

Data Collections from Industry-Recognized Apprenticeship Program Accreditors, Docket Number ETA-2018-0001

National Skills Coalition Comments

November 2018

National Skills Coalition (NSC) — a broad-based coalition of business leaders, labor affiliates, education and training providers, community-based organizations, and public workforce agencies advocating for policies that invest in the skills of U.S. workers — submits the following comments in response to the Information Collection Request (ICR), “Data Collections from Industry Recognized Apprenticeship Program Accreditors,” Docket Number ETA-2018-0001.

In June 2017, President Trump signed an Executive Order (EO),¹ “Expanding Apprenticeships in America,” which directed the Department of Labor (DOL) to implement a new system to create Industry Recognized Apprenticeship Programs (IRAPs) and commissioned the Task Force on Apprenticeship Expansion (task force) — comprised of Governors, labor leaders, industry association representatives, and business owners — to identify strategies to support this expansion.² In their final report to President Trump,³ the task force made recommendations on DOL’s implementation of the EO, including ensuring alignment with the education system, conducting comprehensive analysis of skill shortages, launching an awareness campaign, and ensuring programs are founded in principles of competency as opposed to strict seat-time requirements.

Subsequent guidance from DOL, in Training and Employment Notice 03-18 (TEN),⁴ integrated many of the Task Force recommendations and provided additional information on the oversight role of third-party accreditors in an IRAP system. According to the TEN, these organizations or consortia will be required to show sufficient expertise in an industry to speak on behalf of businesses, capacity to provide data on programs and participants within programs, the capability to provide oversight of the quality of programs and to meet administrative and impartiality standards consistent with other workforce and education programming provided by programs administered by the Departments of Labor and Education.

The ICR and the supporting worksheet, “Industry-Recognized Apprenticeship Programs Accrediting Entity Information” (worksheet), when coupled with the information available in the TEN and task force

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

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

³ <https://www.dol.gov/apprenticeship/docs/20180510-task-force-meeting-final-report.pdf>

⁴ https://wdr.doleta.gov/directives/attach/TEN/TEN_3-18.pdf

report, provides insight in to the process by which DOL intends third-party organizations, accreditors,⁵ to review, sign off on, and oversee the delivery of industry-recognized apprenticeship programs.

National Skills Coalition supports many of the goals enumerated in the information DOL has released and offers the comments below to inform the next steps in the process.

Apprenticeship Forward Collaborative as a foundation for NSC Comments

NSC has released a set of principles along with thirteen other national organizations,⁶ as the Apprenticeship Forward Collaborative (AFC), that urges policy makers at the federal and state level to expand apprenticeship in a way that meets business demand and worker need and which is consistent with some of the ideas put forth in the IRAP process so far – basing expansion on business engagement and demand, supporting workers access to programs, building partnerships across organizations involved in the IRAP process, and alignment of the education system with industry demands. The AFC principles also urge policy makers to ensure programs are accessible for a diverse pipeline of new and existing workers, rely on robust data systems to continuously improve outcomes for businesses and workers and support the scaling of successful state and local practice happening across the country.

NSC believes expanding apprenticeship – whether registered or industry-recognized – consistent with these principles will build a diverse pipeline of skilled workers prepared to fill current and future job openings and enable business to compete in a global economy. Please see the attached “Definition and Principles in Support of Expanding U.S. Apprenticeship” for full text of the principles and definition.

In support of these principles, NSC and our Apprenticeship Forward Collaborative partners have defined apprenticeship as:

- Paid, structured, productive on-the-job training combined with related classroom instruction;
- Clearly defined wage structure with increases commensurate with skill gains or credential attainment;
- High-quality third-party evaluation of program content, apprenticeship structure, mentorship components, and standards to meet business demand and worker need;
- Ongoing assessment of skills development culminating in an industry-recognized credential and full-time employment.

