



## Ohio Administrative Code Rule 5101:11-3-02 Program requirements.

Effective: October 1, 2020

---

To be eligible for initial and, where applicable, continued registration, each apprenticeship program shall conform to the following requirements, applying them to each occupation course where there is more than one, and shall demonstrate conformity via respective provisions in the standards.

### (A) Program content

(1) The standards will specifically define the operating area of the program (i.e., the geographic area in which program activities are expected to take place), as well as the program's recruitment area (the geographic area from which the program will recruit applicants for apprenticeship). The recruitment area will comprise one or more labor market area(s) as defined by the US bureau of labor statistics. The sponsor will not select operating or recruitment area boundaries that in effect would exclude or limit applications from female, minority, or Hispanic populations. The standards will include a brief rationale for selection of the particular areas designated for operations and for recruitment. Any change in the geographic scope of operations and/or recruitment, will be reflected in a modification to standards, and is contingent on council office approval.

(2) Every apprentice of the program shall be employed and shall receive both on-the-job training (OJT) and related instruction (RI) for the purpose of completing an occupation course.

(3) Every occupation course shall provide for each apprentice to receive at least two thousand hours of OJT, under the terms of a work process schedule, included in the standards, that lists the major work processes to be experienced and the approximate number of hours to be spent learning each process.

(4) For every two thousand hours of OJT, the apprentice shall receive at least one hundred forty-four hours of RI, i.e., organized instruction of demonstrated value in technical subjects concerning the apprentice's occupation. RI may be given through classroom courses, correspondence courses, electronic media, self-study, or other format(s), subject to council office approval. The sponsor shall



provide an outline of RI courses or topics and the general number of hours to be spent in each, with titles and/or descriptions that clearly distinguish the subject matter.

RI shall be designed and/or provided in conjunction with the university system of Ohio (USO).

(5) For each occupation course, the program shall set criteria for the apprentice's completion of training and for progression steps toward completion, in terms of RI and OJT instructional goals that are consistent with industry norms for the occupation and are formulated according to one of three instructional models:

(a) With the time-based model, the goals shall specify which portions of the work process schedule and RI outline an apprentice must finish for, respectively, achieving each progression step and the completion of training.

(b) With the competency-based model, the goals shall specify what competencies must be acquired for completion and for attaining each progression step. A program that prepares the apprentice for an interim attainment, shall also identify the attainment in terms of the associated competency or competencies.

The standards shall define each competency in terms of specific levels of specific knowledge, skills, and abilities needed to perform an occupational function at the level normally expected in employment, and shall do so using the "KSA" terminology (details of which are found on line at <http://www.onetonline.org>).

The sponsor shall determine the methods by which apprentices will attain each competency, and shall describe these in the standards, including an explanation of how each component of the work process schedule and RI outline will contribute to the identified competencies.

(c) With the hybrid model, the criteria for each progression step and for completion may comprise a combination of goals that are competency-based and those that are time-based in nature as defined in paragraphs (A)(5)(a) and (A)(5)(b) of this rule; and the standards shall specify how each goal contributes to a progression step and to completion of training.



(6) The program shall adopt specific methods for verifying and recording each apprentice's completion of training and each achievement of a progression step. These methods shall be fair and consistent, and conform to all criteria for the respective instructional model, as stated here:

(a) With the time-based model, the sponsor shall stipulate, relative to completion and each progression step, what level of performance is required in each RI and OJT component, and how the program will assess performance and the hours spent by the apprentice in each component.

(b) With the competency-based model, the standards shall, in regard to completion, each progression step, and where applicable each interim attainment; stipulate the specific tests for assessing the relevant knowledge, skills, and abilities; and state the specific levels of test performance that are required.

In a program that prepares the apprentice for an interim credential, the sponsor shall evaluate and assess the associated attainment, and the council office shall award the credential if appropriate.

(c) With the hybrid model, the program shall confirm achievement of each progression step and of training completion according to both the time-based and competency-based criteria defined for the respective models in paragraphs (A)(5)(a) and (A)(5)(b) of this rule.

(7) For each occupation course, the program shall determine a specific term of training required for completion that conforms to the following criteria:

(a) With the time-based model, the program shall require a certain number of hours of OJT, which shall be at least ninety per cent of the number recommended by the United States office of apprenticeship for the relevant occupation course.

(b) With the competency-based model, the sponsor shall define the term by minimum and maximum periods allowed for participation in the overall occupation course, that ensure adequate time to obtain the occupational competencies identified in the work process schedule and the RI outline.

(c) With the hybrid model, the program shall stipulate both hourly requirements for total OJT and total RI, and a time-table defined by minimum and maximum periods for participation in the overall



occupation course.

