

# Apprenticeship Training Program Administrator’s Guide

## Table of Contents

Part A: Introduction .....	2
A-100: Apprenticeship Training .....	2
A-200: Registered Apprenticeship Training Programs .....	2
Part B: Program Information .....	3
B-100: Employers Interested in Establishing a Registered Apprenticeship Training Program.....	3
B-100.1: Apprenticeship Training Program Registration:.....	3
B-100.2: Registered Apprenticeship Training Program Standards: .....	3
B-100.3: Benefits for Employer Sponsors:.....	4
B-200: Job Seekers Interested in Enrolling in a Registered Apprenticeship Training Program.....	4
B-200.1: Apprenticeship Eligibility and Qualifications: .....	4
B-200.2: Benefits for Apprentices:.....	5
B-200.3: Contacts:.....	6
B-300: Training Providers Interested in Seeking Funding for RA Training Programs: .....	6
Part C: Planning Estimate Submission, Application, and Contract Components and Processes.....	8
C-100: Planning Estimates Submission .....	8
C-200: Application .....	9
C-200.1: Board Review and Comment: .....	11
C-300: Contract Execution and Components.....	11
C-300.1: Performance and Expenditure Reports: .....	11
C-300.2: Data Collection: .....	12
C-400: Contract Amendment Process.....	12
C-400.1: Final Contact-Hour Rate Determination: .....	12
C-400.2: Final Contact-Hour Rate Notification: .....	12
C-400.3: Final Budget Form Submission:.....	12
C-400.4: Contract Amendments:.....	13
C-500: Contract Closeouts .....	13
C-600: Corrective Action.....	13
Part D: Roles and Responsibilities of Applicable Partners .....	14
D-100: Local Education Agency .....	14
D-200: Apprenticeship Committee .....	14
D-300: Office of Apprenticeship .....	15
D-400: Registered Apprenticeship Training Program Instructors.....	15
D-500: Texas Workforce Commission .....	16
Part E: Common Terms .....	17
Part F: Technical Assistance .....	19
F-100: Security of Personal Identity Data.....	19
F-200: Property Procedures for Equipment and Supply Purchases.....	19
F-300: Other Allowable Expenditures .....	20
F-400: Property Ownership .....	21
F-500: Leveraging Resources through Coordinated Efforts .....	22
Part G: Laws and Regulations .....	23

## Part A: Introduction

The purpose of the Texas Workforce Commission's (TWC) Apprenticeship Training Program is to stimulate and assist industries in developing and improving registered apprenticeship and other training programs designed to provide the skilled workers needed to compete in a global economy. Through [Texas Education Code, Chapter 133](#), TWC helps fund a portion of the classroom instruction component.

TWC's Apprenticeship Training Program is unique in that its basic foundation is a partnership between industry, education, and state government. Industry funded and industry driven, it provides an effective balance between on-the-job training and theoretical classroom instruction in an effort to develop workers with marketable skills.

### *A-100: Apprenticeship Training*

Apprenticeship training—designed to prepare and train individuals for careers in the skilled trades and crafts—combines on-the-job training supervised by experienced journeyworkers with job-related, in-person classroom instruction in which workers learn the practical and theoretical aspects of a highly skilled occupation. Additionally, learning takes place as paid on-the-job training, sometimes referred to as “earn while you learn,” as individuals gain entry into high-wage occupations while avoiding large student debts.

### *A-200: Registered Apprenticeship Training Programs*

Registered apprenticeship training programs meet the skilled workforce needs of industry, training qualified individuals for lifelong careers. Traditional industries include construction and manufacturing, and emerging industries include health care, information technology, energy, telecommunications, and more. Registered apprenticeship training programs connect job seekers interested in learning marketable skills using structured, on-the-job learning with employers seeking highly qualified workers. This results in a workforce with industry-driven training and employers with a global competitive edge.

Registered apprenticeship training programs:

- are voluntary and industry driven;
- are operated by both private and public sector sponsors (Chapter 133 funds are distributed only to *private sector sponsors*). Sponsors may include employers, employer associations, and joint labor and management organizations. State government plays a supporting role and the U.S. Department of Labor's Employment and Training Administration's (DOLETA) [Office of Apprenticeship](#) (OA) (<https://www.dol.gov/featured/apprenticeship>) provides technical consultation services on the development of program standards;
- benefit employers by providing them with a pipeline of skilled workers with industry-specific training and hands-on experience; and
- are customizable to match employers' needs and highly flexible to meet employers' ongoing changing skills needs.

## Part B: Program Information

### *B-100: Employers Interested in Establishing a Registered Apprenticeship Training Program*

Establishing a registered apprenticeship training program can be beneficial for employers that require a skilled workforce and are willing to train workers in the latest technologies. Employer sponsors have less employee turnover and better employer/employee relations. By providing employment and training opportunities for residents in their communities, they are recognized as local industry leaders.

#### B-100.1: Apprenticeship Training Program Registration:

The purpose of program registration is to ensure that employer sponsors, working apprentices, and the general public clearly understand the training content and the procedures that are in place to further ongoing program quality. For detailed information on apprenticeship training program registration please read the Final Rule [29 CFR Part 29](#). All training programs receiving Chapter 133 funds must be registered with OA no later than August 1 prior to the funding year that starts September 1.

#### B-100.2: Registered Apprenticeship Training Program Standards:

Employer sponsors—or groups of employer sponsors and unions—design, organize, manage, and finance registered apprenticeship training programs under a set of locally approved registered apprenticeship Training Program Standards. Basic Training Program Standards are characterized under 29 CFR Part 29.5 as:

- a full and fair opportunity to apply for apprenticeship;
- a schedule of work processes in which an apprentice is to receive training and experience on the job;
- organized instruction designed to teach apprentices about technical subjects related to their trades (A minimum of 144 hours per year is normally considered necessary.);
- a progressively increasing schedule of wages;
- an opportunity for proper supervision of on-the-job training with adequate facilities to train apprentices;
- an oversight of each apprentice's progress, both in job performances and related instruction, which are evaluated periodically and recorded appropriately; and
- regulation of programs such that no discrimination exists in any phase of selection, employment, or training.

