

116TH CONGRESS
2D SESSION

H. R. 8302

To promote the furtherance of standards necessary to safeguard the welfare
of apprentices.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2020

Mr. LEVIN of Michigan (for himself and Ms. BONAMICI) introduced the
following bill; which was referred to the Committee on Education and Labor

A BILL

To promote the furtherance of standards necessary to
safeguard the welfare of apprentices.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening Train-
5 ing and Accessibility for New and Diverse Apprenticeships
6 through Relevant and Dependable Standards Act” or the
7 “STANDARDS Act”.

1 **SEC. 2. QUALITY STANDARDS OF APPRENTICESHIP PRO-**
2 **GRAMS UNDER THE NATIONAL APPRENTICE-**
3 **SHIP SYSTEM.**

4 (a) **IN GENERAL.**—Not later than one year after the
5 date of enactment of this Act, the Secretary of Labor (act-
6 ing through the Administrator of the Office of Apprentice-
7 ship) shall formulate and promote the furtherance of qual-
8 ity standards necessary to safeguard the welfare of ap-
9 prentices.

10 (b) **APPRENTICESHIP PROGRAM STANDARDS.**—An
11 apprenticeship program shall meet the following stand-
12 ards:

13 (1) The program has an organized and clearly
14 written plan, developed by the sponsor, that in-
15 cludes, at a minimum, the following information:

16 (A) The employment and training to be re-
17 ceived by each apprentice participating in the
18 program, including—

19 (i) an outline of the work processes or
20 the plan in which the apprentice will re-
21 ceive supervised work experience and on-
22 the-job learning;

23 (ii) the allocation of the approximate
24 amount of time to be spent in each major
25 work process by the apprentice;

1 (iii) a description of the mentoring
2 that will be provided to the apprentice; and

3 (iv) a description or timeline explain-
4 ing the periodic reviews and evaluations of
5 the apprentice's performance on the job
6 and in related instruction.

7 (B) A process for maintaining appropriate
8 progress records, including the reviews and
9 evaluations described in subparagraph (A)(iv).

10 (C) A description of the organized, related
11 instruction the apprentice will receive in tech-
12 nical subjects related to the occupation,
13 which—

14 (i) for time-based or hybrid appren-
15 ticeship programs as described in subpara-
16 graph (E), shall include not less than 144
17 hours for each year of apprenticeship, un-
18 less an alternative requirement is put forth
19 by the employer and sponsor that reflects
20 industry standards and is accepted by the
21 Administrator;

22 (ii) may be accomplished through
23 classroom instruction, occupational or in-
24 dustry courses, instruction provided

1 through electronic media, or other instruc-
2 tion approved by the registration agency;

3 (iii) shall be provided by one or more
4 qualified instructors that—

5 (I)(aa) meet technical instructor
6 requirements of the applicable edu-
7 cation agency in the State of registra-
8 tion; or

9 (bb) are subject matter experts,
10 defined for purposes of this subpara-
11 graph as individuals recognized within
12 an industry as having expertise in a
13 specific occupation; and

14 (II) have training in teaching
15 techniques and learning styles, or will
16 obtain such training before providing
17 the related technical instruction; and

18 (iv) where appropriate and to the ex-
19 tent practicable, shall be aligned to a ca-
20 reer pathway.

21 (D) A progressively increasing, clearly de-
22 fined schedule of wages to be paid to the ap-
23 prentice that is—

24 (i) consistent with measurable skill
25 gains; and

1 (ii) ensures the entry wage is not less
2 than the greater of—

3 (I) the minimum wage required
4 under section 6(a) of the Fair Labor
5 Standards Act of 1938 (29 U.S.C.
6 206(a)); or

7 (II) the applicable wage required
8 by other applicable Federal or State
9 laws (including regulations) or collec-
10 tive bargaining agreements.

11 (E) The term of the apprenticeship pro-
12 gram, which may be measured through—

13 (i) a time-based model, which requires
14 the completion of the industry standard for
15 on-the-job learning hours ,which in no case
16 shall be less than 2,000 hours, unless an
17 alternative requirement is put forth by the
18 employer and sponsor that reflects indus-
19 try standards and is accepted by the Sec-
20 retary and registration agency;

21 (ii) a competency-based model, which
22 requires the attainment of competency in
23 the occupation; or

1 (iii) a hybrid model, which blends the
2 time-based and competency-based ap-
3 proaches.

