From the

Desk of the Director

NEW YORK STATE OF OPPORTUNITY. | Apprenticeship

January 2015

Happy New Year! As we all think ahead to a warmer spring, a time when many sponsors will begin the process of recruiting and hiring apprentices, I wanted to take this time to review regulations and policies regarding recruitment and selection. While many sponsors may have recruitment methods that are working for them, I want to make sure that everyone is aware of all options that exist and know that as you begin a new recruitment, you can change methods to achieve a more successful recruitment. I hope you find this information helpful; and if you have any suggestions for future topics please contact me.

Jane Thompson

Equal Employment Opportunity Overview

Equal Employment Opportunity (EEO) promotes equality in apprenticeship by requiring affirmative action and prohibiting discrimination based on the following protected classes: Race; Creed; Color; Religion; National Origin; Age; Sex; Disability; Veteran Status; Marital Status; or, Arrest Record. EEO influences the policies and regulations which oversee recruitments and rank lists. Apprentice recruitment and selection information can be found in NYS's Equal Employment Opportunity in Apprenticeship Training Regulations, Part 600, which can be found on the Department's website at the following link: http://www.labor.state.ny.us/apprenticeship/pdfs/Part%20600%20(eff%202-9-11).pdf.

Recruitment Types

Local: Sponsors are required to list all Apprenticeship openings with their local Career Center and/or in the NYS Job Bank for a minimum of five full work days before any selections are made. All eligible applicants referred by the Department must be considered for selection along with candidates from other sources.

Limited: This type of recruitment is an internal recruitment which is limited to current employees. Internal recruitments should be part of an established personnel policy or incorporated in a collective bargaining agreement (e.g. in a manufacturing plant). The sponsor should have an adequate number of qualified existing employees to assure affirmative action goals can be achieved. Resulting vacancies must be listed with the local Career Center and/or in the NYS Job Bank.

Area-Wide Public: This type of recruitment is most commonly used by large programs with five or more apprentices. Apprenticeship opportunities are publicized to a broad base of potential applicants located in a sponsor's labor market area.

Common ways to ensure the public learns of apprenticeship openings, include but are not limted to: newspaper ads, press releases, letters to community based organizations, posting jobs with local Career Centers and/or in the NYS Job Bank, as well as posting on the Department's Apprenticeship website. Area-Wide Public Recruitments can also be conducted online. There are two types of Area-Wide Public Recruitments: Periodic Recruitments and Continuous Recruitments.

- **Periodic:** Applications are accepted for a minimum of 10 consecutive work days. Eligible candidates remain in the eligibility pool and/or on a ranked list for a period of two years. Applicant scores resulting from a Periodic Recruitment must be blended into any pre-existing ranked list for the program. Per the Regulations, information regarding a Periodic Recruitment must be made available to the public at least 30 days prior to accepting applications. To meet this requirement and allow time for review, sponsors need to submit recruitment requests to their Apprentice Training Representative (ATR) for approval at least 60 days prior to a recruitment.
  - **Periodic with Limited Applications:** Sponsors may elect to limit the total number of applications accepted during a Periodic Recruitment (e.g. the recruitment is open for 10 consecutive working days or until 500 applications are received, whichever is reached first). A detailed explanation outlining the reasons for limiting applications and the process that will be followed must be provided.
- **Continuous:** Applications are accepted throughout the year for a minimum of 10 work days, often one day a month (e.g. applications are available the first Monday of the month from 9AM – 12PM), but this is not a requirement; other combinations of 10 work days over the course of the year are acceptable. Eligible candidates will remain in the eligibility pool and/or on a ranked list for a period of two years. Applicant scores resulting from a Continuous Recruitment must be blended into any pre-existing ranked list for the program. Continuous Recruitment requests should be submitted to the ATR for approval at least 60 days prior to a recruitment.

Non-Discrimination Plan (AT 602) and Affirmative Action Plan (AT 603)

In order to promote affirmative action, sponsors are required to complete an Affirmative Action Plan (AAP), AT 603; however, sponsors with four or fewer apprentices have the option to complete a Non-Discrimination Plan, AT 602, in lieu of the AT 603.

- **Online**
  Any sponsor may request to conduct an Area-Wide Public Recruitment (Periodic or Continuous) online. Staff will work with sponsors to develop an online recruitment which best meets their needs.