These standards are registered and must be kept current with OA. Items required in registered apprenticeship Training Program Standards include:

- administration identification;
- administration responsibilities;
- policies;
- an on-the-job training outline, including supervision of the apprentice;
- apprentices' minimum qualifications;
- apprentice application and selection process, including apprentice-ranking process;
- job-related, in-person classroom instruction curriculum; and
- the apprenticeship operating procedures.

The registered apprenticeship Training Program Standards, approved as of September 1 of the Chapter 133 funding year for each individual training program, is used by TWC to review each training program for any items required for Chapter 133 funding.

Although TWC works closely with OA and respects its authority over training programs, TWC has requirements that may not be included in the registered apprenticeship Training Program Standards.

#### **B-100.3: Benefits for Employer Sponsors:**

A well-planned and administered registered apprenticeship training program (see [\*The Benefits and Challenges of Registered Apprentices: The Sponsors' Perspective\*](#)) can:

- attract highly qualified applicants;
- reduce absenteeism;
- reduce turnover;
- increase productivity; and
- address an industry's need to remain competitive by investing in the development and continuous upgrade of the skills of its workforce.

#### ***B-200: Job Seekers Interested in Enrolling in a Registered Apprenticeship Training Program***

If you want to become a highly paid and valued journeyworker, relish the challenge of learning a new skill, and earn while you learn, entering a registered apprenticeship training program could be for you.

#### **B-200.1: Apprenticeship Eligibility and Qualifications:**

Registered apprenticeship training program employer sponsors identify the minimum—and any additional—desired qualifications applicants must possess.

**Minimum Qualifications:** An employer sponsor identifies the minimum qualifications needed to apply to its program, including:

- **Age:** To be eligible, job seekers must be no younger than 16 years of age; however, job seekers must be 18 years of age to be an apprentice in hazardous occupations, as stated in DOLETA, Labor Standards for the Registration of Apprenticeship Programs (29 CFR, Part 29.2). Proof of age is required to be eligible.
- **Education:** Education requirements typically are a high school diploma or GED credential, unless otherwise specified by the minimum requirements set forth by the registered apprenticeship training program.
- **Physical Ability:** Some programs may require both physical strength and endurance. Where necessary, apprentices must be able to work in a physically demanding environment for extended periods of time and in all weather conditions.

*Note:* Job seekers must meet Workforce Innovation and Opportunity Act (WIOA) eligibility requirements for WIOA-funded services. To be eligible to participate in WIOA funded Apprenticeship services, individuals must:

- be 18 years of age or older (adults);
- be a citizen or noncitizen authorized to work in the U.S.; and
- meet Military Selective Service registration requirements (males only).

**Additional Qualifications:** All applicants are required to meet the minimum qualifications. Based on the selection method used by the employer sponsor, additional qualifications may be identified, including:

- performance on aptitude tests;
- secondary or postsecondary grades; and
- previous work experience.

**Note: Criminal conviction may prevent eligibility.** [Texas Occupations Code, Chapter 53](#) states:

A licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation.

#### **B-200.2: Benefits for Apprentices:**

Benefits of enrollment in a registered apprenticeship training program may include:

- **On-the-Job Training:** Through the Apprenticeship Agreement, apprentices, as employees, receive supervised, structured on-the-job training combined with job-related, in-person classroom instruction.
- **Job-Related, In-Person Classroom Instruction:** Job-related, in-person classroom instruction provides the technical knowledge required for apprentices to perform at a highly skilled level.
- **Dual Accreditation:** Programs may offer dual accreditation through postsecondary institutions that apply credit for program completion toward an associate's degree.
- **Apprenticeship Completion Certificate:** Upon completion of a one- to five-year (2,000 to 10,000 hours) registered apprenticeship training program, the worker receives an Apprenticeship Completion Certificate (certificate) and is recognized nationwide as a qualified journeyworker. The certificate—one of the oldest and most highly portable industry credentials in use today—is issued by a federally approved state apprenticeship council or agency, or by OA.
- **Wage Increases:** Workers who complete registered apprenticeship training programs generally earn higher wages during their working years than those who do not acquire their skills in a formal registered apprenticeship training program. Wage increases occur with satisfactory progress in both job-related, in-person classroom instruction and on-the- job training until wages reach 85 to 90 percent of the rate paid to the journeyworker in the same occupation.

*Note:* During on-site classroom visits, local education agencies (LEAs) should view documents related to wage increases; this information will be requested during the submission of the Planning Estimate Forms. Wage increases are considered very important for motivating apprentices as well as showing a career ladder.

- **Advancement:** Apprentices who become journeyworkers usually advance more rapidly than workers who do not acquire their skills in a formal registered apprenticeship training program.

### **B-200.3: Contacts:**

Job seekers interested in researching registered apprenticeship training programs by occupation or contact OA using the links provided below:

- [My Next Move](https://www.mynextmove.org/) (https://www.mynextmove.org/)
- [Apprenticeship Training Program Locator](https://www.careeronestop.org/toolkit/training/find-apprenticeships.aspx) (https://www.careeronestop.org/toolkit/training/find-apprenticeships.aspx)

### ***B-300: Training Providers Interested in Seeking Funding for RA Training Programs:***

Training providers deliver training to eligible registered apprentices. Training providers work with apprentices and employers to determine training needs, deliver training, assess apprentices' achievement of skills, and issue certificates on successful completion of apprenticeship training classes that are recognized nationally and often globally.

Training providers may be employer organizations or community colleges.

