitable employment is available for an adversely affected worker; 2) the worker would benefit from appropriate training; 3) there is a reasonable expectation of employment following completion of training; 4) training is reasonably available to the worker; 5) the worker is qualified to undertake and complete such training; and 6) training is suitable for the worker and available at a reasonable cost. The TAA Program can pay for the expenses associated with related instruction (e.g., classroom and distance learning), tools, uniforms, equipment or books for an adversely affected worker's participation in an IRAP. For more information, please contact the appropriate Regional Trade Coordinator.
- **State Funds.** Many states use statewide Governor's reserve funding to support RAPs, and consideration of the use of these funds to support IRAPs is strongly recommended. States have considerable flexibility in designing the uses of their statewide set-aside funds for allowable statewide activities, as noted in WIOA Sec. 134(a)(3). Such uses could pertain to RAPs, pre-apprenticeship, and IRAPs. Other state-level resources also may be used to support IRAPs, such as tax credits for eligible businesses for each apprentice employed in an IRAP.
- **Discretionary Grants from ETA.** ETA provides for a variety of discretionary grants that may fund projects that include IRAPs as a training strategy. For instance, H-1B discretionary grant programs may incorporate IRAPs as a training strategy to provide participants with the skills, credentials, and experience necessary to enter middle- and high-skilled jobs across industries and occupations for which employers are using H-1B visas to hire foreign workers.



## HOW TO LEARN MORE ABOUT IRAPS

- To learn more about IRAPs and SREs:
  - Visit [www.apprenticeship.gov](http://www.apprenticeship.gov) to review the IRAP Final Rule and resources to become familiar with IRAPs and the roles and responsibilities of SREs.
  - Sign up for our [Apprenticeship Newsletter](#) to receive the latest apprenticeship- related news from the USDOL. (<https://public.govdelivery.com/accounts/USDOL/subscriber/new>)
- Organizations interested in serving as SREs will be able to submit their applications online once the Final Rule goes into effect on May 11, 2020.
  - Before the rule goes into effect, entities will be able to consult with and receive technical assistance from DOL about how to prepare their applications and can begin putting together an application so that it is ready to submit as soon the rule is effective.
- To prepare, those interested in becoming SREs can:
  - Begin to develop the plans of action, structures, and key partnerships that will form the basis for a successful SRE application.
  - Review the approved application at [link to Federal Register Notice] until the application portal is launched.
- To prepare, those interested in developing an IRAP program and becoming an IRAP program can:
  - Assess your workforce needs, consider how this new flexibility in apprenticeship could offer the right talent development solution, and develop a program.
  - Familiarize yourself with the DOL standards for high-quality IRAPs.
  - Identify trusted national industry leaders in your industry sector and encourage them to apply for recognition as an SRE.
  - Monitor DOL's IRAP website for up-to-date information about recognized SREs.
  - Seek recognition from an SRE in your industry or occupational area.
  - IRAPs that seek to train apprentices to perform construction activities as described in §29.30 of the Final Rule cannot be recognized by SREs.
- To prepare, the education and workforce systems can:
  - Consider how IRAPs can strengthen your work-based learning model.
  - Continue to learn more and serve as an advocate for increasing the adoption and expansion of apprenticeships.
  - Leverage public-private partnerships to demonstrate your role in creating strong apprenticeship programs.
  - Participate in National Apprenticeship Week by hosting or attending an event to learn more about apprenticeship and the current opportunities that exist.