



VIA ELECTRONIC SUBMISSION

November 19, 2018

Rosemary Lahasky
Deputy Assistant Secretary
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Re: Docket ID ETA-2018-0001; Data Collections From Industry-Recognized Apprenticeship Program Accreditors

Dear Deputy Assistant Secretary Lahasky:

Associated Builders and Contractors Inc. hereby submits the following comments to the U.S. Department of Labor's Employment and Training Administration in response to the above-referenced request for comment published in the *Federal Register* on Sept. 20, 2018, at 83 Fed. Reg. 47643.

About Associated Builders and Contractors

ABC is a national construction industry trade association representing more than 21,000 members. ABC and its 70 chapters help members develop people, win work and deliver that work safely, ethically and profitably for the betterment of the communities in which ABC and its members work. ABC's membership represents all specialties within the U.S. construction industry and is comprised primarily of firms that perform work in the industrial and commercial sectors. Moreover, the vast majority of our contractor members are classified as small businesses. Our diverse membership is bound by a shared commitment to the merit shop philosophy in the construction industry. The philosophy is based on the principles of nondiscrimination due to labor affiliation and the awarding of construction contracts through open, competitive bidding based on safety, quality and value.

Background

On June 15, 2017, President Trump issued Executive Order 13801, "Expanding Apprenticeships in America," which directed the secretary of labor, in consultation with the secretaries of education and commerce, to consider proposing regulations that establish guidelines for third parties to certify industry-recognized apprenticeship programs.¹

¹ <https://www.whitehouse.gov/presidential-actions/3245/>.

The executive order also directed the secretary of labor to establish a Task Force on Apprenticeship Expansion with the goal of identifying strategies and proposals to expand and promote apprenticeship opportunities. ABC President and CEO Michael Bellaman was appointed by Labor Secretary R. Alexander Acosta to serve on the task force. At its fifth and final meeting on May 10, 2018, members of the task force submitted a report to President Trump providing a strategy to create more apprenticeships in the United States through an industry-recognized apprenticeship model.²

On July 27, ETA issued Training and Employment Notice (“TEN”) No. 3-18, Creating Industry-Recognized Apprenticeship Programs to Expand Opportunity in America.³ The interim guidance document outlines a framework for the creation of industry-recognized apprenticeship programs and establishes criteria organizations must demonstrate to become certifiers of these programs.

Unfortunately, the TEN stipulates that the new IRAP pilot program will not initially include the construction and military sectors. ABC submitted a comment letter to ETA expressing disappointment in its decision to exclude construction and urged the department to include the industry in its final program in order to address the skilled workforce shortage in construction and give millions of hardworking Americans the opportunity to pursue a career in a rewarding and lucrative field.

On Sept. 20, ETA published a notice soliciting public feedback on the development of the form, Industry-Recognized Apprenticeship Programs Accrediting Entity Information, which is intended to be completed by prospective accrediting entities seeking to obtain a determination from the DOL as to whether the entity’s standards meet the criteria outlined in the TEN.⁴

ABC Comments on ETA’s Information Collection Request

ABC applauds the Trump administration and DOL for their commitment to expanding apprenticeships and creating new opportunities for American workers. As our economy booms and more opportunities are born, it is imperative that Americans obtain the skills and knowledge necessary to acquire and succeed at the jobs of tomorrow.

The development of an industry-led apprenticeship system is a positive step in addressing the nation’s skilled workforce shortage. The U.S. Bureau of Labor Statistics estimates that there are currently more than seven million job openings in the United States,⁵ with approximately 500,000 unfilled positions in the construction industry alone.⁶ To fill this gap, ABC members invest \$1.1 billion annually in training and development and are continually developing innovative and flexible ideas for delivering value-driven construction training. These industry-driven training programs have produced safe, skilled, competent workers who then are given limitless opportunities to pursue a rewarding career in the construction industry.

² <https://www.dol.gov/apprenticeship/docs/task-force-apprenticeship-expansion-report.pdf>.

³ https://wdr.doleta.gov/directives/attach/TEN/TEN_3-18_Acc.pdf.

⁴ 83 Fed. Reg. 47643.

⁵ <https://www.bls.gov/news.release/jolts.nr0.htm>.

⁶ <https://www.abc.org/News-Media/Construction-Economics/Construction-Economic-Update/entryid/15295/-1-billion-in-additional-construction-spending-creates-6-300-additional-construction-jobs>.

In order to implement President Trump's E.O. 13801 and advance the administration's mission of expanding apprenticeship opportunities for all Americans, ETA has proposed to collect information from interested entities seeking to become IRAP accreditors through the Industry-Recognized Apprenticeship Programs Accrediting Entity Information form. These accrediting entities will be critical to ensuring that industry programs meet DOL-established guidelines and are high in quality.

The form is a necessary first step for many trade associations, companies, non-profit organizations and other entities, including ABC, who have been awaiting specific details about the information that will be required of them to satisfy the criteria outlined in the TEN.

ABC appreciates the department's swift action in working to set up the new IRAP system and offers the following recommendations to ensure all Americans have the opportunity to participate in this program:

- DOL must not require overly burdensome reporting requirements to ensure entities are incentivized to participate. As stakeholders recounted in the Task Force on Apprenticeship Expansion's final report to President Trump, many employers elect to establish apprenticeship programs outside of registered apprenticeship programs due to the lack of flexibility, unnecessary paperwork and the bureaucracy involved in registering a program, especially for employers with a national presence that need to work with both federal and state officials to gain program approval.⁷ Unfortunately, the current draft requires accrediting entities and/or IRAPs to provide unnecessary and burdensome information, and, at times, the purpose of collecting the information is unclear and/or is contrary to the recommendations of the task force. The estimate of 82 minutes to complete the form's four sections, thirteen subsections, and nearly 100 individual questions, is understated given the breadth of the listed criteria.
- At times, the form is internally inconsistent. Section I is entitled "Accrediting Entity Identifying Information," but the information requested in this section appears to relate to the IRAP's themselves, not the accrediting entities. Conversely, Section II is entitled "Operational Information Concerning the Industry-Recognized Apprenticeship Programs to be Evaluated by the Accrediting Entity," but much of the information requested pertains to the accrediting entity, not the IRAPs being accredited. In addition, many of the subsections and individual questions require detailed information regarding undefined concepts and impose responsibilities on accrediting entities that are not authorized by the President's executive order.
- ABC is concerned about the implied requirement that organizations who are applying to serve as accreditors of IRAPs must have a "national reach." There are many organizations that train on a statewide basis that meet the criteria outlined in the TEN and

⁷ Id. 34.

would be qualified candidates to serve as accrediting entities. DOL should clearly define “national reach” in order to give more clarity to interested applicants.

- ABC remains disappointed that the new industry-recognized apprenticeship program pilot will not initially include construction and military programs. Currently, the overwhelming majority of 7.8 million U.S. construction professionals⁸ are developed through industry-recognized apprenticeships sponsored by companies large and small.⁹ America needs an all-hands-on-deck effort from all industries to take advantage of the booming economy and close the skills gap.

Conclusion

ABC appreciates the opportunity to submit comments and is committed to working with the department to ensure that all Americans, in all industries, have the opportunity to participate in the agency’s new and innovative industry-recognized apprenticeship program. The biggest opportunities ahead of us include ensuring the integrity of the new system, maximizing flexibility and incentivizing participation in it.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Sizemore", with a stylized flourish at the end.

Greg Sizemore
Vice President, HSE and Workforce Development

⁸ <https://www.bls.gov/iag/tgs/iag23.htm>.

⁹ https://doleta.gov/oa/data_statistics.cfm.