Each training provider offers different ways of training apprentices. Apprentices and their employers should consider all training providers to select a training provider that will suit both their needs.

For a list of training providers relevant to your chosen apprenticeship program, contact:

U.S. Department of Labor  
David A. Gaither  
Regional Executive Assistant  
Region 4, Office of Apprenticeship  
525 S. Griffin Street, Rm 317  
Dallas, Texas 75202  
Phone: 972-850-4685  
Fax: 972-850-4688  
E-mail: gaither.david@dol.gov

### ***B-400: Local Education Agencies Interested in Seeking Funding for RA Training Programs***

Public school districts, state postsecondary institutions, and community or technical colleges are known as LEAs and may be eligible for state-level funding distributed through TWC under Texas Education Code, Chapter 133.

State funds are available only for job-related, in-person classroom instruction costs; they are never available for the on-the-job training portion of a registered apprenticeship training program. State funds can be accessed from either TWC or the Texas Higher Education Coordinating Board (THECB), but not both. The LEA is responsible for ensuring that the training programs it supports receives funding from TWC or THECB.

### **B-400.1: Technical Assistance:**

TWC's contract management and policy staff provide technical assistance to LEA administrators to assist with any reporting requirements necessary for participating partners, including the:

- planning estimate submission;

- application process;
- performance documentation;
- contracts; and
- contract amendments.

Technical assistance is provided as needed; the LEA is responsible for requesting assistance, asking questions that may arise, and not interpreting statutes or rules.

#### **B-400.2: Financial (Resources):**

The Texas legislature appropriates General Revenue funds for registered apprenticeship training programs authorized by Texas Education Code, Chapter 133. As provided in the Texas Education Code, TWC distributes funds to eligible LEAs.

The purpose of these funds is to help pay a portion of the costs of the job-related, in-person classroom instruction in registered apprenticeship training programs. State funding is:

- available to all registered apprenticeship training programs;
- based on the number of programs and apprentices in each registered apprenticeship training program;
- determined by the approved number of job-related, in-person classroom instruction hours according to OA standards *not to exceed 220 hours* in any one funding year;
- determined annually, due to fluctuations in programs being added and removed;
- provided to the program and governed by an annual written contract between TWC and the LEA; and
- administered by the LEA, which:
  - develops a contract between the LEA and the training program's apprenticeship committee;
  - ensures the training program has OA-approved registered apprenticeship training program standards;
  - plans, in partnership with the training program, for appropriate funding expenditures;
  - monitors job-related, in-person classroom attendance for instructors and students;
  - ensures all apprentices are registered with OA;
  - ensures an auditable paper or electronic trail of committee actions such as meeting minutes are available and maintained as required by Chapter 133, including apprentices' applications, and the interview and selection process through completion of training; and
  - retains up to 15 percent of the funding to recover administrative costs and monitoring expenses.

## Part C: Planning Estimate Submission, Application, and Contract Components and Processes

### *C-100: Planning Estimates Submission*

#### Planning Estimate Form

Each LEA must submit to TWC for the prospective state fiscal year for each registered apprenticeship training program it supports, a [Planning Estimates Form](#) that includes the:

- number of approved classroom hours;
- estimated number of registered apprentices; and
- estimated number of contact hours of job-related, in-person classroom instruction.

*Note:* The estimated number of contact hours is determined by the number of registered apprentices anticipated to enroll in a class, multiplied by the number of approved classroom hours for the year.

The LEA must submit the Planning Estimates Form for available funds to TWC on or before the due date, as annually prescribed in TWC's [Apprenticeship Training Program Timeline](#). TWC, after calculating the preliminary contact-hour rate, must notify each LEA of:

- the statewide preliminary contact-hour rate; and
- its planning estimates for the prospective state fiscal year.

*Note:* Only 70 percent of the total planning estimate will be made available for LEAs to draw cash from until the final contact-hour rate is determined, usually in January of the prospective state fiscal year.

#### Assurance Form

Participating LEAs will receive an Assurance Form at the time funding is approved by TWC's three-member Commission (Commission). The form:

- details requirements for functional apprenticeship committees;
- sets forth state funding for job-related, in-person classroom instruction;
- defines job-related, in-person classroom instruction; and
- details requirements of WIOA eligibility for participating apprentices.

The initial Assurance Form and the Planning Estimates Form are due on the same date. TWC requires that the final Assurance Form be signed by the LEA's signature authority as a contract deliverable.

#### Distance Learning:

Distance learning is defined as any classroom hours that are not conducted in a traditional setting with the instructor and the apprentice physically in the same classroom.

OA allows correspondence, electronic media, and interactive distance learning to be included and approved in its registered apprenticeship Training Program Standards. Distance learning is allowed under Chapter 133 funding only with prior approval.

Training programs may request approval to use distance learning.

The request for approval of distance learning and the Planning Estimates Form are due on the same date.

Training programs seeking approval from an LEA and TWC for distance learning must:

- have approval of the training delivery in their current OA registered apprenticeship Training Program Standards;
- submit an e-mail request to the LEA that includes:
  - an assurance that apprentices enrolled in distance learning will not pay more than apprentices enrolled in job-related, in-person classroom instruction;
  - an assurance that the apprentice resides and works in the state of Texas;
  - its currently approved OA registered apprenticeship Training Program Standards;
  - the estimated number of apprentices involved (only first-year apprentices are considered for distance learning);
  - the number of classroom hours involved in the registered apprenticeship Training Program Standards;
  - a description of how the classes will be conducted, including a brief description of:
    - class delivery (no more than 10 apprentices are allowed in any one online session);
    - lab sessions (must be in person); and
    - testing sessions (must be in person); and
- upon LEA approval, submit the request to TWC for approval. If approved, TWC requires:
  - access and passwords necessary to participate and observe the training;
  - all apprentices to meet in person at the first class meeting, which TWC personnel may attend;
  - at least quarterly updates on the progress of each apprentice participating in the training; and
  - lab and testing dates, which TWC personnel may attend.

