

ALABAMA WORKFORCE INVESTMENT SYSTEM

**Alabama Department of Commerce
Workforce Development Division
401 Adams Avenue
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February 2, 2017

GOVERNOR'S WORKFORCE INNOVATION DIRECTIVE NO. PY2015-11, Change 02

SUBJECT: Training and Employment Notice (TEN) - Apprenticeship

1. Purpose. This transmits the following TEN:

<u>Number</u>	<u>Date</u>	<u>Subject</u>
31-16	01/17/17	Framework on Registered Apprenticeship for High School Students

2. Discussion. The purpose of TEN No. 31-16 is to provide recommendations on key elements of Registered Apprenticeship (RA) programs for high school students and to encourage greater use of RA and pre-apprenticeship programs for in-school youth at least 16 years old, enrolled in secondary schools. This framework provides an important opportunity for youth to finish high school and continue on a pathway toward multiple career and educational opportunities, such as entering an RA program, earning an associate's and/or a bachelor's degree, and obtaining sustainable employment. The framework seeks to enhance the competitiveness of business by connecting youth to work-based learning and developing in-demand skills and competencies.

3. Action. This Directive should be distributed accordingly to local areas, workforce staff, and partners. Local area and partner staff should review the information contained in TEN No. 31-16 and use the discussed resources as appropriate.

4. Contact. Questions or comments concerning this Directive should be referred to Lorilei Sanders, Workforce Development Division, State Programs, Planning and Divisional Budget Management Section at (334) 353-1632 or lorilei.sanders@commerce.alabama.gov.





Steve Walkley, Division Manager, Workforce Development Division
Alabama Department of Commerce

2/2/2017
Date

TRAINING AND EMPLOYMENT NOTICE	NO. 31-16
	DATE January 17, 2017

TO: ALL STATE WORKFORCE ADMINISTRATORS
ALL STATE AND LOCAL WORKFORCE AGENCIES
ALL STATE WORKFORCE LIAISONS
ALL STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
ALL STATE APPRENTICESHIP AGENCIES
ALL APPRENTICESHIP STATE AND REGIONAL DIRECTORS
ALL STATE LABOR COMMISSIONERS

FROM: PORTIA WU 
Assistant Secretary
Employment and Training Administration
U.S. Department of Labor

JOHAN E. UVIN 
Deputy Assistant Secretary
Delegated the Duties of Assistant Secretary
Office of Career, Technical, and Adult Education
U.S. Department of Education

SUBJECT: Framework on Registered Apprenticeship for High School Students

- 1. Purpose.** The Framework on Registered Apprenticeship (RA) for High School Students provides guidance from the U.S. Departments of Labor (USDOL) and Education (ED) to the public workforce and education systems on the components of a high-quality RA program for high school students. The purpose of this framework is to provide recommendations on key elements of RA programs for high school students and to encourage greater use of RA and pre-apprenticeship programs for in-school youth at least 16 years old, enrolled in secondary schools. The Fair Labor Standards Act (FLSA) sets the minimum ages and occupations in which youth can be employed in agricultural and nonagricultural employment. In nonagricultural employment, 16- and 17-year-old apprentices are specifically permitted to do some hazardous work otherwise prohibited for that age group provided certain requirements are met (see footnote three in Attachment 1). Apart from these exceptions, all other work deemed to be hazardous by the Secretary of Labor is prohibited for 16- and 17-year-old apprentices working in nonagricultural employment. This framework provides an important opportunity for youth to finish high school and continue on a pathway toward multiple career and educational opportunities, such as entering an RA program, earning an associate's and/or a bachelor's degree, and obtaining sustainable employment. The framework seeks to enhance the competitiveness of businesses by connecting youth to work-based learning and developing in-demand skills and competencies.

2. **References.** See Attachments.

3. **Background.** There is growing federal and state support for the expansion of youth employment and training programs to meet the demands of businesses that want to recruit workers into their companies. For example, the Workforce Innovation and Opportunity Act (WIOA) places increased emphasis on improving youths' access to employment into high-quality jobs and careers. At least twenty percent of WIOA youth formula funds allocated to local areas must be used to provide youth with paid and unpaid work experiences, including pre-apprenticeship and other types of on-the-job training. Also, local WIOA formula funds may also be used to support apprentices participating in a RA program. In addition, under the Office of Apprenticeship's regulations implementing the National Apprenticeship Act of 1934¹ apprentices must be at least 16 years of age, creates an opportunity among public workforce and education systems to develop RA programs designed to meet the needs of in-school youth.

