

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF CAREER AND ADULT EDUCATION BUREAU OF STANDARDS, BENCHMARKS AND FRAMEWORKS APPRENTICESHIP SECTION



Apprenticeship Section Procedures

SUBJECT

Reinstatement of Registered Participants

PURPOSE

To clarify procedures regarding reinstating an apprentices/preapprentice/trainee (as defined in Chapter 446.021 F.S.) back into the registered training program.

APPLICABILITY

This policy applies to all registered apprenticeship, preapprenticeship and on-the-job training program sponsors as defined in Chapter 6A-23.009 FAC registered apprenticeship, preapprenticeship and on-the-job training programs.

EFFECTIVE DATE

Upon Date of Signature

EXPIRATION DATE

Until superseded or rescinded

POLICY

Each program sponsor can reinstate any apprentice/preapprentice/trainee who was previously cancelled from that respective training program via the following method:

- The program sponsor can, without violation of the program's registered selection procedure, allow a previously registered participant to be reinstated in that registered training program.
- The previously registered participant shall make a request to the committee in writing to reinstate them in the registered program.
- The previously registered participant shall only be reinstated into the same trade and registered program.

- Reinstatement can only be done within the first two (2) year time period following the participant’s date of cancellation.
 - Except as explained in Title 38 CFR, Part III – Chapter 43, Subchapter II, §4312 – the Reemployment Rights of Persons Who Serve in the Uniformed Services, which has a limited of a five (5) year time period.
- The program sponsor is required to reinstate the participant by completing a new training agreement and submitting it and an Action Reporting Form to appropriate Registration Agency field representative, who will then process the form(s) for registration.

Title 29 CFR, Part 29, Section 1 – Purpose and scope

(a) The National Apprenticeship Act of 1937, Section 1 (29 U.S.C. 50), authorizes and directs the Secretary of Labor “to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, and to cooperate with the Office of Education under the Department of Health, Education, and Welfare***.” Section 2 of the Act authorizes the Secretary of Labor to “publish information relating to existing and proposed labor standards of apprenticeship,” and to “appoint national advisory committees***.” (29 U.S.C. 50a).

(b) The purpose of this part is to set forth labor standards to safeguard the welfare of apprentices, and to extend the application of such standards by prescribing policies and procedures concerning the registration, for certain Federal purposes, or acceptable apprenticeship programs with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training. These labor standards, policies and procedures cover the registration, cancellation and deregistration or apprenticeship programs and of apprenticeship agreements; the recognition of a State agency as the appropriate agency for registering local apprenticeship programs for certain Federal purposes; and matters relating thereto.

Title 29 CFR, Part 29, Section 12 – Recognition of State agencies

(b) (5) Establish policies and procedures to promote equality of opportunity in apprenticeship programs pursuant to a State Plan for Equal Employment Opportunity in Apprenticeship with adopts and implements the requirements of 29 CFR Part 30, as amended, and to require apprenticeship programs to operate in conformity with such State Plan and 29 CFR Part 30, as amended;

Chapter 446.032 F.S. General duties of division with respect to apprenticeship training

The Apprenticeship Section shall:

(1) Establish uniform minimum standards and policies governing apprentice programs and agreements. Such standards and policies shall govern the terms and conditions of the apprentice’s employment and training, including the quality training of the apprentices with respect to, but not limited to, such matters as ratios of apprentices to journeyworker, safety, related instruction, and on-the-job training; but such standards and policies shall not include rules, standards, or guidelines that require the use of apprentices and job trainees on state,

county, or municipal contracts. The Section may adopt rules as necessary to carry out such standards and policies.

Title 29 CFR, Part 30 Equal Employment Opportunity in Apprenticeship Training

You cannot make an individual re-qualify after they have been qualified for the program. An action like this could violate an individual's rights under EEO/Affirmative Action in Apprenticeship and Training. **Title 29 CFR, Part 30 – Equal Employment Opportunity in Apprenticeship Training** is specific to REGISTERED APPRENTICESHIP, which belongs under the agency as stated in Title 29 CFR, Part 29.

- The program sponsor is not required to grant full credit for the previous time served by the participant, but may do so, if the time away from training is judged not to be of duration to interfere with the participant's successful program completion.
 - The sponsor shall be cognizant of all changes that may have taken place in the program both on the job and in related training instruction during the participant's absence.
 - The sponsor should not assume the retention of previously acquired knowledge and skills, especially if the participant was not working in the trade during his/her absence.
- When credit is awarded for any time served, the participant shall be paid commensurately with his/her level of placement in the training program.

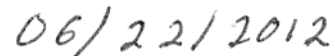
After this same two (2) year time period (with the exception of the five (5) year time period granted veterans) any participant who was previously cancelled from a registered training program must reapply for entrance, meet program minimum qualifications, and meet the expectations of the program's registered selection procedure.

AUTHORITY

Florida Department of Education, Division of Career and Adult Education – Apprenticeship; Title 29 CFR, Part 29.1; and 29.12 (b) (5); Chapter 446.032 (1) F.S. and Title 29 CFR, Part 30.



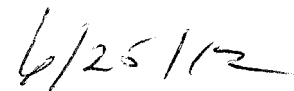
Ken Olsen
Program Director of Apprenticeship



Date Signed



Rod Duckworth
Chancellor



Date Signed