Any distance learning as defined above without approval may be disallowed cost and funding associated would be required to be repaid.

### *C-200: Application*

After receipt of the Planning Estimates Form, LEAs will receive an Apprenticeship Training Program Application by e-mail with instructions for submission to TWC. Additionally, any supporting documents must also be submitted with the application on or before the due date as annually prescribed in TWC's Apprenticeship Training Program Timeline.

LEAs must complete all portions of the application, as appropriate, and:

- In the Contact Hours section of the application, calculate the contact hours by totaling the number of contact hours for all occupations included in the preliminary contact-hour estimates for continuing and new programs.
- In the Budget breakout section of the application, costs are divided into two main categories:
  - **Program** (e.g., instructors' salaries and instructional supplies)  
Instructional costs are allowable and necessary, and must be reasonable costs are required to conduct the job-related, in-person classroom instruction, whether in the classroom or a class laboratory.

- **Administrative** (e.g., LEA administrators' salaries and administrative supplies)  
Administrative costs are allowable, necessary, and reasonable costs required to administer and manage the apprenticeship training program funds, and may not exceed 15 percent of the total contract.

*Note:* Instructional and administrative costs are divided as follows:

- Personnel: Instructor Wages/Personnel Wages
- Fringe Benefits
- Travel (*administrative cost only*)
- Equipment
- Supplies and Training Materials
- Contractual
- Other

### **Administrative Costs**

Administrative costs of up to 15 percent may be retained by the LEA for salaries and fringe benefits of LEA personnel, including supervisors, administrative support personnel, and accountants.

- **Administrators/Supervisors:** LEA employees responsible for managing, directing, and supervising expenditures paid by Chapter 133 funds for the related class instruction.
- **Administrative Support personnel:** LEA employees responsible for working with the training programs in planning and executing the expenditure of the Chapter 133 funding and preserving written communications and records.
- **Accountants:** LEA employees responsible for reporting in TWC's Cash Draw and Expenditure Reporting (CDER) system and accounting and documenting expenditures of the job-related, in-person classroom instruction.

Administrative salaries chargeable to more than one program or other cost objectives must be auditable by LEA time-distribution records.

Fringe benefits must comply with local policies.

Administrative supplies are office supplies and other items needed to properly administer the program.

Administrative travel expenses are necessary for the authorized LEA administrator or designee to supervise the job-related, in-person classroom instruction. Examples are travel expenses to and from job-related, in-person classroom instruction or TWC-sponsored apprenticeship workshops.

Administrative supplies include items needed to administer the program.

Direct any questions or concerns to the TWC contract manager.

### **Program Costs**

Program costs of at least 85 percent must be used by the registered apprenticeship training program for the following:

- Instructors' salaries and fringe benefits for individuals who are LEA employees and teach

- job-related, in-person classroom instruction;
- Instructional contractual, which include instructors' salaries for individuals who are not LEA employees and work on a contract basis; and
- Janitorial and security staff salaries and fringe benefits for individuals who are LEA employees and responsible for cleaning and maintenance or training-site security. All janitorial and security staff charges must be documented and prorated appropriately based on use of the space by the apprentices.

Fringe benefits are *only* for LEA employees.

Instructional supplies are items necessary for the instructional process. Examples include paper, pencils, workbooks, and consumable construction and industrial materials used by the apprentices during the job-related, in-person classroom instruction. These items purchased with Chapter 133 funding will be at no cost to the apprentice.

Instructional supplies, including computers, overhead projectors, and welding machines, are items used in the classroom or laboratory to teach the job-related, in-person classroom instruction. Items (Equipment) costing \$5,000 or more per unit *must have prior approval* from TWC.

Direct any questions or concerns to the TWC contract manager.

#### C-200.1: Board Review and Comment:

The LEA must provide a copy of the Apprenticeship Training Program Application to its [Local Workforce Development Board](#) (Board) for review and comment. The Board may submit comments to TWC and the LEA concurrently.

#### C-300: Contract Execution and Components

After the application deadline has passed, as annually prescribed in TWC's Apprenticeship Training Program Timeline, a contract will be initiated and executed based on the contact-hour rate. The following components will be further detailed in the contract and its attachments.

The LEA must submit an Assurance Form that will be sent to all currently participating LEAs at the time the application is sent to the LEA. This Assurance Form covers:

- requirements for functional Apprenticeship Committees;
- state funding for job-related, in-person classroom instruction;
- and definition of job-related, in-person classroom instruction; and
- details requirements of WIOA eligibility for participating apprentices.

This final Assurance Form requires the LEA signature authority to sign as a deliverable in the contract.

#### C-300.1: Performance and Expenditure Reports:

- **Performance**  
The LEA, using TWC's prescribed method, must data enter its OA-registered apprentices when they begin their job-related, in-person classroom instruction. All *continuing program* registered apprentices must be entered prior to the 5th working day of December and all *new program* registered apprentices must be entered prior to the 16th

working day of October. The LEA will contact its OA representatives concurrently with TWC as soon as it has completed the data entry of its registered apprentices allowing OA and TWC representatives as much time as possible to approve/disapprove the registered apprentices being submitted for funding.

- **Expenditures**

The LEA must submit monthly expenditure reports to TWC using CDER, as detailed in the contract. Allowable costs along with funding limitations can be found in TWC's [Financial Manual for Grants and Contracts](#).

These reporting systems provide up-to-date program progress regarding the status of activities and performance objectives related to the contract.

#### **C-300.2: Data Collection:**

The reported data is approved by the LEA administrator no later than the 16th working day of October for *new programs* and no later than the 5th working day of December for *continuing programs*. After the data entry is completed and validated by the LEA, it is available to OA and TWC for certification (i.e., approval/disapproval) of the registered apprentices.