RA and pre-apprenticeships are valuable work-based learning opportunities that can provide high school students with academic and workplace skills that lead to postsecondary education opportunities and careers. RA is a proven model of job preparation that combines paid on-the-job learning (OJL) and related instruction to progressively increase workers' skill levels and wages. The average income of apprentices is approximately \$60,000. These results show the advantages an apprenticeship offers in providing both a significant wage gain and clear career path for entry-level workers. Through various program designs and approaches, RA and pre-apprenticeship programs for high school youth can be adapted to meet the needs of school districts, employers, the sponsors they serve, and specific opportunities within the local labor market. Several states provide successful RA or pre-apprenticeship programs for high school students. They combine academic and career and technical education (CTE)² classroom instruction with work-based learning, allowing students to earn a high school diploma and develop industry specific workplace competencies, skills, and knowledge. Programs are designed to prepare students for a career encompassing both postsecondary education and employment by providing opportunities for earning college credits and/or industry-recognized certificates or credentials.

State leaders, educators, and employers have requested more guidance on RA programs for high school students. The USDOL engaged the Secretary's Advisory Committee on Apprenticeship (ACA), as well as ED, Office of Career, Technical and Adult Education (OCTAE), to develop a framework on RA for high school students. In addition, key stakeholders in the RA, workforce, and education communities provided input to help inform the development of this guidance.

¹ 29 C.F.R. § 29.5(b)(10).

² Section 3(5) of the Carl D. Perkins Career and Technical Education Act of 2006 defines "career and technical education" as organized educational activities that offer a sequence of courses that -- provides coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions; provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and includes competency-based applied learning that contributes to academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship.

4. **Framework Principles.**

- High school students enrolled in secondary school who meet the minimum legal age of 16 can be employed as apprentices. Across the country, RA programs for high school students have diverse definitions and requirements dictated by state laws. This framework, if states and localities choose to implement it, has the capacity to improve consistency and quality of programs on a national level. Such programs must comply with all applicable laws, including Federal regulations on child labor as stated in the FLSA (see Child Labor Bulletin 101) in addition to state child labor laws. Programs must also comply with state workers' compensation laws.
- Programs for high school students should combine academic and technical classroom instruction with work experience, allowing youth to explore a career and develop industry-specific workplace competencies, skills and knowledge, while still enrolled in high school.
- Programs should align academic and technical standards in secondary and postsecondary education, CTE, and industry-recognized credentials and certifications.
- Programs should incorporate stackable credentials of value for multiple pathways, including entrance into RA programs, community and technical colleges, universities, and sustainable employment.
- Employer involvement is critical in developing and sustaining the program.

5. **Elements of Quality RA Programs for High School Students.** High-quality RA programs for high school students should address the needs of students, employers, sponsors, and local school districts. While they may employ different program designs and approaches which are consistent with state and local education guidelines, the models described below should form the foundation of students' participation in a pre-apprenticeship or RA programs during high school and beyond. High school programs have strong linkages to an RA program during and after high school graduation in each model. Students are encouraged to begin career exploration (i.e., job shadowing, career fairs, internships, etc.) prior to entering these programs. Students may begin related classroom instruction and some work-based learning before entering an RA program.

(A) Pre-apprenticeship for High School Students or School-to RA

- A pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an RA program. This model is based on the [Quality Pre-Apprenticeship Guidance, Training and Employment Notice \(TEN, 13-12\)](#). Pre-apprenticeship programs should have strong direct linkages with RA.

- Students take courses for the purpose of their pre-apprenticeship that are approved by a RA program in addition to their required high school coursework. These courses count towards high school graduation.
- Students participate in OJL activities beginning at age 16, which can count towards entry into an RA program. As students move through the program, they advance their OJL to become more skilled and more productive.
- Students may have opportunities to earn industry-recognized credentials and certifications.
- Students can apply to the RA program leading up to or upon high school graduation.
- Postsecondary credits are awarded based on signed articulation agreements established between local school districts, postsecondary institutions, and RA programs.

