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Submitted via email: ChiefEvaluationOffice@dol.gov

Re: OMB Control Number 1290–0NEW: Apprenticeship Evidence Building Portfolio

Comments of North America's Building Trades Unions (NABTU)

This letter contains the comments of North America's Building Trades Unions (NABTU) in response to the Employment and Training Administration's (ETA) proposed Information Collection Request (ICR) for "Apprenticeship Evidence Building Portfolio," OMB Control Number 1290–0NEW published at 84 Fed. Reg. 69778, December 29, 2019.

NABTU is a labor organization composed of fourteen affiliated national and international unions and 288 state and local building and construction trades councils, which together represent more than 3 million men and women employed in the construction industry. In partnership with construction industry employers, NABTU and its affiliates have long sponsored and promoted Registered Apprenticeship programs as the most effective mechanism for bringing new workers into our industry, training them to understand all aspects of a trade, and providing them with the skills to safely perform complex tasks under ever-changing conditions. The Registered Programs the trades sponsor jointly with our signatory contractors comprise one of the largest post-secondary education programs in the country. Together, we operate over 1,600 training centers and invest \$1.6 billion annually in training programs that have prepared hundreds of thousands of workers for good, middle-class careers.

The jointly-trusted apprenticeship programs in the construction industry represent the majority of the civilian Registered Apprenticeship system, training over two-thirds of all civilian apprentices in the country. NABTU therefore understands the importance of a strong apprenticeship system as a component of robust national workforce development policy. We also understand the need for further study of apprenticeship. Before the Office of Management and Budget approves this ICR, however, the ETA should be directed to clear up a number of unanswered questions and unrealistic assumptions regarding the research design in this ICR.

Before addressing the ICR, we want to reiterate that there are serious questions regarding the legal foundation of the Industry-Recognized Apprenticeship Programs (IRAPs), which ETA proposes to include in this study. NABTU maintains that the DOL lacks the legal authority to create an untested parallel system of “apprenticeship,” which fails to adequately protect apprentices, clearly contradicting the intent of the National Apprenticeship Act. In addition, we note that Congress has not appropriated any funding for IRAP implementation or evaluation. The entire initiative therefore rests on a very shaky foundation.

With respect to the ICR, the research design is seriously flawed. The ETA’s stated objectives in this ICR are to identify best practices in the implementation of apprenticeship and to study its effectiveness in different models. To that end, ETA has proposed collecting data to “build the evidence base on apprenticeship” in three ways. The first is “careful review of the existing evidence and information.” The second method is a “rigorous implementation study to specify apprenticeship typologies and models to include a range of industry-recognized workplace-based training.” The third is the development of “rigorous impact evaluation design options.” This impact evaluation analysis is needed to understand those apprenticeship models and components that are most effective for workers in different industries, “including the IRAP model” (OMB Supporting Statement Part A: Justification for Apprenticeship Evidence Building Portfolio, Part A.2).

Applying this formulation to IRAPs is problematic for one main reason: there are, as yet, *no* IRAPs, and the timeline for studying their impact is therefore entirely unrealistic. As described,

the timetable for this research presupposes that researchers from Mathematica and other groups will hold “focus groups” with “program participants” in *a little over a year* (April 2021 to be exact), which means that IRAPs, which do not exist today, will be vetted, implemented and have participants sufficiently far along in their training to be meaningfully interviewed in just thirteen months. (OMB Supporting Statement Part A: Justification for Apprenticeship Evidence Building Portfolio, Sec. A.16). These interviewees, it should be noted, will be asked about the impact of IRAPs on their career trajectory. For example, one of the questions in the *Apprenticeship Program Apprentice Focus Group Topic Guide* asks: “Overall, how participation to date has helped (or not helped) the individual to *upgrade skills, improve earnings and move along his/her career pathway*” (*Interview Guides for Apprenticeship Program Staff, Partners and Apprentices*, pg. 13)?

In order to evaluate this ICR, it is useful to review in detail the process by which IRAPs will be defined, evaluated and implemented. The final IRAP regulations have yet to be issued. Assuming, however, that they are similar to those ETA proposed, once the final rules are implemented (and have survived any potential legal challenges), the Department of Labor and the ETA will begin taking applications for “Standards Recognition Entities,” or SREs. SREs are the industry consortia that will approve new apprenticeship sponsor applications in targeted industries, which in the current draft IRAP rules are defined as those industries without “widespread and effective Registered Apprenticeship programs.”

How long the process will be for approving SREs is not clear, but presumably, for ETA to ensure that they meet even the minimal criteria set forth in the proposed rules, it will take some amount of time. In fact, to ensure that the process has sufficient rigor to weed out questionable candidates, and is open and transparent enough to ensure public trust in this process, the approval process cannot be unnecessarily expedited.

Once the SREs are approved, they will begin taking applications from individual IRAP sponsors, which, before even starting their training, will have to undertake a thoughtful, thorough and – hopefully – rigorous process of creating apprenticeship standards, curriculum development and accreditation; recruit and train instructors; form partnerships with community-based-

organizations and employers; set up training locations; procure training equipment; and, finally, take applications from and accept apprentices.

Finally, as noted above, the programs will have to be in operation long enough to actually have apprentices who have completed, or at least, be well advanced in, their training. The average Building Trades Registered Apprenticeship program requires three to four years, with some lasting up to five years. The timeline ETA suggests in its ICR poses serious questions about the expected duration of the IRAP training. If these programs are going to be compatible with this study's schedule, what level of educational quality will these programs provide to apprentices? Acknowledging that different industries will require training programs of different lengths, we still question the quality of IRAP programs that will train apprentices in a matter of months. Are these really apprenticeship programs, or simply work-based learning programs recast as apprenticeships, basking in the reflected quality of the Registered Apprenticeship system? Without clear program quality standards, the survey, interview and focus group questions proposed in the ICR will not provide these answers, nor any insight into the protections (or lack thereof) for the apprentices themselves.

The ETA's stated goals of identifying best practices and studying the effectiveness of these identified apprenticeship models are simply incompatible with the short timeline that the Department is proposing. Best practices do not arise from a rushed implementation process, and a rushed process, in turn, would distort the study and its findings from the beginning. Effective apprenticeship programs require time to be implemented properly to ensure a high-quality curriculum, well-trained instructors and suitable training environments. The ETA, however, assumes that this will occur very quickly for IRAPs.

Again, how long will the entire IRAP implementation process – from approval of SREs to approval of IRAPs to actual training of apprentices – take? Will it be sufficiently rigorous to guarantee that low road training providers are excluded from being approved and that the program participants – *i.e.*, the apprentices – are actually given the training they are promised? And given these constraints, will this proposed evaluation process be open and transparent to ensure public trust in the process?

Simply put, NABTU has many concerns regarding the justification for including IRAPs in this ICR, as the final rulemaking for IRAPs has yet to be issued, its basic framework and governing regulations have not yet been devised and implemented, and no IRAPs nor IRAP accreditors currently exist. Yet participants in these programs are slated to be studied in focus groups a little more than one year from now. We have doubts that this is realistic, unless there has been action on IRAPs that has not been public.