In the TEN, DOL defines IRAPs as “high-quality apprenticeship programs that include a paid-work component and an educational or instructional component, wherein an individual obtains workplace-relevant knowledge and skills.”⁷

⁵ In the ICR, DOL refers to this entity as an accreditor, based on the alignment between the role this entity will play for IRAPs and the role of accreditors in higher education. The TEN refers to this entity as a certifier. These comments adopt the ICR term of accreditor, as it is the more recently released information from DOL.

⁶ <https://www.nationalskillscoalition.org/resources/publications/file/Definition-and-Principles-for-Expanding-Quality-Apprenticeship-in-the-U.S..pdf>

⁷ The Task Force report includes a more detailed definition of IRAPs, as well as a definition of apprenticeship consistent with that included in the TEN. Final Report, Glossary, p. 40.

NSC believes the AFC definition is additive to the definition DOL has used to this point, because it offers further guidance to businesses, workers and accreditors to distinguish apprenticeship from other forms of work-based learning. NSC is a strong champion for a spectrum of work-based learning opportunities and supports DOL's efforts to expand access to a wide range of work-based learning programs. We urge DOL to offer more guidance, however, on the distinction between IRAPs and other forms of WBL.

Based on these principles and earlier comments submitted by NSC, we urge DOL to collect information from accreditors that enables the IRAP system to align with the existing workforce and education systems and based on the principles enumerated in the attached AFC document.

Industry-Recognized Apprenticeship Implementation Process

NSC appreciates the difficulty in implementing a new apprenticeship oversight system. We support the transparency with which DOL released the task force report, the TEN and now the ICR. However, we're concerned that a call for comments on the ICR comes prior to the release of even draft regulations that could provide a more comprehensive view of DOL's intended implementation of Industry-Recognized Apprenticeship. The ICR references guidance contained in the TEN, however the TEN repeatedly mentions forthcoming explanation in upcoming regulations.

Section 4(b) of the EO requires the Secretary to consider and evaluate public comments on regulations issued pursuant to section 4(a) of the EO. NSC applauds the Secretary for soliciting input on the ICR and recognizes the internal process for released regulations often requires more time than originally intended. We strongly urge DOL to pause the process by which they're implementing the process the EO, TEN and task force report until stakeholders have an opportunity to review and respond to full draft regulations and until DOL has time to review these comments and release finalized regulations.

Alignment with the workforce system

Middle skill jobs account for 53 percent of those in the workforce, but only 43 percent of workers are trained at that level. The task force report identifies the necessity of student (and by implication all worker) awareness of job opportunities that exist in each state, "in particular, 'middle skills' jobs that require innovation."⁸

The Workforce Innovation and Opportunity Act (WIOA) was reauthorized in 2014 with overwhelming bipartisan support, in part to address this middle skills gap and to "provide America's workers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages and to provide America's employers with the skilled workers the employers need to succeed in a global economy."⁹ The workforce development system administers WIOA programs with a goal to address worker need and business demand for workers with middle skills and should be a foundational component of IRAPs in this country.

⁸ Final Report, p. 18

⁹ WIOA, Section (2)(3)

In the TEN, DOL in part recognizes the value of aligning IRAPs with the workforce development system, citing WIOA performance metrics as instructive of those an IRAP accreditor would need to capture to measure and evaluate program quality. The task force report also includes references to alignment in funding between industry-recognized apprenticeships and WIOA, career and technical education (CTE) and higher education funding. However, Section 10 of the EO and recommendations 6 and 23 of the task force report recommend setting aside or funneling investment in workforce funding instead to IRAPs, which would be inconsistent with stated goals in the EO, task force report, WIOA and other federal legislation.

