



November 16, 2018

Deputy Assistant Secretary Rosemary Lahasky
U.S. Department of Labor/Employment and Training Administration
200 Constitution Ave., NW
Washington, DC 20210

RE: JFF Comments on the Proposed Information Collection Request (ICR) Titled, Industry-Recognized Apprenticeship Programs (IRAP) Accrediting Entity Information. 1205-oNEW

Dear Deputy Assistant Secretary Lahasky:

JFF appreciates the opportunity to provide comments on the proposed authority to conduct the voluntary Information Collection Request (ICR) titled, “Industry-Recognized Apprenticeship Programs (IRAP) Accrediting Entity Information.” This ICR, if approved, will enable the Employment and Training Administration (ETA) to collect essential data under Training and Employment Notice (TEN) No. 3-18 concerning the operational characteristics of certain industry-recognized apprenticeship programs. The TEN proposes a process for accrediting entities to request a determination from the Department concerning their eligibility to act as a qualified accreditor to approve industry-recognized apprenticeship programs.

JFF is a national nonprofit that drives transformation in the American workforce and education systems. For 35 years, JFF has been designing innovative and scalable solutions that create access to economic advancement for all. Throughout our history, JFF has been a strong advocate in promoting apprenticeship and other quality work-based learning models. In 2017, JFF launched the Center for Apprenticeship & Work-Based Learning to spur mainstream adoption of work-based learning programs and serve as a resource to the apprenticeship community. JFF applauds the Department’s efforts to propose flexible new approaches and strategies to apprenticeship but has concerns that this proposed IRAP process is duplicative of the existing RA process and could present an unnecessary burden to employers and a new wave of potentially inexperienced apprenticeship accreditors.

JFF respectfully provides the following comments on the proposed ICR.

1. **DOL Supporting Statement:** The ICR supporting statement outlining the circumstances that make this request necessary indicates that TEN 03-18 was issued by the Department as an interim informational document pending the promulgation of an amendment of 29 CFR Part 29, which will establish more specific guidelines to qualified entities. It goes on to state that this interim guidance is intended to provide potential accreditors with a “general overview of the quality standards” that an entity should satisfy in order to improve their

chances for obtaining a favorable determination act as a program accreditor. We agree that the TEN provides only a “general overview” and does not provide details on many critical aspects of the program for which these accreditors will be responsible. For example, the TEN does not address the accreditors’ program monitoring responsibilities, their responsibility if a program fails, how they will be monitored by the Department, their potential legal liabilities under this program, their ability to collect fees, and a range of other important program requirements.

There are many questions still to be addressed, with insufficient information available for prospective applicants. Given the importance of these issues for potential accreditors, the ICR request should be considered for delay pending the promulgation of additional proposed details and requirements can be provided for prospective applicants.

2. **Is the information necessary for the proper performance of the functions of the agency:** The proposed collection of information does not appear necessary for the proper performance of the functions of the agency. While including this information through the ICR process will have practical utility, it will also be duplicative of an existing agency process. It is uncertain at this time whether approval of accreditors under this proposed guidance will demonstrate that these programs will operate in a manner consistent with “DOL-identified hallmarks of high-quality apprenticeship programs.” There is an existing Registered Apprenticeship (RA) program in the agency, authorized by the National Apprenticeship Act of 1937 and outlined in 29 CFR Parts 29 and 30, that already provides a rigorous process for ensuring quality apprenticeship programs. The IRAP program approval seems to be a duplicative and potentially costly process on top of an existing system that is meeting the need of thousands of employers and workers. We urge the Department to consider streamlining the existing RA system under 29 CFR Part 29, rather than creating an entirely new IRAP process that could add burden to employers, accreditors, and other partners who participate in apprenticeship program development.
3. **Burden to accreditors:** The proposed estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, seems underestimated. The requirements for the proposed application process rightly calls for extensive knowledge in multiple areas, such as industry sector knowledge, worker safety requirements, and EEO and related policies and procedures at the local, state, and federal levels. This will require extensive expertise and a significant amount of research and information collection. The proposed accreditor application process seems burdensome and calls for extensive preparation for submission documents.
4. **Minimum requirements of OJL and RTI:** The proposed IRAP accreditor process may, in some cases, make apprenticeship approval easier for certain employers but provides no evidence that this process will result in high-quality outcomes for apprentices or employers equivalent to the quality of existing RA programs. Unlike RA programs’ current requirements of 2,000 hours of on-the-job learning (OJL) and 144 hours of related technical instruction (RTI), there are no minimum standards outlined for IRAP programs. This leaves the door open for a range of new, short-term programs that do not meet a minimum threshold for apprenticeship. We urge the Department to consider establishing minimal OJL and RTI requirements to ensure programs are training apprentices for middle- and high-skilled positions commonly associated with rigorous high-quality apprenticeship programs.