(B) RA Program that Begins in High School

- Students begin their RA program in high school and are fully registered as apprentices in the RA system.
- RA agreements are signed by a parent/guardian (if the student is under age 18), the students, and employer/sponsor.
- Students take courses at their high school and/or community and technical colleges for the purpose of their apprenticeship that are approved by an RA program in addition to their required high school coursework. These courses should count towards high school graduation. Course work can start as early as ninth grade.
- Postsecondary credits are awarded based on signed articulation agreements established between local school districts, postsecondary institutions, and RA programs.
- Students may start OJL activities at age 16, which will count towards entry into a RA program. The specific types and conditions of permissible work activities are outlined for 16- and 17-year olds in the FLSA and in State Child Labor laws. The work portion of the program is flexible and is done when school is not in session including summers and weekends or as part of a work-study program.
- Students are employed by a participating signatory partner to the Registered Apprenticeship Guideline Standards or program and are under supervision of a skilled mentor during OJL.
- Students who complete the RA program upon high school graduation will have gone through a time-based (a minimum of 2000 hours of OJL and 144 hours of related

instruction), a competency-based or hybrid program and will receive a RA Certificate of Completion and a high school diploma.

- The length of the program depends on the occupation's standards, industry norms, and the type of program (Time-based, Competency-based, or Hybrid).
 - Enrollment in a RA program may begin in high school and continue after graduation. A signatory partner to the RA guideline standards or program will continue to employ the individual and count the OJL hours earned while in high school towards the RA program. Postsecondary coursework can be provided by community, technical or four-year colleges, accredited on-line programs or recognized RA training centers in accordance with the program's standards.
 - Students may have opportunities to earn industry-recognized credentials and certifications.
6. **Next Steps.** The Employment and Training Administration will continue to develop and disseminate information to promote RA for High School Students.
 7. **Action Requested.** Recipients of this guidance are requested to disseminate this information broadly to local areas to build greater understanding of RA for High School Students.
 8. **Inquiries.** Questions about this TEN should be directed to Ms. Laura Ginsburg of the Office of Apprenticeship at (202) 693-2796 or Ginsburg.laura@dol.gov.
 9. **Attachments.**

Attachment I: Guide on Child Labor Laws and Workers' Compensation for Apprentice Minors

Attachment II: Workers' Compensation for apprentices under age 18

Attachment 1.

GUIDE ON CHILD LABOR LAWS AND WORKERS' COMPENSATION FOR APPRENTICE MINORS

Federal and State Child Labor Laws:

- The USDOL Wage and Hour Division enforces Federal child labor laws, as authorized under the **Fair Labor Standards Act (FLSA) of 1938**.
- While Federal law addresses child labor, many states have enacted more stringent laws that further define how RA programs can operate. The FLSA does not preempt state laws that impose stricter standards. Please consult State Child Labor Laws: <http://www.dol.gov/whd/state/state.htm>. Note, in some states, minor workers may be required to obtain a work permit.

Minimum Age for Employment under FLSA:

- **Minors must be age 16** to work in nonagricultural employment for unlimited hours in occupations **not declared hazardous by law**.³
- **Minors must be age 18** to work in nonagricultural employment in occupations declared as **hazardous**. However, there are certain exceptions from the hazardous occupation orders for individuals employed as apprentices.

Hazardous Occupation Exemptions for Apprentices Age 18 and under:

- Only nonagricultural Hazardous Occupations Orders (HO) Nos. 5, 8, 10, 12, 14, 16, and 17⁴ contain exemptions for 16- and 17-year-old apprentices.
- These exemptions apply when: 1) apprentices are employed in an apprenticeship trade; 2) the hazardous work is incidental to his or her training; 3) such work is intermittent and for short periods of time under direct and close supervision of a journeyman as a necessary part of the apprenticeship training; and 4) the apprentice is registered with DOL (or state agency) or is employed under a written apprenticeship agreement which is found by the Secretary of Labor to conform substantially with such federal or state standards (see 29 C.F.R. 570.50(b)).
- For minors engaged in agricultural occupations, no specific exemptions are listed for apprentices' involvement in hazardous activities. Exceptions from the agricultural hazardous occupation orders are provided for various student learners. See 29 C.F.R. 570.72.

³ Under the FLSA, 14 is the minimum age for nonagricultural employment in specified occupations outside of school hours for limited periods of time each day and each week.

⁴HO 5.* Occupations involved in the operation of power-driven woodworking machines.

HO 8.* Occupations involved in the operation of power-driven metal-forming, punching, and shearing machines.