NSC strongly encourages the Secretary to focus, instead, on how investments in the workforce development system can support the expansion of IRAPs. As discussed above, a key goal in WIOA's bipartisan 2014 authorization was to better align the workforce and apprenticeship systems, and any disinvestment in the workforce system would be counterproductive to apprenticeship expansion and counter to Congressional intent.¹⁰

Instead of cutting workforce programs or funding, NSC strongly encourages DOL to make the link between IRAPs, accreditors and workforce development more explicit by requiring accreditors to describe their capacity to align the accreditation process with the goals of the workforce development system in a few important ways:

- **Support for, and engagement with, local industry or sector partnerships.** Industry partnerships bring together local employers within an industry. Under WIOA,¹¹ local areas are required to support these partnerships, and they serve an important role in aggregating local employer demand for apprenticeship programs necessary to support training related instruction at community or technical college, bringing together industry partners to serve as ambassadors of apprenticeship to local peers, and improving bonds between local practitioners that can facilitate greater expansion of work-based learning of any kind. Importantly, these partnerships convene local businesses – with whom apprentices will work – to discuss unique local workforce challenges. NSC supports nationally-recognized credentials as a foundation for industry-recognized apprenticeship, however we strongly encourage DOL to require accreditors to support and work with local industry partnerships to develop and personalize programs to best meet the needs of local – often small and mid-sized – companies.
- **Support for career pathways.** WIOA requires local areas to support career pathways for participants with barriers to employment.¹² While training is an important component of a career pathway, workers also need support services, job search assistance and financial backing to achieve first day of work necessities. Further, while training through an industry recognized apprenticeship may provide workers with access to skills necessary to fill middle skill jobs, many workers may need basic education in literacy and numeracy to gain skills necessary to access IRAPs. This adult basic education, especially when provided through an integrated education and training program, will be a vital onramp for workers with low levels of skills. NSC encourages DOL to solicit information from accreditors about their capacity to align industry-recognized programs with career pathways as defined under WIOA.

¹⁰ <https://edworkforce.house.gov/uploadedfiles/10.12.2017-Sec.Acosta-WIOA.pdf>

¹¹ WIOA section 101(d)(3)(D)

¹² WIOA section 101(d)(3)(D)

- **Alignment with common performance metrics.** WIOA establishes a set of primary indicators of performance that apply across the core programs, including indicators relating to employment, median earnings, credential attainment, skills gains, and effectiveness in serving employers.¹³ States are required to submit proposed levels of performance for each indicator across the core programs as part of the state plan. As discussed later in these comments, accreditors should be required to apply the WIOA common measures to programs they accredit. Using consistent measures across WIOA and IRAPs will facilitate coordination between the workforce system and entities running IRAPs that can allow the workforce system to support IRAPs that provide workers with skills businesses need and workers opportunities to access good jobs.

Comments on the enhancement of the quality, utility and clarity of the information to be collected

Qualifications and Structure of Accrediting Body

Section II(A) of the worksheet asks potential accreditors to explain, “your organization’s capability for obtaining substantial, broad-based input, support, and consensus from employers and industry experts.” The task force report, cited in the ICR discussion of this component, describes the value industry-driven standards provide in aligning workers’ skills with business need. The narrative in the task force report – and implication in the ICR and worksheet – focuses on the importance of nationally-recognized standards as a baseline for IRAPs.

NSC supports the alignment of programs with nationally recognized standards within an industry. We also encourage the Secretary to solicit information from accreditors about their capacity to ensure IRAPs respond to local business demand of small and mid-size businesses, especially through engagement with industry or sector partnerships as defined under WIOA.

In upcoming regulations, NSC encourages the Secretary to release guidance under section 4(a)(i) of the EO on the role of local or regional entities, either as accreditors or in cooperation with accreditors, and clarify that engagement with industry or sector partnerships as defined under WIOA is a crucial component of an accreditors’ role in ensuring IRAPs meet local business demand of small and medium-sized companies.

Accreditation Process

As discussed below, NSC believes the accreditation process description requirements in section II(B) of the worksheet represents an important foundation for how accreditors interact with, support and oversee industry-recognized apprenticeship programs.

As such, we urge DOL to require organizations to fully explain the accreditation process in this section of the worksheet.

