

United States Senate

WASHINGTON, DC 20510

March 20, 2024

The Honorable Julie A. Su
Acting Secretary
Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Docket No. ETA-2023-0004
Regulatory Identification Number (RIN) 1205-AC13

Dear Acting Secretary Su,

Apprenticeships have long been a staple of America's workforce training programs. As we work to meet the needs of our 21st century economy, employers are looking for quality candidates to fill their talent pipelines. Relying on college talent alone just won't cut it. Apprenticeships are a win-win: they give people more career options while growing our local economies and filling the workforce in critical industries.

These are good programs, ones that we should invest in to make sure they continue serving workers for years to come. With the Department of Labor's (DOL's) National Apprenticeship System Enhancements proposal, #ETA-2023-0004, your agency is taking steps to close the loop between the education system and worker training, particularly for youth, which is a goal we share. I also commend the Department for including Equal Employment Opportunity standards to ensure America's apprenticeship system is representative of all our communities, and that every apprentice can learn in an environment where they can succeed.

While we appreciate the Department's commitment to apprenticeships, the proposal is vague and risks increasing confusion and red tape for participants. The rule does not acknowledge the existing youth apprenticeship ecosystem, removes options from apprenticeship training models, and adds additional registration requirements for apprenticeship sponsors. I urge you to carefully consider the following feedback as you draft a final rule and encourage you to work with program sponsors on the ground to make sure these standards are practical and will lead to positive changes to the system. I look forward to continuing to work with you to expand apprenticeship opportunities for all.

Recommendations for High School Apprenticeship:

Define Youth Apprenticeship: As you know, we believe that bringing apprenticeships to high-school youth is critical to making sure these programs are seen as viable postsecondary pathways. This will help uplift the apprenticeship system as a whole and promote on-the-job

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training for a new generation of workers. That is why we were disappointed to see that this proposal did not include a definition for youth apprenticeship programs. We have been actively working in Congress to define and amplify youth apprenticeship, and have talked with the Department about these goals. Not defining youth apprenticeships also creates confusion for states and employers between youth apprenticeships and pre-apprenticeships, despite youth apprenticeships being more robust programs by design. Many states, including Colorado, have robust youth apprenticeship systems or are building new systems. In fact, the proposed rule acknowledges CareerWise and the impact that the program is having on bringing valuable career training to our young people. Youth apprenticeship programs are important talent pipelines for employers. The programs also help give young people skills to compete successfully in the job market. These programs deserve a defined place in our national apprenticeship system. We urge the Department to work with youth apprenticeship policy experts, advocates and employers to develop and include an appropriate definition.

Clarify the Role of CTE: The rule also proposes a brand new registered CTE apprenticeship program to serve technical education students in high school or college. We are avid supporters of technical education. These programs are great options for skills training and already serve as partners for some existing youth apprenticeship programs. However, the proposal is not clear about how CTE apprenticeships and youth apprenticeships will interact, which could create confusion given that the two programs serve similar populations. We recommend that in addition to defining youth apprenticeship, as mentioned above, the Department also consider clarifying that CTE programs are a program model within the youth apprenticeship system. We believe that this will help states to choose how to best support young people using existing education and training resources without further splintering the federal apprenticeship system.

Provide Clear, Workable Employer Requirements: Lastly, we are concerned that new employer requirements could further discourage youth apprenticeship employers. These requirements are too onerous, especially for small and new program sponsors, and need to be streamlined. Youth programs face unique challenges to increasing employer participation. We worry that the new registration requirements could make matters worse. We encourage the Department to consult with youth apprenticeship advocates and employers to draft registration standards that will help grow youth apprenticeships across the country, and create consistent program expectations.

Recommendations for Registered Apprenticeship:

Preserve Flexibility that Works: We often hear from apprenticeship sponsors about the importance of having flexibility to choose the program model that is right for their industry or occupational needs. Given that, we were disappointed to see that the proposed rule eliminates the separate competency-based model and proposes that all programs use hybrid training models with 2,000 hours of on-the-job training per 144 hours of related instruction.

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Competency-based models offer apprentices the opportunity to learn at their own pace, which often means that apprentices who have families, or those with previous relevant experience can participate without losing valuable time. These programs are also popular with employers because the apprentices advance as they demonstrate that they've mastered a skill. This expedited model can be helpful for industries with urgent workforce needs. For example, Child Care Innovations, Red Rocks Community College Early Childhood Apprenticeship program in Colorado uses a competency-based model along with related instruction based on the apprentices' needs. The competency-based model allows their apprentices, who are predominately women, to learn skills at their own pace so that they can participate while they juggle other responsibilities. This also allows apprentices to finish their programs faster, freeing them to complete college credentials and find permanent employment in our state's struggling child care workforce. Training programs should not take a one size fits all approach. We urge the Department to not eliminate this important training option that works well for so many.

Reduce the Administrative Burden: The proposal includes several additional requirements for program registration. Of note, employers will have to collect and submit additional administrative data including pay rate schedules and the education level for each apprentice during the registration process. Employers will also have to re-submit similar data whenever an apprentice's status changes; for example, when an apprentice completes or transfers from a program. We agree that collecting program data is important to helping us oversee program quality and to help promote program benefits. However, we consistently hear from apprenticeship sponsors who feel overwhelmed by existing data collection and submission requirements. We urge the Department to only collect information that is essential to overseeing program integrity and quality. We also urge you to work with employers to identify practical data collection and submission requirements and processes.

Support Small Business Employers: Lastly, small businesses employ almost half of all private sector workers around the country, and are crucial drivers of innovation and economic growth. However, small businesses also often have limited resources to recruit, train, and retain apprentices. We ask that the Department consider the needs of small businesses when crafting the final rule, and implement programs to help small businesses meet these new requirements. Without such support, we are concerned that small businesses will struggle to engage with these programs, which would be detrimental for apprentices and small businesses alike.

Conclusion:

Apprenticeships are valuable pathways to new industry experiences that lead to good paying, long-term careers. They offer employers access to quality talent pipelines and help spur economic mobility for apprentices. We look forward to working with you to continue to strengthen our apprenticeship system and ask for additional clarity about the proposed rule:

1. Why is the Department proposing a federal apprenticeship system that has two different sets of standards for registered youth apprenticeship programs and CTE apprenticeship programs despite them serving similar groups of apprentices? What effect does the

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Department expect this change to have on existing youth apprenticeship programs and what is the Department doing to ensure they are not negatively impacted?

2. Given the proposed phase out of programs that use entirely competency-based or time-based curricula, how many programs does the Department anticipate will be ineligible for registration using their current training models? How many apprentices do we anticipate could lose access to their programs and do we have demographic data on these apprentices? How will we help ensure that non-traditional and underrepresented apprentices, including women, maintain access to programs with this newly reduced flexibility and choice?
3. This proposed rule is massive. Stakeholders will need support as they transition their programs. What specific policies will the Department adopt to support program sponsors and other stakeholders as the proposed changes are implemented? Will the Department establish a technical assistance center? Will the Department offer targeted assistance for small and rural program sponsors?
4. This rule will effectively create a 3-tiered federal apprenticeship system, which includes registered apprenticeship, CTE Apprenticeship, and pre-apprenticeship. How will the Department make sure that there is adequate bandwidth to enforce the relevant safety and labor law requirements for each tier of the system? Does the Department have the resources to effectively support each of these pathways?

We appreciate the Department's commitment to supporting apprenticeships. Continued engagement with all of our apprenticeship partners will make sure these programs remain effective and accessible for years to come.

Thank you for your consideration.

Sincerely,



John Hickenlooper
U.S. Senator