HO 10. Occupations involved in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat and poultry packing or processing (including the use of power-driven meat slicing machines) or rendering.

HO 12.* Occupations involved in the operation of balers, compactors, and paper-products machines.

HO 14.* Occupations involved in the operation of circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.

HO 16.* Occupations in roofing operations and all work on or about a roof.

HO 17.* Occupations in excavation operations.

Child Labor Law Resources:

- Federal Child Labor Law Guidance from USDOL's Wage and Hour Division: <http://www.dol.gov/whd/childlabor.htm>.
- Child Labor Bulletin 101: <http://www.dol.gov/whd/regs/compliance/childlabor101.pdf>. Booklet on FLSA which contains certain exemptions on hazardous activities and wages for minor apprentices working in nonagricultural occupations.
- Child Labor Bulletin 102: <http://www.dol.gov/whd/regs/compliance/childlabor102.pdf>. Booklet on FLSA which contains regulations for minors engaged in agricultural occupations.
- Youth Rules! Website: <http://www.youthrules.gov>.
- Resources on States' Child Labor Laws: <http://www.dol.gov/whd/state/state.htm>.
- Youth Apprenticeship Program Requirements in Wisconsin: <http://dwd.wisconsin.gov/youthapprenticeship/legal.htm>. Information for employers, parents, and students on child labor laws, insurance, and liability.
- Tech Ready Apprentices for Careers in Kentucky (TRACK): Working with Students under 18: http://education.ky.gov/CTE/cter/Pages/Students_U18.aspx. Resources on child labor laws and insurance for the TRACK program in Kentucky.

Attachment 2.

WORKERS' COMPENSATION FOR APPRENTICES UNDER AGE 18

Laws:

Every state has its own workers' compensation laws, which are contained in statutes. The laws vary somewhat in each state. In some states, minors are treated the same as workers 18 years of age and older; in others, there are special requirements for youth. Under the law in most states, every business must have some form of workers' compensation insurance to cover injured employees. Below is a list of resources on workers' compensation to help employers navigate this issue in their states.

Workers' Compensation Resources:

- State Workers' Compensation Laws: <http://injury.findlaw.com/workers-compensation/workers-compensation-laws-by-state.html>.
- Youth, Minors, and Workers' Compensation: <http://blog.reduceyourworkerscomp.com/2010/12/hiring-youth-minors-and-workers-compensation>.
- National Academy of Social Insurance's Research on Workers' Compensation: <https://www.nasi.org/research/workers-compensation>.

A series of reports and relevant information on workers' compensation benefits in each state and employer costs.

- Workers' Compensation: Benefits, Coverage, and Costs, 2013: https://www.nasi.org/sites/default/files/research/NASI_Work_Comp_Year_2015.pdf.
The only comprehensive national data on state and federal workers' compensation programs.
- National Academy of Social Insurance's Infographic on Benefits and Employer Costs: Workers' Compensation State-by-State Benefits Paid and Employer Costs: <https://www.nasi.org/research/2016/infographics-workers-comp-state-state-benefits-paid-employer>.

Other Workers' Compensation Laws for Specific Employers:

There are special workers' compensation laws for employees of the Federal Government (see The Federal Employment Compensation Act (FECA) and for workers in other industries (for example, longshore and harbor workers and coal mine workers) The USDOL's Office of Workers' Compensation Programs administers these programs.

- The Federal Employment Compensation Act: <https://www.dol.gov/owcp/dfec/regs/statutes/feca.htm>.
- Office of Workers' Compensation Programs (OWCP): <https://www.dol.gov/owcp/>.

State Information on Youth and Workers' Compensation: Examples for Reference

- Youth Apprenticeship Program Requirements in Wisconsin:

- <http://dwd.wisconsin.gov/youthapprenticeship/legal.htm>. Information for employers, parents, and students on child labor laws and insurance and liability.
- Talking Points with Insurance Carriers:
<http://education.ky.gov/CTE/cter/Documents/TalkingPointsInsCarrier.pdf>. A resource on workers' compensation in Wisconsin for work-based learning practitioners.
 - Tech Ready Apprentices for Careers in Kentucky (TRACK): Working with Students under 18: http://education.ky.gov/CTE/cter/Pages/Students_U18.aspx. Resources on child labor laws and insurance for the TRACK program in Kentucky.