The purpose of the data and certification/validation is to verify:

- the minimum number of approved job-related, in-person classroom instruction hours as set forth in the locally approved registered apprenticeship Training Program Standards;
- that each apprentice reported is active and registered with OA before attending the first class. (*Note: TWC realizes there is a time lag between the program requesting registration and OA actual registration and may take this into consideration with detailed documentation such as e-mail to OA requesting assistance to resolving the issue.*);
- that each apprentice reported is in good standing with the registered apprenticeship training program; and
- the number of classroom hours and number of registered apprentices used in the calculation of the final contact-hour rate used for distribution of registered apprenticeship training programs funds.

#### **C-400: Contract Amendment Process**

Funds are distributed to the LEAs by the Commission in a two-step process consisting of planning estimates and final distributions. This two-step process includes the original contract based on the planning estimates submitted and then an amended contract based on the actual apprentices in the job-related, in-person classroom instruction.

##### **C-400.1: Final Contact-Hour Rate Determination:**

Once the LEA's reported data is approved by OA and/or TWC, TWC calculates the final contact-hour rate.

##### **C-400.2: Final Contact-Hour Rate Notification:**

TWC, after calculating the final contact-hour rate, must notify the LEA of the statewide final contact-hour rate.

##### **C-400.3: Final Budget Form Submission:**

The LEA must submit the Final Budget Form (sent to the LEA by TWC's contract manager in the notification of final contact-hour rate) containing the approved number of contact hours to Administrator's Guide (6.6.17)

TWC on or before the due date, as annually prescribed in TWC's Apprenticeship Training Program Timeline.

**C-400.4: Contract Amendments:**

All registered apprenticeship training programs will be notified of the final contact-hour rate, and must submit revised budget information to TWC in order for an amended contract reflecting final contract amounts to be issued.

**C-500: Contract Closeouts**

Each LEA will submit contract closeout documentation consisting of:

- CDER closeout report;
- all registered apprentices information including completion reasons;
- equipment inventory (where applicable); and
- any additional reports, data, or information on the administration and performance of the contract, as deemed necessary.

**C-600: Corrective Action**

Corrective action is sometimes required.

Failure to comply with applicable laws, regulations, policies, the Administrator's Guide, and other guidelines may result in corrective action, pursuant to 40 Texas Administrative Code (TAC) Chapter 802 Integrity of the Texas Workforce Commission rules. Corrective actions and penalties must include technical assistance and may lead to withdrawal of funds at the Commission's discretion.

## Part D: Roles and Responsibilities of Applicable Partners

### *D-100: Local Education Agency*

**Role:** An LEA is a public school district or state postsecondary institution that serves as a sponsor for a registered apprenticeship training program pursuant to a contract between the LEA and an Apprenticeship Committee as described in Texas Education Code §133.002.

**Responsibilities:** LEA administrators' responsibilities include:

- ensuring the apprenticeship training program director has currently approved OA registered apprenticeship training program standards and the program is registered and in good standing with OA;
- ensuring that the apprenticeship training program director has all prospective apprentices registered with OA;
- ensuring that all required duties of the apprenticeship committee as described in Texas Education Code §133.003 are performed;
- documenting the place and schedule of job-related, in-person classroom sessions;
- performing *at least one on-site visit* during one of the first four class meetings of all *continuing* registered apprenticeship training program classes and through the use of the instructor's attendance rosters verify:
  - the name of the instructor for each job-related, in-person classroom session;
  - the names and number of apprentices in the related instruction class;
  - that all apprentices in attendance are registered with OA; and
  - that all apprentices are or will be reported via TWC's prescribed method.
- performing *at least one on-site visit* during the 2nd, 3rd, or 4th class meeting of all new registered apprenticeship training program classes and through the use of the instructor's attendance rosters verify:
  - the name of the instructor for each job-related, in-person classroom session;
  - the names and number of apprentices in the related instruction class;
  - that all apprentices in attendance are registered with OA; and
  - that all apprentices are or will be reported via TWC's prescribed method;
- collecting all information and forms and providing them to TWC on or before the due date as annually prescribed in TWC's Apprenticeship Training Program Timeline or contract;
- establishing qualifications for instructors;
- maintaining records on all expenditures;
- monitoring and evaluating the program; and
- retaining all records pertaining to the program for at least seven years from TWC's closeout of the contract.

*Notes:*

- Continuing programs and new programs have different enrollment due dates as noted on the Apprenticeship Training Program Timeline.
- Additionally, each apprentice in a new program *must* be physically present *on the 3rd class meeting or on both the 2nd and 4th class meetings*, as indicated in the instructor's official attendance record to eligible for funding.

### *D-200: Apprenticeship Committee*

**Role:** An Apprenticeship Committee is an autonomous local group consisting of members appointed by one or more employer sponsors of apprentices, bargaining agents representing members of an apprenticeable trade, or a combination of the two.

**Required Duties:** An Apprenticeship Committee must be designated for each registered apprenticeship training program to establish instruction standards and goals for a particular craft or crafts, interview and select applicants, and monitor the program and apprentices as described in Texas Education Code §133.003:

The Apprenticeship Committee for each apprenticeship training program must:

1. establish standards and goals for preparatory instruction, supplementary instruction, and related classroom instruction for apprentices in the program;
2. establish rules governing the on-the-job training and other instruction for apprentices in the program;
3. plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices in the program;
4. recommend qualified instructors for the program;
5. monitor and evaluate the performance and progress of each apprentice in the program and the program as a whole;
6. interview applicants and select those most qualified for entrance into the program;
7. provide for the keeping of records of the on-the-job training and progress of each apprentice;
8. encourage instructors to maintain recommended qualifications; and
9. perform any other duties which, in the opinion of the apprenticeship committee, promote the goals of individual apprentices and of the program as a whole.