Sponsor's Role

- Sponsors should notify their ATR when they want to conduct a recruitment.
- All sponsors must follow their approved recruitment and selection guidelines and demonstrate a "good faith effort" to achieve AAP goals.
  - This requires the sponsor to follow its AAP, and strive to meet the goals. This includes ongoing evaluation of recruitment and outreach strategies.
  - Sponsors must also comply with federal and State laws that relate to the equal opportunity of apprentices when hiring and/or employing apprentices.
  - When requesting an Area-Wide Public Recruitment, both Periodic and Continuous, the sponsor must provide the following to the ATR at least 60 days prior to the start of the recruitment:
    - A written request to conduct the public recruitment that contains the following:
    - The number of anticipated openings and the minimum qualifications for eligibility.
    - The date, times, and location(s) where applications will be available.
    - The procedure used if conducting a Periodic with Limited Applications Recruitment.
    - Any new tests, in-house or off-the-shelf.

Recruitment Fees

Sponsors may charge both a testing and application fee. Testing fees cannot exceed $25.00 per applicant and application fees cannot exceed $25.00 per applicant. More information regarding fees can be found in the Recruitment Fees Policy Directive found at the following link: http://www.labor.ny.gov/apprenticeship/general/lawsandregs.shtm.

Notification of Candidates

Sponsors need to notify apprentice candidates who meet a program's minimum qualifications. Once a rank list is established, sponsors must also notify candidates of their rank and score. In addition, sponsors need to notify candidates who do not meet the minimum qualifications to inform them they will not be placed in the eligibility pool. Once the rank list is established, sponsors must also notify candidates who are not ranked. Both notifications must include the reasons for rejection, the minimum qualifications and their appeal rights. Sponsors may use the Department's Applicant Notification form (AT 507) or other similar means to contact candidates. The AT 507 is currently being updated and will be posted to the Apprenticeship website when completed.

Option for Interviewing

If a candidate pool is too large, and a sponsor would like to interview a smaller group, the sponsor may use the apprentice applications to complete Sections 1-4 on the Selection Standards and Evaluation form (AT 508), scoring the applicants on the selected standards (Educational Achievements, Work Experience, Seniority, and Job Aptitude). Sponsors may set a minimum cutoff score for the total of Sections 1-4 and use that to determine who to interview, as long as they provided their ATR with the cutoff score at the time the recruitment request was submitted, and the Department had approved.

Rank List

Sponsors should establish a final rank list based on the candidates' total points on the AT 508, which includes selected standards and interview scores. Note, the interview portion cannot exceed 40% of the total score. Rank lists should contain: Sponsor Name and Code; Trade Name and Code; Rank; Score; Candidate Name; Date Name Added to List; and Reason for Action Taken (e.g. indentured, declined, unable to contact, etc.). A Rank List Template is under development and will be posted to the Apprenticeship website soon.

Alternative Methods to Indenture

Exemption: To reach EEO goals, a sponsor may submit a request for a waiver to select the next highest-ranking woman or minority on a rank list.

Direct Entry: All Direct Entry providers/programs must be approved by the Department. Apprentices are indentured through agreements with local, state and national organizations. Sponsors using Direct Entry must indicate on their AT 603 which providers they have agreements with.

Re-instatement: Apprentices who have a taken a leave of absence or been laid off may be re-instated into their former program with their former sponsor.

Transfers: Apprentices registered with one sponsor, may be re-assigned to a different sponsor within the same trade, provided both sponsors and the apprentice agree. Transferring apprentices must be provided with a transcript of on-the-job training and related and supplemental instruction by their current sponsor.

Organizing: To be indentured as an apprentice, candidates must meet the minimum qualifications of the program and the Apprenticeship Agreement (AT 401) must be received by the Department within 30 days. When submitting AT 401s where an employer did not join the program as a signatory, the sponsor must include documentation describing the organizing effort, including all authorization cards.

Contact Information: For additional information on recruitments and rank lists, please contact your Apprentice Training Representative (ATR) or e-mail the Apprenticeship Training Central Office at: ATCO@labor.ny.gov. ATR contact information can be found on the Apprenticeship website at: **https://labor.ny.gov/apprenticeship/contactus.shtm**

The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.