

November 19, 2018

Deputy Assistant Secretary Rosemary Lahasky
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Deputy Assistant Secretary Lahasky,

On behalf of Advance CTE, JFF, National Association of Workforce Boards, National Fund for Workforce Solutions, National Skills Coalition, and New America, thank you for the opportunity to submit comments on the proposed information collection request (ICR) titled, *Industry-Recognized Apprenticeship Program Accrediting Entity Information* (OMB Control Number 1205-0NEW).

The aforementioned organizations work closely with businesses, unions, and education, workforce development, research, and advocacy communities to expand access to high-quality apprenticeship to many more Americans and across a much wider range of employers and industry sectors.

We appreciate the administration's commitment to expanding apprenticeship and have been following the development of the proposed system of Industry-Recognized Apprenticeship Programs (IRAP) with great interest. On the question of how the U.S. Department of Labor (DOL or the Department) might enhance the quality, utility, and clarity of the information to be collected through the *Industry-Recognized Apprenticeship Programs Accrediting Entity Information* form, we offer the following feedback.¹

1. Provide additional clarity on what constitutes a conflict of interest and the grounds on which conflicts of interest can disqualify entities from serving as accreditors of IRAPs.

We believe that the role envisioned for accrediting agencies leaves the IRAP system vulnerable to conflicts of interest that could compromise an accreditor's ability to provide an objective, third-party evaluation of program content and quality standards. Aspects of the ICR acknowledge the need to mitigate possible conflicts of interest and ensure the objectivity and impartiality of accreditors. However, the IRAP model and the requirements of the ICR compromise the ability of accreditors to provide genuine third-

¹ The enclosed recommendations are based on the definition and principles for advancing high-quality apprenticeships developed by the Apprenticeship Forward Collaborative. The Apprenticeship Forward Collaborative is a network of diverse national organizations committed to expanding American apprenticeship through research, public engagement, and on-the-ground innovation. The Definition and Principles for Expanding Quality Apprenticeship in the U.S. can be found here: <https://www.nationalskillscoalition.org/resources/publications/file/Definition-and-Principles-for-Expanding-Quality-Apprenticeship-in-the-U.S..pdf>

party quality assurance. For example, while Section I-Attachment 2 of the ICR requires prospective accreditors to affirm that they do not provide consultative services to apprenticeship providers, this is in conflict with the requirement in Section II-E that accreditors either provide related technical instruction themselves or identify prospective educational partners on behalf of apprenticeship providers. Other issues that could pose a conflict of interest, such as the ways in which prospective IRAP accreditors can fund their operations, are not even addressed in the ICR. Furthermore, the ICR provides no mechanism for revoking an accreditor's status if a conflict of interest comes to light within five years. We suggest that DOL enumerate the factors that constitute a conflict of interest. Additionally, we recommend that the Department classify the development of a conflict of interest as a substantive change to an IRAP accreditor's operations and outline the corrective action it will take to preserve the integrity of an IRAP.

2. Strengthen evaluative metrics for selecting accreditors in order to ensure industry relevance of IRAPs and the credentials they award.

Our members appreciate DOL's vocal commitment to expanding apprenticeship on a national scale and support the continued inclusion of industry standards as a quality criterion for IRAPs. However, the IRAP model allows a number of different accrediting bodies to claim national recognition of their preferred standards. Furthermore, the largely qualitative metrics for selecting IRAP accreditors are insufficient to safeguard against competing standards that are likely to emerge within industry sectors and occupational roles, thus creating confusion at the national level. We know that many employers are confused by the wide variety of academic credentials and industry certification standards in existence today. The proposed structure risks creating similarly fragmented apprenticeship standards. As such, we suggest that DOL modify Section II-A of the ICR to clarify what it means for a potential IRAP accreditor to have "standing and national reach" as well as the criteria by which DOL will determine if an accrediting entity is qualified to "evaluate the classroom and workplace-education standards, structure, and curricula" of an IRAP.

3. Provide additional guidance on how applicable wage, equal employment opportunity, and occupational safety protections should be enforced by accreditors and/or DOL under the IRAP model.

The National Apprenticeship Act of 1937 (29 U.S. Code § 50) empowers the Secretary of Labor to establish "labor standards necessary to safeguard the welfare of apprentices." Under the Registered Apprenticeship (RA) system, DOL and State Apprenticeship Agencies play a significant role in ensuring wage, employment, and safety protections for apprentices. Yet the IRAP model does not provide guidelines related to wage, equal employment opportunity (EEO), and occupational safety monitoring, enforcement, and complaint procedures. Instead, the ICR simply requires prospective IRAP accreditors to list the evidence it will require to verify IRAPs are paying

apprentices the applicable minimum wage or Federally-approved stipend (Section II-C), describe the policies and procedures it will adopt to verify IRAPs adhere to all applicable Federal, state, and local EEO laws and regulations (Section II-G), and provide an affirmation that it will require programs it accredits to provide a safe working environment for apprentices that adheres to all applicable Federal, state, and local safety laws and regulations (Section III-C). Pursuant to DOL's authority under the National Apprenticeship Act, we suggest that the Department clearly articulate how it plans to work in coordination with IRAP accreditors to enforce wage, employment, and occupational safety protections.

4. Clarify whether and from whom IRAP accreditors can require fees for accreditation services.

Under the existing RA system, there is no system of costs or fees to approve and register apprenticeship programs at the state or federal level. The July 2018 Training and Employment Notice (TEN) (No. 3-18), *Creating Industry-Recognized Apprenticeship Programs to Expand Opportunity in America*, and the accompanying ICR documents do not mention whether an accreditor in the IRAP program may charge a fee for the service of accreditation, as many academic accreditation bodies do. Charging fees to accredit apprenticeship programs will be a burden to employers and could add a significant cost to the U.S. system of apprenticeships. Fees for accreditation could also impact the ability of small- and medium-sized business to participate in IRAP apprenticeships. DOL should provide clarity and guidance on the ability of IRAP accreditors to charge fees and consider assessing the potential impact of fees on employers and program providers.

We are grateful for the opportunity to submit these joint comments. We hope that our collective experience and expertise can help DOL craft efficient, effective, and equitable policies to expand apprenticeship. We look forward to engaging with the Department on refining this ICR and on the upcoming public rulemaking process related to the federal apprenticeship regulations contained in 29 CFR part 29.

Sincerely,

Advance CTE
JFF
National Association of Workforce Boards
National Fund for Workforce Solutions
National Skills Coalition
New America