Responsibilities under, Chapter 133 described above are consistent with requirements described in the Labor Standards for the Registration of Apprenticeship Programs 29 CFR Part 29 Section 29.5. All registered apprenticeship training programs eligible for approval and registration by OA must have program standards embodying the terms and conditions of employment, training, and supervision of one or more apprentices in an apprenticeable occupation.

Apprentices enter a registered training program through an interview and selection process used to select the most qualified individuals for employment and training.

A registered apprenticeship training programs standards detail the interview and selection process.

- application process (minimum requirements, how/when to apply, and application retention);
- interview (scheduling, evaluation, and ranking processes); and
- selection (place on ranking list and maintenance of ranking list for two years).

In some instances training programs may also elect to use direct entry. Individuals selected into the apprenticeship program through direct entry must include only those individuals described in the training program's OA-approved registered apprenticeship Training Program Standards.

Examples, of individuals eligible for direct entry under federal standards are youth who completed a Job Corp or YouthBuild training program, or Military Veteran who completed military technical training.

Registered apprenticeship training programs participating in Chapter 133 funding are monitored to assure that approved registered apprenticeship Training Program Standards are effective September 1 of the funding year. Additionally, monitoring apprenticeship eligibility is directly related to the specific contents of the same approved registered apprenticeship Training Program Standards and Chapter 133 statutes, Commission rules, and this Administrator’s Guide.

Any apprentice may be determined ineligible for funding if he or she enters the program outside of the interview and selection process described in the locally approved standards that are in effect as of September 1 of the funding year.

#### *D-300: Office of Apprenticeship*

**Role:** OA is a branch of DOLETA that works closely with TWC and Texas Education Code, Chapter 133—funded apprenticeship training programs.

**Responsibilities:** OA is responsible for the administration of national apprenticeship standards in the United States. Additionally, OA is responsible for certifying (approving or disapproving) the registration of apprentices and the number of approved job-related, in-person classroom instruction hours per year, according to locally approved registered apprenticeship Training Program Standards. Apprentices must be registered with OA before attending their first class.

*Note:* Although TWC works closely with OA and depends on it to provide confirmation of a training program’s and its apprentices’ registrations—as well as the appropriate job-related, in-person classroom instruction, TWC is responsible for distributing and managing the funds based on Texas Education Code, Chapter 133, and is charged with developing agency rules and with overseeing the use of these funds.

#### *D-400: Registered Apprenticeship Training Program Instructors*

**Role: Registered apprenticeship training program instructors** provide an invaluable service in their communities’ apprenticeship training programs by training hundreds of apprentices annually to ensure training is relevant to current industry needs. Local apprenticeship training committees recommend instructors to the LEA. Instructors generally have extensive experience as journeyworkers in their respective industries. In many programs, instructors must be certified or have attended approved instructor training classes. These certification programs and training classes provide instructors with the very best methods of teaching apprentices and necessary information for new technologies in the industry.

**Responsibilities:** Instructors ensure that the mentoring process is conducted on the job sites so apprentices can safely learn the necessary skills of their craft under the supervision of experienced journeyworkers. Instructors are encouraged to stay current in their fields by

attending industry conferences, trade shows, workshops, and other continuing education opportunities.

#### *D-500: Texas Workforce Commission*

**Role:** TWC administers the Apprenticeship Training Program to help pay the costs of job- related, in-person classroom (including distance learning approved by both the LEA and TWC) instruction for registered apprenticeship training programs. TWC distributes registered apprenticeship training program funds through a contracting process with the LEA. These funds assist with direct training-related instructional and administrative costs for programs around the state.

**Responsibilities:** TWC is responsible for distributing state funds for the support of registered apprenticeship training programs that meet specific criteria, as outlined in Texas Education Code, Chapter 133. TWC is also responsible for:

- providing public notice of available funds for potential registered apprenticeship training program sponsors;
- developing and maintaining a sufficient audit trail of all funds appropriated for a registered apprenticeship training program;
- adopting forms, formulas, rules, and administrative procedures for the distribution of available funds to registered apprenticeship training programs; and
- providing technical assistance through this Administrator’s Guide, e-mail communications, on-site visits, conference calls, and workshops.

#### *Notes:*

- TWC is not involved in the registration process or operation of actual apprenticeship training programs.
- *New programs* must receive an on-site technical assistance visit during the 2nd, 3rd, or 4th job-related, in-person classroom instruction date.
- *Distance Learning* will receive an on-site technical assistance visit and TWC staff(s) must be provided access to all distance learning classes.

## **Part E: Common Terms**

### **Apprentice**

An apprentice is a full-time paid worker, at least 16 years of age except where a higher minimum age standard is otherwise fixed by law, who is *employed in the private sector*, registered with OA, and receives related training instruction to learn a skill in a certified apprenticeable occupation.

### **Apprenticeship Agreement**

An apprenticeship agreement is a signed commitment between the apprentice and the employer sponsor. The apprentice agrees to perform the work and complete the job-related, in-person classroom instruction. The employer agrees to make every effort to keep the apprentice employed and to comply with the standards established for the registered apprenticeship training program.

### **Apprenticeship Committee**

An Apprenticeship Committee is an autonomous local group consisting of members appointed by one or more employers of apprentices, or by one or more bargaining agents representing members of an apprenticeable trade, or by a combination of the two. An Apprenticeship Committee is designated for each apprenticeship training program to establish instruction standards and goals for a particular craft or crafts, interview and select applicants, and monitor the program and apprentices as described in Texas Education Code, §133.003.

### **Continuing Programs**

Continuing programs are registered apprenticeship training programs, or occupations within apprenticeship training programs, that received Texas Education Code, Chapter 133 funds for job-related, in-person classroom instruction during the previous funding year.