¹³ WIOA section 116

Paid Work Component

In section II(C) of the worksheet, DOL would require an accreditor to explain their process to, “provide oversight of the industry-recognized programs it accredits including the evidence your organization will require that such programs pay apprentices at least the minimum wage....or a Federally-approved stipend under Federal wage requirements.”

NSC urges DOL to include in future regulations further information about the required pay structure for participants in IRAPs.

The foundation of any apprenticeship program should be the employment of workers. The worksheet, however, asks an accreditor to describe oversight to ensure programs pay *either* a wage or “a Federally-approved stipend”. While stipends may be appropriate for certain kinds of work-based learning programs or work experience programming, the foundation of apprenticeship is the wage-earning, employment relationship between the worker and the business for whom they provide service or production of goods. NSC strongly encourages DOL to require accreditors to describe the wages earned by apprentices, as employees of the companies with which they are working and providing valuable contributions to the workplace.

On-the-Job Instruction/Work Experience

NSC is pleased to see DOL recognition of the importance of accreditors oversight of mentorship provided by IRAPs. NSC urges DOL to include addition information on the standards expected in mentorship relationships in upcoming regulations.

The TEN and ICR reference the task force report description of “a well-designed and highly structured work experience” at the center of a successful IRAP. NSC agrees with this point, however encourages DOL to align language in the ICR and upcoming regulations with defined terms from WIOA.¹⁴

Under WIOA,¹⁵ work experiences include summer jobs, pre-apprenticeship programs, internships and job shadowing, and on-the-job training. Consistent with earlier comments, NSC strongly supports the expansion of work-based learning and work experience, however urges the Secretary to clarify, in upcoming regulations, the distinction between work experience as the term is used in WIOA and the expectation of structured on-the-job learning experiences to be delivered through IRAPs.

Classroom Instruction, Educational Partners, and Educational Credentials

Section II(E) of the worksheet requires accreditors to identify partners who will provide classroom instruction for industry recognized apprenticeships.

This section of the worksheet seems to include several provisions that NSC urges DOL to reorganize into Section II(B). For example, the requirement that accreditors describe the validation of their standards with industry, the types of accreditation statuses, certificates to be issued at accreditation, accreditation

¹⁴ In the TEN, DOL used the term “work-based learning” to describe this component of an IRAP.

¹⁵ 29 CFR 681.600

cycle, training of assessors and frequency of this training all seem to be relevant to part B of the worksheet, the accreditation process.

These elements seem to be foundational to an accreditation process and relevant across both the on-the-job training a participant would receive and the classroom component of an IRAP.

In addition to the information established in this section of the worksheet, NSC urges DOL to solicit information from accreditors about how the education providers with whom they're working support the development of career pathways models. These models enable adults with low skill levels to combine work and education while obtaining in-demand credentials that support career advancement. Well-designed career pathways programs include a range of strategies and support services that enable working adults – like those participating in an industry-recognized apprenticeship program – to persist and succeed in education and training. These models also build in basic skills instruction for workers with literacy and numeracy barriers to obtain market-ready credentials without getting stuck in remedial or developmental classes that can often serve as significant – and costly – barriers for working students on a pathway to a work-based learning opportunity. As discussed earlier, these models have bipartisan support in Congress as seen in the incorporation in WIOA and later in programs under the Higher Education Act and the newly reauthorized Perkins CTE legislation.¹⁶

Occupations and Occupational Credentials

NSC strongly supports the requirement that IRAPs culminate in an industry-recognized credential, consistent with required IRAP accreditor affirmation in section II(F) of the worksheet. NSC urges DOL, however, to expand the required description to include specific information related to “recognized postsecondary credentials.” This term is defined under sec. 3(52) of WIOA and is inclusive of industry-recognized certificates or certifications, certificates of completion of an apprenticeship, licenses recognized by the state or federal government, and associate or baccalaureate degrees. Expanding the language to include all recognized postsecondary credentials would allow accreditors to better align IRAPs with whom they're working with programming under WIOA, which requires states to meet negotiated levels of performance for attainment of recognized postsecondary credentials.