4 (F) The methods used to measure an ap-
5 prentice's skills and competencies, may include
6 an initial diagnostic assessment of credentials
7 that verify an individual's foundational knowl-
8 edge and skills that would be needed to succeed
9 in an apprenticeship program, and which shall
10 include—

11 (i) in the case of a time-based appren-
12 ticeship described in subparagraph (E)(i),
13 the individual apprentice's completion of
14 the required hours of on-the-job learning
15 as described in a work process schedule;

16 (ii) in the case of a competency-based
17 model, the individual apprentice's success-
18 ful demonstration of acquired skills and
19 knowledge through appropriate means of
20 testing and evaluation for such com-
21 petencies, and by requiring apprentices to
22 complete a paid on-the-job learning compo-
23 nent of the apprenticeship; or

24 (iii) in the case of a hybrid appren-
25 ticeship described in subparagraph (E)(iii),

1 a combination of specified minimum num-
2 ber of hours of on-the-job learning and the
3 successful demonstration of competency, as
4 described in a work process schedule.

5 (2) The program equally grants advanced
6 standing or credit to all individuals applying for the
7 apprenticeship with demonstrated competency or ac-
8 quired experience, training, or skills, and provides
9 commensurate wages for any progression in standing
10 or credit so granted, including for veterans' service
11 acquired skills and experiences.

12 (3) The program has minimum qualifications
13 for individuals desiring to enter the apprenticeship
14 program, with an eligible starting age for an appren-
15 tice of not less than 16 years.

16 (4) In the case of a program that chooses to
17 issue an interim credential, the program—

18 (A) clearly identifies each interim creden-
19 tial;

20 (B) only issues an interim credential for
21 recognized components of an apprenticeable oc-
22 cupation and demonstrates how each interim
23 credential specifically links to the knowledge,
24 skills, and abilities associated with such compo-
25 nents; and

1 (C) establishes the process for assessing an
2 individual apprentice's demonstration of com-
3 petency and measurable skill gains associated
4 with the particular interim credential.

5 (5) The program—

6 (A) has adequate and safe equipment, en-
7 vironments, and facilities for training and su-
8 pervision;

9 (B) provides safety training on-the-job and
10 in related instruction as applicable by
11 apprenticeable occupation; and

12 (C) provides adequate training for mentors
13 and qualified instructors on providing a safe
14 work and training environment.

15 (6) The program records and maintains all
16 records concerning the program as may be required
17 by the Secretary, the registration agency of the pro-
18 gram, or any other applicable law, including records
19 required under title 38, United States Code, in order
20 for veterans and other individuals eligible for edu-
21 cational assistance under such title to use such as-
22 sistance for enrollment in the program.

23 (7) The Administrator shall promote diversity
24 and ensure equal opportunity to participate in pro-

1 grams for apprentices, youth apprentices, and pre-
2 apprentices, including—

3 (A) taking steps necessary to promote di-
4 versity in apprenticeable occupations under the
5 national apprenticeship system, especially in
6 high-skill, high-wage, or in-demand industry
7 sectors and occupations in areas with high per-
8 centages of low-income individuals;

9 (B) ensuring programs under the national
10 apprenticeship system—

11 (i) adopt and implement policies to
12 provide for equal opportunity in such pro-
13 grams, as described in section 30.3 of title
14 29, Code of Federal Regulations (as in ef-
15 fect on January 31, 2020);

16 (ii) do not engage in intimidation or
17 retaliation as prohibited under section
18 30.17 of title 29, Code of Federal Regula-
19 tions (as in effect on January 31, 2020);
20 and

21 (iii) are subject, for any violation of
22 clause (i) or (ii), to enforcement action
23 under this Act; and

24 (C) supporting the recruitment, employ-
25 ment, and retention of nontraditional appren-

1 ticeship populations in programs under the na-
2 tional apprenticeship system in high-skill, high-
3 wage, and in-demand industry sectors and occu-
4 pations, including women, people of color, indi-
5 viduals with disabilities, individuals impacted by
6 the criminal and juvenile justice system, and in-
7 dividuals with barriers to employment, as appli-
8 cable.

9 (8) The program awards a certificate of comple-
10 tion in recognition of successful completion of the
11 program, evidenced by an appropriate certificate
12 issued by the registration agency, and culminates in
13 a recognized postsecondary credential (as defined in
14 section 3 of the Workforce Innovation and Oppor-
15 tunity Act).

16 (9) The program provides that an individual
17 who is to become a program participant under the
18 program enters into a written apprenticeship agree-
19 ment with the sponsor of the program.

20 (10) The ratio of program participants to su-
21 pervisors (such as journeyworkers, mentors, or on-
22 the-job learning instructors, as applicable) for the
23 apprenticeable occupation, that are based on evi-
24 dence-based and evidence-informed best practices for
25 supervision, training, safety, and continuity of em-

1 employment, throughout the work processes of the pro-
2 gram, job site, department, or plant, appropriate for
3 the degree of hazard in different occupations, and
4 provisions in collective bargaining agreements, as ap-
5 plicable, except if such ratios are expressly prohib-
6 ited by the collective bargaining agreements.