(8) If an occupation course allows the apprentice to obtain one or more interim credential(s), the program shall provide this opportunity on a fair and consistent basis.

(9) For all instructors of RI, the sponsor shall require documented compliance with minimum qualifications, including but not necessarily limited to the following:

(a) Currently receiving or having completed training in teaching techniques and adult learning styles; and

(b) Either:

(i) Meeting the requirements of the university system of Ohio institution with which the program, pursuant to these rules, collaborates in the design and/or delivery of RI; or

(ii) Being recognized within an industry as having expertise that qualifies them as subject matter experts in their occupation(s).

(B) Apprentice participation and welfare

(1) Enrollment

(a) For each occupation course, the sponsor shall identify minimum qualifications for persons to enter the program, including an eligible starting age not less than sixteen years; and will specify one and only one selection procedure as defined in rule 5101:11-4-01 of the Administrative Code.

(b) The sponsor shall provide advanced credit toward completion to new apprentices who are eligible based on previously acquired experience, training, competency, and/or skills, and in the standards shall:

(i) Specify the criteria for granting credit; a method for evaluating applicants by these criteria and assigning them to corresponding progression steps, with commensurate wages; and rules for



applying such method consistently, fairly, and without discrimination based on any consideration besides the stated criteria;

(ii) Ensure that, except for transfers between registered courses in the same occupation, no apprentice shall receive advanced OJT credit that exceeds either of the following:

(a) An amount such that the remaining time in OJT is two thousand hours or more;

(b) Seventy-five per cent of OJT required for completion, as defined by the stated term of hours in the case of time-based training, and by the minimal required period in the case of competency-based training;

(iii) Stipulate that for each credit recipient the sponsor will provide the council office at the time of his/her registration, a voucher form describing all work and training on which the credit is based (whether for OJT or RI), and records of any past work or instruction counted towards credit; and

(iv) Acknowledge that all advanced credit is subject to approval by the council office.

(c) For each individual enrolled in the program, an apprenticeship agreement will be signed by the sponsor's authorized representative and by the apprentice and, if the apprentice is a minor, by his/her legal guardian. The sponsor shall retain a copy of the document for five years following the apprentice's departure from the program by completion or cancellation of his/her training. The agreement contents are to be submitted to the council office in a manner that it prescribes at the time. Registration of the agreement, and thereby of the apprentice, shall be conditional upon approval of those contents by the council office.

(2) Participant status

(a) For each occupation course the program shall specify a probationary period which is reasonable in relation to the full apprenticeship term. The probationary period shall not exceed any of the following:

(i) Two thousand hours of OJT, or



(ii) Twenty-five per cent of the stated term in the case of time-based training, or twenty-five per cent of the stated minimum period in the case of competency-based training.

(b) All RI and OJT received by an apprentice during probation shall be credited toward apprenticeship completion. During this period, the sponsor and/or the apprentice shall be permitted to cancel their apprenticeship agreement without stated cause.

(c) The sponsor shall request council office registration of every apprenticeship agreement and any substantive amendment affecting apprentice training, safety, or supervision. The sponsor shall also report to the council office every cancellation, extension, and suspension of an apprenticeship agreement, and the cause of same; and shall request from the council office a certificate of completion and, if applicable, an interim credential, for every registered apprentice who meets the relevant criteria. All reports and requests pursuant to this paragraph, will be submitted to the council office within forty-five days of the respective changes in apprentice status.

(d) The transfer of an apprentice between registered programs for the same occupation, or between occupation courses within a program, shall only be effective if it is based on concurrence between the apprentice and every affected apprenticeship sponsor, and is approved by the council office in accordance with the following requirements:

(i) The apprenticeship agreement that is in effect before the transfer, must first be canceled.

(ii) A new apprenticeship agreement must be executed for enrollment in the receiving course or program.

(iii) Where an apprentice transfers between programs, all records of his/her participation in the releasing program shall be transmitted from the releasing sponsor to the receiving sponsor or the council office.

### (3) Safety and welfare

(a) In each occupation course, the sponsor shall specify a schedule for a progressively increasing apprentice wage that at each step relates to the journey wage, in roughly the same proportion as the



apprentice skill-level to the journey skill-level. The entry wage shall be no less than the minimum prescribed by the Fair Labor Standards Act of 1938, 29 U.S.C. Chapter 8, where applicable, and higher if so required by law, regulation, or a collective bargaining agreement. Approval by the council office of a program wage schedule does not ensure its conformity with the wage and hour requirements for publicly funded construction projects.

(b) The sponsor shall employ a consistent procedure for adjudicating complaints and differences that may arise between the apprentice(s) and other parties to the program; and shall make this procedure known to each apprentice, along with the name and contact information (phone number, office location, and e-mail address) of the appropriate authority under the program to receive and process complaints.