5. **Roles of accreditors and other partners:** In Section 3, the TEN states “An Industry-Recognized Apprenticeship program is developed or delivered by third parties, may include trade and industry groups, companies, non-profit organizations, educational institutions, unions, and joint labor-management organizations, and is one that has been certified as a high-quality program by a third-party certifier that has received a favorable determination from DOL.” This overview is confusing and requires the role of “third parties” to be clarified by the Department. Is the apprenticeship program developed by third parties or accredited by third parties? Can the accreditor also develop the program that is requesting approval? Can the accreditor provide the related technical instruction? Or, is their role only to endorse, approve, or accredit another party’s application?

The TEN presents several instances that are unclear regarding the role of the accreditor and the other apprenticeship partners, raising additional questions in need of clarification. For example: Can an accreditor also serve as a training provider? Can the accreditor approve their own training program? Is this a conflict of interest? Who serves as the program sponsor? What are the roles of the employer and other partners?

6. **Potential conflicts of interest:** The TEN presents several instances that could result in significant conflict of interest among accreditors and the programs they are to approve and monitor. Is the accreditors’ role to serve as an honest broker for approving programs? Can accreditors develop their own curriculum that they then subsequently self-approve? If they are permitted to approve their own programs, who monitors and evaluates their performance? Can accreditors charge fees for accrediting programs? It would be helpful for the Department to provide additional clarity and detailed guidance regarding possible conflicts of interest scenarios.
7. **Apprenticeship program monitoring and oversight:** There are few provisions outlined in the TEN or related documents that describe the Department’s role in monitoring accreditors to ensure they are reasonably overseeing important program requirements, such as safety, EEO, credentialing, and program quality. There are also no provisions for how DOL will respond to an accreditor who fails to fulfill, or violates, the requirements of being an accreditor. In addition, the TEN is unclear on the role and responsibilities of accreditors once they have accredited a program. It would be helpful for the Department to clarify the duration of accreditation once a program is approved, the accreditors’ role and responsibilities for program oversight and monitoring, and their process for cancelling or de-registering a program that fails to perform as approved. We believe that it would be unfair for those applying as accreditors not to have their full range of monitoring responsibilities known prior to their application. Detailed guidance on these responsibilities should be provided at the earliest opportunity.
8. **Accreditor monitoring and oversight:** The TEN and related documents fail to outline a thorough process for monitoring and oversight of the accreditors and the accreditors’ responsibilities to monitor the programs they approve. It is assumed that the Department’s Office of Apprenticeship will have responsibility for oversight of the accreditation system, but more information and guidance is needed to understand how this important monitoring function will operate. If the Office of Apprenticeship will be responsible for monitoring accreditors, will they have the staff capacity to monitor the existing RA system and also provide the required oversight of the expansion of a parallel apprenticeship system for all 54 states and territories? How does the Department plan to provide this oversight and

monitoring function, and how do they plan to build staff capacity to provide for this important quality control function? Additional guidance and clarification is needed.

9. **Costs and fees:** Under the existing RA system, there are no costs or fees to approve and register apprenticeship programs from DOL or State Apprenticeship Agencies. The TEN and accompanying documents are silent on whether an accreditor in the proposed IRAP program will be permitted to charge a fee for the service of accreditation. Many accreditation bodies do. Is it the Department's intent to allow accreditors to charge fees for these services? The Department should provide general expectations regarding the ability to assess fees to approve programs.

Charging fees to approve apprenticeship programs could present a significant burden to employers and add costs to the US system of apprenticeships that presently don't exist. Fees for accreditation could also impact the ability of small and medium-sized businesses to participate in apprenticeship. DOL should provide clarity and guidance on the ability of IRAP accreditors to charge fees and, if so, what is the estimated impact of fees on employers and program providers.

10. **Welfare of apprentices:** It is unclear from the TEN who is responsible for safeguarding and protecting the welfare of apprentices regarding safety on the job, wages, EEO, and other program quality issues. It would be helpful for the Department to clarify the process if an approved IRAP program does not meet the requirements in these areas, as well as the responsibility of the accreditor, or the Department, to intervene, address, or resolve these issues. Clarity on these issues would provide useful information in the application decision-making process of potential accreditors.

Thank you for the opportunity to provide comments on the proposed authority to conduct the voluntary information collection request titled, "Industry-Recognized Apprenticeship Programs (IRAP) Accrediting Entity Information." We hope these comments prove useful.

Respectfully submitted,

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