EEO Requirements

Section II(G) of the worksheet would require an accreditor to ensure programs it accredits adhere to all Equal Employment Opportunity (EEO) laws and regulations. The worksheet would also require an accreditor to describe outreach strategies the accreditor will undertake and “affirmative steps” it will undertake to ensure workplaces are “free from harassment, intimidation, and retaliation.”

¹⁶ For more discussion of these programs and how community colleges are supporting career pathways in a way that could expand the pipeline of IRAP participants, see https://www.nationalskillscoalition.org/resources/publications/file/Investing-in-Postsecondary-Career-Pathways_web.pdf

NSC supports this requirement and urges DOL to solicit additional information from accreditors and provide additional guidance in upcoming regulations. In particular, NSC encourages DOL to explicitly apply requirements found in 29 CFR 30 to accreditors in industry recognized apprenticeship programs.

Under the National Apprenticeship Act of 1937, the Department of Labor (DOL) is tasked with promoting standards necessary to “safeguard the welfare of apprentices.” In the ICR, DOL recognizes the “establishment of labor standards designed to safeguard the welfare of apprentices and promote apprenticeship opportunity” as the foundation for the EO and DOL’s IRAP implementation. DOL’s implementation of this statutory requirement, found in 29 CFR part 29 & 29 CFR part 30, in part addresses the discriminatory impact of recruitment, selection and hiring, and retention policies within apprenticeship programs registered with DOL and State Apprenticeship Agencies. The regulations in 29 CFR 30 are intended to further DOL’s goal to promote and protect opportunity for all workers and all employers by removing barriers to fair workplaces.

In 2017, DOL updated 29 CFR 30 for the first time in nearly 30 years. The newly implemented regulations are intended to combat, “the residual impact of longstanding discrimination” which, “continues to exclude historically disadvantaged worker groups from participation in registered apprenticeship.”

Ensuring a broad – and diverse – pipeline of workers is in the best interest of U.S. businesses and of workers. The application of regulations under 29 CFR 30 to IRAPs will help ensure the broadest pipeline of workers have access to – and success in – all apprenticeship programs.

For underrepresented populations, like women, pre-apprenticeship programs can be valuable for providing access to and success in apprenticeship and other work-based learning programs. Occupational skills training can be crucial to exposing low-skill and underrepresented workers to new skills. Exposure to job sites provides real world understanding about unfamiliar work environments and allows participants to evaluate their own interest in the jobs. Engagement from local industry partners in a pre-apprenticeship program allows participants to build relationships with those in the field. Comprehensive case management provides support for participants to address barriers to employment before starting a job, and mentoring and support groups can serve as vital peer networks to help participants succeed in training and at work.

One 2003 study found that pre-apprenticeship training helped more than 5,000 women enter apprenticeship over the prior ten-year period. In 2012, researchers who interviewed women apprentices, pre-apprenticeship providers, and state apprenticeship agency representatives identified access to pre-apprenticeship programs as crucial to both women’s ability to enter apprenticeship programs and to their retention in these programs.

For real equal employment opportunity, however, many workers also need comprehensive support services, like child care, transportation, job search assistance, interview preparation, provision of uniforms, tools and other first-day essentials, support and mentoring groups among people with similar experiences in and out of the workplace.

NSC encourages DOL to solicit information from accreditors on how programs with which they are working are providing pre-apprenticeship training opportunities and comprehensive supports to ensure not just equal access to apprenticeship opportunities, but also equal success and retention in those programs.

Quality Assurance Processes

Referenced in footnote 1 of the ICR, accreditors of IRAPs are described as, “assessing the quality and rigor of industry-recognized apprenticeship programs, [performing] the same job functions traditionally performed by accreditation bodies.” As part of their duties in higher education, each accrediting organization establishes its own standards by which institutions and programs are accredited. These standards address similar areas, such as expected student achievement, curriculum, faculty, support and academic services for students. These standards can be adjusted through a process of public consultation involving faculty, administrators, students, practitioners in specific fields, governing board members and members of the public.

