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[redacted]

SENT UPS NEXT DAY, A.M. DELIVERY

October 14, 2010

PHASE THREE Comments
NYSDOL Apprenticeship Training Office
Building 12, Room 459
W. Averell Harriman State Office Campus
Albany, NY 12240

To Whom It May Concern:

RE: PHASE THREE COMMENTS TO PROPOSED CHANGES IN NYSDOL APPRENTICESHIP TRAINING REGULATIONS

The proposed amendments to SECTIONS 601.3 and 601.7 that refer to the following *Three Types of Approaches:* SECTION 601.7(a)(1) *Time-Based Approach,* SECTION 601.7(a)(2) *Competency-Based Approach* and SECTION 601.7(a)(3) *Hybrid Approach,* are all intended to determine the progression of an APPRENTICE through a *Registered Apprenticeship Program,* based on the regulations of the Commissioner of Labor. These *Three Types of Approaches,* as amended, must not be used by any *New or Existing* "SPONSOR" to an *EXISTING APPRENTICESHIP PROGRAM* or, by any "SPONSOR" to a *NEW APPRENTICEABLE TRADE PROGRAM,* in order to circumvent the number of hours currently required by EXISTING PROGRAMS relative to *"Related Instruction and On-the-Job Training"* or, those of a similar "TRADE" for any *NEW APPRENTICEABLE TRADE PROGRAM,* that may be submitted for "Approval" in the future.

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I am aware that these proposed PHASE THREE amendments are required by the NYSDOL in order to comply with the "NEW" Federal Regulations governing Apprenticeship. However, I urge you to consider the fact that the "Breakdown of (all) *"Active"* Registered Apprenticeship Programs" in the United States for Fiscal Year 2009 are: 81.7% for *UNILATERAL EMPLOYER PROGRAMS* and 18.3% for *JOINT LABOR-MANAGEMENT PROGRAMS.* However, the "Breakdown of (all) *"Active"* Registered Apprentices for Fiscal Year 2009 are only: 35.1% for *UNILATERAL EMPLOYER PROGRAMS,* while those for *JOINT LABOR-MANAGEMENT PROGRAMS* is: 64.9%.

In addition, the number of *"Active"* Registered Apprenticeship Programs in the United States in the *CONSTRUCTION INDUSTRY* was: 7,826 in 2005 and only rose to 7,897 in 2009. However, the number of *"Active"* Registered Apprentices in the *CONSTRUCTION INDUSTRY* was: 196,020 in 2005, and rose to 242,797 in 2009. An increase of over 45,000 Active Registered Apprentices from 2005 through 2009 is remarkable when you consider the Construction Industry is experiencing its worst recession since the 1920's.

Since New York City's Labor Law 220 mandates the use of Apprentices on any New York City "Public Work Contract", any City, State or Federal "Public Work Contract" that contains "Federal Tax" monies fall under Davis-Bacon", they do not mandate the use of Apprentices. By providing "New" Sponsors with a method to gain approval for a "Registered Apprenticeship Program', without requiring those "New" Sponsors to meet the current hours required for progression of an Apprentice through an Apprenticeship Program for their *Related Instruction"* and *"On-the-Job Training"* is a serious disservice to all Registered Apprenticeship Programs.

"Existing Sponsors" spend an enormous amount of time and money to meet the current regulations. "New" Sponsors to "Existing" Programs and those Sponsors requesting approval for any "New" Apprenticeable Trades should not be allowed to conduct their programs with lesser requirements.

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SECTION 601.7 titled: "APPROACH TO SKILL ATTAINMENT & TRAINING", of the proposed amended regulations of the Commissioner of Labor, provides detailed requirements under each of the Three different types of "Approaches":

(1) The Time-Based Approach;
(2) The Competency-Based Approach; and
(3) The Hybrid Approach.

However, there are no details of any of these "so-called" requirements.

All of these requirements have yet to be designed; submitted to the NYSDOL for approval; and submitted to the "Existing" Sponsors for comments and/or suggestions, etc. There are no "National Standards" developed that we can compare any of these "NEW APPROACHES" to.

Who will develop these requirements? Who will determine the number of hours required for "On-the-Job Training" and "Related Instruction"? Who will create the "Written" and "Hands-On" proficiency measurements? Who will determine the "Qualifications" of the so-called *Third-Party Expert(s)" and "Third Party Proctor(s)?* Who will determine the acceptability of a *"Controlled Learning Environment" etc., etc.?*

There are so many unknowns, it is almost impossible to imagine any one set of regulations being accepted nationwide. What might be acceptable in rural areas of the country may not be acceptable in populated, urban centers. How can the NYSDOL ask any Apprenticeship Program's Director to accept these "NEW" Regulations when we don't know how they will be conducted? When will the answers be available, after they are enacted?

Section 601.15 titled: "RECIPROCAL APPROVAL", Items (a) through (g), is also a daunting responsibility which requires significant evaluation.

How can we commit to "Reciprocal Approval" before we know what the "NEW REGULATIONS" will be.

There are currently two (2) competing Joint Labor-Management Sponsors [redacted] and one (1) Unilateral Sponsor [redacted] that have NYSDOL Approved Apprenticeship Programs

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titled: [redacted] or [redacted]. Those three entities have over 60 [redacted] Contractors that are involved in Apprenticeship Training. There are approximately 50-60 Non-Union (Unilateral Employers) [redacted] Contractors that have neither the will or the capability to provide *APPRENTICESHIP TRAINING* as it is being done here in the NY Metropolitan Area. I know [redacted] Apprenticeship Program and [redacted] Apprenticeship Program is conducted as it was designed and in accordance with the "Current" Rules and Regulations of the Commissioner of Labor. I can't confirm that for Local One's Programs since I am not privy to their information.

Enactment of these "NEW" Proposed (Amended) Regulations would allow those 50-60 Non-Union (Unilateral Employers) Elevator Contractors to seek approval of our Apprentice Trade Program having expended little or no time or money. Are these "Regulations" being proposed just to increase the number of Sponsors and/or Active Apprentices?

Therefore, based on the above, I urge the New York State Department of Labor and the Office of Apprenticeship Training to consider a "MORITORIUM" or an "EXTENSION" of the deadline before enactment of these "New" Proposed Amended Regulations. I think all Sponsors across the country deserve to know the details of how exactly these changes are to function, not just "Itemized Explanations"

[redacted]

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