(c) The sponsor shall ensure, and demonstrate in the standards, that all apprentice work and training will take place under safe conditions, with considerations including but not limited to equipment, facilities, supervision, and instruction. Safety training shall be included both in OJT and RI.

(d) The sponsor shall provide the council office and each apprentice with the name, job title, and contact information of the sponsor's designee responsible for supervising and training apprentices, and shall immediately provide them with updates of this information when it changes.

(e) In all work activity involving an apprentice, a numeric ratio shall be maintained in the employment of apprentices to that of journey workers that is consistent with proper supervision, training, safety, and continued employment. This ratio shall be defined clearly in terms of whether it applies to the job site, department, facility, or overall work force of the employer. All apprenticeship training in building and construction occupations shall comply with the following stipulations regarding the ratio of apprentices to journey workers employed on the job site at the same time:

(i) Where a program sponsor is bound by one or more collective bargaining agreement(s) affecting the pertinent occupation(s), the ratio shall conform to the applicable terms of the agreement(s).

(ii) Where a program sponsor is not bound by such an agreement, the ratio shall conform to either of two criteria:



(a) The applicable terms of the agreement(s) affecting the pertinent occupation(s) in the geographic area nearest to the job site; or

(b) The standard formula of one journey worker for the first apprentice counted at the job site at a given time, and three journey workers for each additional apprentice at the job site at that time.

(iii) The council office retains the right to deny or rescind registration to any program where the utilized ratio does not ensure adequate safety and supervision of the apprentice(s).

(C) Program quality

(1) Every program shall meet criteria of satisfactory instructional quality, including but not limited to the use of appropriate industry-recognized RI curriculum and delivery methods.

(2) To remain registered, a program must have at least one registered apprentice, except during a maximum of one year for each occurrence of the following intervals:

(a) Between the dates of a program's initial registration and registration of its first apprentice(s); and

(b) Between the dates of any apprentice's completion and registration of the next apprentice(s).

(3) A program shall not fail for more than two consecutive training cycles in any occupation course, to achieve a training completion rate that is the lesser of:

(a) Sixty-seven per cent, or

(b) The state average rate for the occupation course.

(D) Program administration

(1) Each sponsor shall keep adequate records including but not limited to:

(a) Details of recruitment and selection activities;





- (b) All applications;
  - (c) A summary of each applicant's qualifications and assessment results, including a summary of interview responses;
  - (d) A copy of every notice of elimination from an eligibility pool or from the program;
  - (e) A copy of every registered apprentice agreement;
  - (f) A history of actions affecting the status of each apprentice in the program, including job assignment, promotion, demotion, lay-off, and termination; rates of pay and any other forms of compensation; conditions of work; hours of work and, separately, hours of training provided;
  - (g) A statement of its affirmative action plan, developed as required by the rules in Chapter 5101:11-6 of the Administrative Code, including all data and analyses developed under the requirements of that chapter;
  - (h) Evidence that the program's qualification criteria bear a statistically significant relationship to good performance in an apprenticeship program, based on procedures set forth in 41 C.F.R. 60-3 (as in effect on 5/1/2020); and
  - (i) Any other records pertinent to determining compliance with division 5101:11 of the Administrative Code, as may be required by the council office.
- (2) A copy of the information on each apprentice shall be kept in a separate file specific to that individual. The records of which applicants are selected or rejected, shall be maintained in such manner as to permit identification of disabled, Hispanic, minority, and female participants.
- (3) Each record required by this rule, and any other information relevant to compliance with division 5101:11 of the Administrative Code, shall be made available upon request to the council office, the United States department of labor, or other authorized entity, and will be retained by the sponsor until five years elapse following the completion or cancellation of the transaction to which it pertains



- e.g., of an individual's apprenticeship in the program, of the effective period for an affirmative action plan, etc. The council office will resolve questions regarding the retention requirement for any given document.

(4) The sponsor shall promptly supply the council office all information required for review of the program's modification and/or voluntary de-registration.

(E) Nothing in any rule under division 5101:11 of the Administrative Code shall invalidate any of the following that is not otherwise prohibited by law, executive order, or authorized regulation:

(1) Any collective bargaining agreement provision or sponsor policy establishing higher criteria of safety and/or quality in apprenticeship;

(2) In program standards, any special provision for veterans, or for minority, female, Hispanic, or disabled individuals; or

(3) Any program standards provision that affords equal or greater protection than is found in the rules in division 5101:11 of the Administrative Code, for individuals based on Hispanic ethnicity, race, color, religion, national origin, sex, sexual orientation, age over forty years, genetic information, or disability.