NSC strongly urges DOL to solicit information from accreditors that describes how IRAP accreditors will solicit feedback from and engage with industry stakeholders in a similar manner to ensure standards are continuously evaluated for their ability to meet business demand and worker needs.

Additional Representations of Program Quality by the Accrediting Entity

NSC agrees with DOL acknowledgement on the importance of record retention, workplace safety and data and performance metrics. Overall, it is unclear without additional information in draft or final regulations the difference in an accrediting body acknowledging their ability to oversee these elements and the previous sections of the worksheet which would require an accreditor spell out their process for capturing or overseeing such information.

NSC encourages DOL to solicit more detailed descriptions of each of these elements, consistent with earlier portions of the worksheet, from accrediting bodies.

Workplace Safety

NSC strongly supports the inclusion of a focus on workplace safety. NSC urges DOL to include, consistent with p. 7 of the TEN and the task force report recommendation 16, a solicitation of the description of “the policies and procedures in place to ensure that sponsors provide a safe working environment.”

NSC recognizes it is in both the worker and the employer’s best interest to provide a safe environment that adheres to safety training requirements. NSC urges DOL to include in future regulations the requirement that workers participate in all required training related instruction, on-the-job training and other components of an apprenticeship in a safe, dedicated and efficient manner. Industry should be required to provide workers with a safe and respectful worksite with adequate training related instruction taught by quality instructors, coupled with mentoring opportunities that lead to safe success in the classroom and worksite.

Data and Performance Metrics

NSC supports the data and performance metrics DOL proposes in section III(D) of the ICR worksheet and applauds the agency for in part aligning this data collection in part with those outcomes measured under WIOA. NSC encourages DOL, however, to require accreditors to collect additional information that would further align IRAPs and WIOA.

Under WIOA, states track six primary indicators of their performance¹⁷ –

- employment rate of exiters from the program in the second quarter since exit from WIOA programming;
- employment rate of exiters in the fourth quarter since exit from WIOA programming;
- median earnings during second quarter after exit from WIOA programming,
- credential attainment of participants during programming or within one year after completing programming,
- number of participants in a program year who have a measurable skill gain, which includes attaining a recognized postsecondary credential or progress towards a credential or employment;
- Effectiveness of WIOA programming serving employers, which DOL evaluating through pilots measuring employment retention of participants, how frequently businesses interact with the workforce system and market penetration.

Programs under the Trade Adjustment Act, the newly reauthorized Perkins CTE bill, and Supplemental Nutrition Assistance Program Employment & Training (SNAP E&T) all include performance metrics built on and consistent with WIOA common measures. NSC encourages DOL to base additional performance metrics for accreditors of IRAPs on the WIOA common measures. Additional data collection should include the employment of completers in second and fourth quarter after completing an IRAP, the credential attainment of participants, the measurable skills gain of participants in IRAPs, and the effectiveness of IRAPs in serving employers.

Including this connection to WIOA programs will facilitate coordination of IRAPs with WIOA programming (and visa versa) and help ensure workers with barriers to employment targeted under WIOA have access to IRAPs.

Further, NSC encourages DOL to require accreditors to make aggregated data collected and set out in section III(D) of the worksheet publicly available to policy makers, states, participants in programs and the general public, consistent with the requirement in section 5 of the EO that the Secretary promote apprenticeship and “expanding access to and participation in apprenticeships among students...expanding the number of apprenticeships in sectors that do not currently have sufficient apprenticeship opportunities; and expanding youth participation in apprenticeship.” Section 9 of the EO requires Secretaries of Labor, Education and Commerce to highlight best practices in apprenticeship programs – NSC encourages DOL to require accreditors to support this directive through publicly available data on IRAPs they accredit.

¹⁷ https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3255

NSC also urges DOL to commit – in upcoming regulations – to collect and annually data on participation and outcomes of IRAPs. These data should include measuring outcomes of IRAPs disaggregated by apprentice characteristics including race/ethnicity and gender.