### **Locally Approved Registered Apprenticeship Training Program Standards**

Locally approved registered apprenticeship Training Program Standards are partially characterized under 29 CFR Part 29.5, as follows:

- full and fair opportunity to apply for apprenticeship;
- a schedule of work processes in which an apprentice is to receive training and experience on the job;
- the program includes job-related, in-person classroom instruction designed to provide apprentices with knowledge in technical subjects related to their trade (e.g., a minimum of 144 hours per year is normally considered necessary);
- a progressively increasing schedule of wages (as skills are obtained, wages increase);
- proper supervision of on-the-job training with adequate facilities to train apprentices;
- apprentice's progress, both in job performance and related classroom instruction, is evaluated periodically and appropriate records are maintained; and
- no discrimination in any phase of selection, employment, or training.

### **New Programs**

New programs are apprenticeship training programs, or occupations within apprenticeship training programs, that did *not* receive Texas Education Code, Chapter 133 funds for job-related, in-person classroom instruction during the previous funding year.

### **Office of Apprenticeship**

OA is the federal agency responsible for the administration of national apprenticeship standards in the United States. OA encourages and helps industries develop, expand, and improve registered apprenticeship training programs. Through its field staff in Texas, OA works with local employers, employer groups, labor-management organizations, and state and federal agencies in the registration process of programs that meet national apprenticeship standards.

### **On-the-Job Training**

On-the-job training is structured, supervised training consisting of at least 2,000 on-the-job hours depending on the occupation. Every apprentice participating in a registered apprenticeship training program enters into an apprenticeship agreement. The employer sponsor and the apprentice agree to the terms of the apprenticeship standards incorporated as part of the agreement. The actual on-the-job training is set forth in the apprenticeship standards. Skilled journeyworkers (one or more) supervise the apprentice. The apprentice's supervisor reviews, evaluates, and maintains records relating to the apprentice's job performance. As the apprentice demonstrates satisfactory progress in both on-the-job training and job-related, in-person classroom instruction, he or she advances in accordance with the *wage schedule* provided in the locally approved registered apprenticeship Training Program Standards.

### **Job-Related, In-Person Classroom Instruction**

Job-Related, in-person classroom instruction provides apprentices with required components of registered apprenticeship training programs and supplements on-the-job training. A minimum of 144 hours per year is normally considered necessary for each occupation. Job-related, in-person classroom instruction consists of organized, off-the-job instruction in theoretical or technical subjects required for the completion of an apprenticeship program for a particular apprenticeable trade. Only job-related classroom instruction performed in person with an instructor is eligible for Chapter 133 funding, unless approved in writing first by the LEA and then by TWC.

## Part F: Technical Assistance

### *F-100: Security of Personal Identity Data*

TWC makes every effort to ensure the security and confidentiality of personal identity data for all TWC customers. Because the Apprenticeship Training Program contracts involve the collection and reporting of data that includes personal identity information, it is imperative that the following procedures be followed each time the contractor submits a report with personal identity data. Failure to comply with these procedures will result in a breach of contract, which could result in the termination of the contract. For additional guidance and information, refer to the following documents:

- [WD Letter 13-08, Security of Personal Identity Data](#);
- The Contract's General Terms and Conditions, §17; and
- The Contract's Attachment A, §7.

All contractors and participating training programs must ensure that confidential information, including the following, is kept secure:

#### Electronic Security

To ensure electronic security, take the following measures:

- Do not share user log-in information, passwords, personal identification numbers or any data or equipment used for authentication and identification purposes.
- Do not send any personal identity data in the subject or body of an e-mail; instead, save the data to a secure document using the encryption or password protection option and send the document as an attachment in a separate e-mail.
- Always use encryption or password protection when saving personal identity data in a document or form that will be transported via e-mail or on a laptop computer or portable storage device.

#### Physical Security

To ensure physical security, take the following measures:

- Limit access to sensitive printed materials.
- Use locked storage for materials that include personal identity data.
- After use, shred documents that include personal identity data.
- Secure all computers (desktop and laptop) when not in use.
- Do not leave documents that include personal identity data in plain view.

If you do not know how to submit reports with encryption or password protection, contact your assigned TWC contract manager and he or she will assist you with this process.

### *F-200: Property Procedures for Equipment and Supply Purchases*

- Equipment is defined as tangible personal property that has a useful life of more than one year and a per-unit acquisition cost of \$5,000 or more. If the personal property does not meet the definition of equipment, then the property is classified as a supply. (See FMGC, Appendix A.)
- When purchased with grant funds, ownership of property is dictated by governing requirements. When an LEA uses grant funds to purchase property, ownership lies with the LEA. (See FMGC, §13.1.) However, because the LEA purchased the property with grant funds, the government maintains an interest in the property until the property is properly

disposed of in accordance with the applicable requirements.

- If the property is equipment, the LEA must maintain certain property records (including an identification number such as an asset tag number or manufacturer's serial number) and conduct an annual inventory of the property. A list of the information that must be maintained in the property records of equipment is listed in the FMGC, §§13.6 and 13.7.
- If the property is a supply, the LEA must adequately safeguard the property and be able to identify the property as having been purchased under a particular TWC Apprenticeship grant and fund source within the grant (that is, WIA or State General Revenue), but there is no requirement for an annual inventory. (See FMGC §§2.1 and 13.13.)
- Repair and maintenance services that the LEA receives during the grant period to keep the property operational for grant-funded activities can be charged to the grant. Repair and maintenance services received after the grant end date are the responsibility of the LEA. (See FMGC, §8.3.36, relating to the permissibility of maintenance, operations, and repairs costs, and §1 of Attachment B of the grant, relating to limitations on TWC's liabilities under the grant.)
- When property is no longer needed for Apprenticeship activities, the property must be disposed of in accordance with applicable requirements. For property that meets the definition of equipment, disposition requirements are provided in the FMGC, §§13.11 and 13.12. For property that meets the definition of supplies, disposition requirements are provided in FMGC §13.13. In some cases, the FMGC requires the LEA to obtain more specific disposition instructions from TWC using TWC Form 7300.