7 (c) APPRENTICESHIP AGREEMENTS.—

8 (1) IN GENERAL.—To ensure the standards de-
9 scribed in subsection (b) are applied to programs
10 under the national apprenticeship system, the Ad-
11 ministrator shall require a sponsor to develop an ap-
12 prenticeship agreement that shall—

13 (A) be the same for each program partici-
14 pant;

15 (B) contain the names and signatures of
16 the program participant and the sponsor;

17 (C) meet the requirements of paragraph
18 (2); and

19 (D) be submitted to the registration agen-
20 cy in accordance with the registration require-
21 ments of the program sponsor.

22 (2) STANDARDS.—Each agreement under para-
23 graph (1) shall contain, explicitly or by reference,
24 program standards under subsection (b), including—

1 (A) in the case of an apprenticeship pro-
2 gram—

3 (i) that is time-based, a statement of
4 the number of hours to be spent by the
5 program participant in on-the-job learning
6 and on-the-job training in order to com-
7 plete the program;

8 (ii) that is competency-based, a de-
9 scription of the skill sets to be attained by
10 completion of the program, including the
11 on-the-job learning and work components;
12 or

13 (iii) that is a hybrid model, the min-
14 imum number of hours to be spent by the
15 program participant in on-the-job learning
16 and work components and in related in-
17 struction, and a description of the skill sets
18 and competencies to be attained by comple-
19 tion of the program;

20 (B) the number of hours and form of re-
21 lated instruction, including how related instruc-
22 tion will be compensated (whether through aca-
23 demic credit, wages, or both), the costs the pro-
24 gram participant will incur costs for partici-
25 pating in the program (such as for equipment

1 or related instruction), and the recognized post-
2 secondary credentials the program participants
3 will be eligible to receive upon program comple-
4 tion;

5 (C) a schedule of the work processes in the
6 occupation or industry divisions in which the
7 program participant is to be trained and the
8 approximate time to be spent at each process;

9 (D) for apprenticeships or youth appren-
10 ticeships, the graduated wage scale to be paid
11 to the apprentices, benefits offered to the ap-
12 prentices, and how the wages and benefits com-
13 pare to State, local, or regional wages in the re-
14 lated occupation; and

15 (E) demonstration of commitment to and
16 compliance with subsection (b)(7).

17 (d) APPRENTICEABLE OCCUPATION.—For an occu-
18 pation to be an apprenticeable occupation under this Act,
19 a person seeking approval for such occupation to be an
20 apprenticeable occupation shall submit an application to
21 the Secretary of Labor (acting through the Administrator
22 of the Office of Apprenticeship) that demonstrates that
23 such apprenticeable occupation will prepare individuals for
24 the full range of skills and competencies needed for such

1 occupation by describing how such apprenticeable occupa-
2 tion shall—

3 (1) meet the industry recognized occupational
4 standards required by the Administrator; or

5 (2) involve the progressive attainment of skills
6 competencies and knowledge that are—

7 (A) clearly identified and commonly recog-
8 nized throughout an industry or occupation;

9 (B) customarily learned or enhanced in a
10 practical way through a structured, systematic
11 program of on-the-job supervised learning and
12 related instruction to supplement such learning;
13 and

14 (C) offered through a time-based, com-
15 petency-based, or a hybrid model measured
16 using—

17 (i) a time-based model, which requires
18 the completion of the industry standard for
19 on-the-job learning hours ,which in no case
20 shall be less than 2,000 hours, unless an
21 alternative requirement is put forth by the
22 employer and sponsor that reflects indus-
23 try standards and is accepted by the Sec-
24 retary;

1 (ii) a competency-based model, which
2 requires the attainment of competency in
3 the occupation; or

4 (iii) a hybrid model, which blends the
5 time-based and competency-based ap-
6 proaches.

7 (e) REGISTRATION AGENCY DEFINED.—The term
8 “registration agency” means the State Office of Appren-
9 ticeship or State apprenticeship agency in a State that is
10 responsible for—

11 (1) approving or denying applications from
12 sponsors for registration of programs under the na-
13 tional apprenticeship system in the State or area
14 covered by the registration agency; and

15 (2) carrying out the responsibilities of sup-
16 porting the apprenticeship programs registered by
17 the registration agency, including—

18 (A) determining whether to approve a pro-
19 posal submitted by a sponsor and notifying the
20 sponsor of the determination by not later than
21 60 days after receipt of the proposal; and

22 (B) If the proposal is approved, the
23 amending the record of the program to reflect
24 the modification or change, and providing the
25 sponsor or program administrator with an ac-

1 knowledge of the amended program, by not
2 later than 30 days after the date of approval.

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