*Note:* Depending on the property's classification as equipment or supplies and the property's fair market value at the time of disposition, it may be necessary for the LEA to credit the original program (by remitting compensation to TWC) before using the property in other programs or otherwise disposing of the property.

For further clarification on equipment or supplies, contact your designated TWC contract manager.

### ***F-300: Other Allowable Expenditures***

Sales tax that an organization is legally required to pay is allowable under the Apprenticeship grant contracts if the purchase on which the tax is assessed is also allowable under the contract. Sales tax would not be allowable, for example, if the entity making the purchase is exempt from paying sales tax. (See UGMS Part 11, Attachment B, Item 41, and OMB Uniform Guidance, 2 CFR §200.470.)

Portable storage structures are considered adequate facilities to effectively administer the program, provided that the apprenticeship program has properly procured the storage. The storage will be kept in a secure location that cannot be easily removed from property, will be secured (locked), with limited access, and will not be used to store any sensitive or PII information or files. Additionally, the program will continue to participate in and be funded under TWC's Apprenticeship Training Program. (See TEC §133.002(g).)

*Note:* If the storage is funded solely by ATP, it will be used for the ATP program only. Additionally, adequate insurance should be maintained on ATP-funded property, regardless of where it is stored.

### *F-400: Property Ownership*

Current Apprenticeship grant contracts are funded with a mix of federal funds (WIOA) and State General Revenue (Texas Education Code, Chapter 133). Accordingly, the grant requires that activities conform to applicable administrative requirements, including those in OMB Circulars A-102 and A-110, UGMS, and TWC's FMGC. These requirements contain property standards that govern the acquisition, ownership, use, management, and disposition of property that the LEA (or any subgrantee and/or subrecipient of the grant) must read, understand, and with which the LEA must comply. Property requirements are as follows:

- Tangible personal property is classified as either equipment or supplies.
- The classification is made when the property is purchased.
- An article of tangible, non-expendable personal property is classified as equipment if, when purchased, it had a useful life of more than one year and an acquisition cost of \$5,000 or more.
- If the personal property did not meet the definition of equipment when it was purchased, then the property is classified as a supply. (See FMGC, Appendix A.)

Ownership of property that is purchased with grant funds is dictated by requirements that govern vesting of title. When an LEA uses grant funds to purchase property, title vests to the LEA. (See FMGC, §13.1.) However, because the LEA purchased the property with grant funds, the government maintains an interest in the property until the property is properly disposed of in accordance with applicable requirements.

If the property is equipment, the LEA must maintain certain property records (including an identification number, such as an asset tag number or manufacturer's serial number), and perform an annual inventory of the property. A list of the information that must be maintained in the property records of equipment is listed in the FMGC. (See FMGC, §§13.6 and 13.7.)

If the property is a supply, the LEA must adequately safeguard the property and must be able to identify the property as having been purchased under a particular TWC Apprenticeship grant and fund source within the grant (that is, WIA or State General Revenue) to determine applicable disposition requirements when the property is no longer needed, but there is no requirement for an annual inventory. (See FMGC §§2.1 and 13.13, respectively.)

Repair and maintenance services that the LEA receives during the grant to keep the property operational for Apprenticeship activities can be charged to the grant. Repair and maintenance services received after the grant ends are the responsibility of the LEA. (See FMGC, §8.3.36, relating to the permissibility of maintenance, operations, and repairs costs; and §1 of Attachment B to the grant, relating to limitations on TWC's liabilities under the grant.)

When it is no longer needed for Apprenticeship activities, the property must be disposed of in accordance with applicable requirements. For property that met the definition of equipment when it was purchased, disposition requirements are provided in FMGC §§13.11 and 13.12. For property that met the definition of supplies when the property was purchased, disposition requirements are provided in FMGC §13.13. In some cases, the FMGC requires the LEA to obtain more specific disposition instructions from TWC using TWC Form 7300. Depending on the property's classification as equipment or supplies at the time of purchase and the property's fair market value at the time of disposition, it may be necessary for the LEA to credit the original program by remitting compensation to TWC before using the property in other

programs or otherwise disposing of the property.

***F-500: Leveraging Resources through Coordinated Efforts***

All Registered Apprenticeship programs that request to be included on the Eligible Training Provider List (ETPL) will be automatically eligible to receive federal workforce funding under the Workforce Investment and Opportunity Act (WIOA) as pre-approved training providers for the workforce system. WIOA funds can support Registered Apprenticeship programs, such as funding for the classroom training portion, on-the-job training components, and support services.

The Work Opportunity Tax Credit (WOTC) is one of several workforce programs that enhance workplace diversity and facilitate access to good jobs for Texas workers. WOTC incentivizes employers to hire apprentices from certain target groups who have consistently faced significant barriers to employment.

Local Adult Education and Literacy (AEL) providers offer help with efforts to engage in a career pathway process. AEL providers offer screenings and/or assessments in English language, math, reading, and writing proficiencies to identify and enhance career pathways through educational training opportunities.

## **Part G: Laws and Regulations**

The National Apprenticeship Act

[29 USC §50](#)

Labor Standards for the Registration of Apprenticeship Programs

[29 CFR Part 29](#)

Apprenticeship System of Adult Career and Technology Education

[Texas Education Code, Chapter 133](#)

Consequences of Criminal Conviction

[Texas Occupations Code, Chapter 53](#)

Texas Workforce Commission Apprenticeship Training Program Rules

[40 TAC Chapter 837](#)

Texas Workforce Commission Integrity of the Texas Workforce System Rules

[40 TAC Chapter 802](#)

Texas Workforce Commission Financial Manual for Grants and Contracts

[Financial Manual for Grants and Contracts](#)