**Part IX. Apprenticeship**

**Chapter 5. Louisiana State Plan for**

**Equal Opportunity in Apprenticeship**

**§501. Scope and Purpose**

A. This plan sets forth policies and procedures to promote equality of opportunity in apprenticeship programs

registered with the Louisiana Workforce Commission, Apprenticeship Division. These policies and procedures

apply to the recruitment and selection of apprentices, and to all conditions of employment and training during

apprenticeship. The procedures established provide for review of apprenticeship programs, for registering

apprenticeship programs, for processing complaints and for deregistering non-complying apprenticeship

programs.

B. The purpose of this plan is to promote equality of opportunity in apprenticeship by prohibiting discrimination

based on race, color, religion, national origin, sex (including discrimination on the basis of pregnancy and gender

identity), disability, age (40 or older), sexual orientation, and genetic information in apprenticeship programs, by

requiring affirmative action to provide equal opportunity in such apprenticeship programs, and by coordinating

this plan with other equal opportunity programs.

**§503. Definitions**

*Apprentice—*a person at least 16 years of age, who has entered into a written apprenticeship agreement with an employer, an association of employers, or an organization of employees, providing for not less than 2,000 hours of reasonable continuous employment and for participation in an approved program of training through employment and through education in related and supplemental subjects. No local ordinance of any political subdivision of the state shall cause any person identified as an apprentice by such political subdivision to be recognized as an apprentice by the Louisiana Workforce Commission, Apprenticeship Division.

*Apprenticeship Program/Program Sponsor*―a program registered with the Louisiana Workforce Commission,

Apprenticeship Division meeting the minimum standards of the state apprenticeship law, which has been approved by both the director of apprenticeship and the State Apprenticeship Council.

*Commission*―the Louisiana Workforce Commission.

*Director—*the director of apprenticeship for the Louisiana Workforce Commission.

*Disability*—with respect to an individual:

(1) A physical or mental impairment that substantially limits one or more major life activities of such individual;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

*Employer*―any person or organization employing an apprentice whether or not the apprentice is enrolled with

such person or organization or with some other person or organization as an employer.

*Executive Director*―the executive head and chief administrative officer of the Louisiana Workforce Commission, or any person specifically designated by the executive director.

*Louisiana Workforce Commission, Apprenticeship Division*―the division within Louisiana state government that is recognized by the Office of Apprenticeship, United States Department of Labor as the official state apprenticeship agency of record for registration of apprenticeship programs for federal purposes.

*Office of Apprenticeship (OA)*—the office designated by the Employment and Training Administration of the U.S. Department of Labor to administer the National Registered Apprenticeship System or its successor organization.

*Physical or mental impairment:*

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more

body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs),

cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or

(2) Any mental or psychological disorder, such as intellectual disability (formerly termed ‘‘mental retardation’’), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

*Sponsor*―any person or organization operating a state apprenticeship program, irrespective of whether such person or organization is an employer as a sponsor.

*State Apprenticeship Council (SAC)*―the Louisiana State Apprenticeship Council, serving as the advisory board to the Louisiana Workforce Commission.

*State Apprenticeship Agency (SAA)*―an agency of a State government that has responsibility and accountability for apprenticeship within the State. Only an SAA may seek recognition from OA as an agency which has been properly constituted under an acceptable law or Executive Order (E.O.), and authorized by OA to register and oversee apprenticeship programs and agreements for Federal purposes, Louisiana Workforce Commission, Apprenticeship Division.

*State Apprenticeship Program*―a program registered with the Louisiana Workforce Commission, Apprenticeship Division and meeting the minimum standards of the applicable federal and state apprenticeship laws.

**§505. Authority**

A. Under the authority vested in the Louisiana Workforce Commission, Apprenticeship Division and set out in Louisiana Revised Statutes, 1950, (annotated) as amended, R.S. 23:381 through R.S. 23:391, a policy is hereby formulated for non-discrimination in apprenticeship and training by the Louisiana Workforce Commission,

Apprenticeship Division.

B. On May 12, 1978, a revised Title 29 CFR Part 30 was established at the request of the Office of the Secretary of Labor, U.S. Department of Labor. Section 30.15, "State Agencies," of Title 29, Part 30, encourages all state apprenticeship agencies to adopt and implement the standards of the U.S. Department of Labor policy.

**§507. Equal Opportunity Standards**

A. Obligation of Sponsor. Each sponsor of an apprenticeship program shall:

1. assign responsibility to an individual to oversee EEO efforts;

2. recruit, select, employ and train apprentices during their term of apprenticeship without discrimination because of race, color, religion, national origin, sex (including discrimination on the basis of pregnancy and gender identity), disability, age (40 or older), sexual orientation, and genetic information;

3. uniformly apply rules and regulations concerning apprentices, including but not limited to equality of wages,

periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of

the trade, imposition of penalties or other disciplinary action, and all other aspects of the apprenticeship program

administration by the program sponsor; and

4. take affirmative action to provide equal opportunity

in apprenticeship, including adoption of an affirmative action program as required by this state plan.

5. conduct outreach and recruitment and provide notice about apprenticeship openings to community-based organizations, schools, and other groups that represent diverse populations and who can help increase apprenticeship applications from those populations; and,

6. keep the workplace free from harassment, intimidation, and retaliation, which includes anti-harassment training and maintaining procedures for handling and resolving complaints.

B. Equal Opportunity Pledge. Each sponsor of an apprenticeship program shall include in its standards and internally distribute the following equal opportunity pledge:

"[Name of sponsor] will not discriminate against apprenticeship applicants or apprentices based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, genetic information, or because they are an individual with a disability or a person 40 years old or older. [Name of sponsor] will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, part 30."

C. Programs Subject to the Approved Equal Employment Opportunity Plans. A sponsor shall not be required to adopt an affirmative action program described under §509 of this plan if it submits to the Apprenticeship Division and State Apprenticeship Council satisfactory evidence that it is in compliance with an equivalent equal employment opportunity program. This program must provide for affirmative action in apprenticeship including goals and timetables for women and minorities and must be approved as meeting the requirements of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.) and its implementing regulations published in Title 29 of the Code of Federal Title 40, Part IV 687 *Louisiana Administrative Code April 2014* Regulations, Chapter, XIV, or Executive Order 11246, as amended and its implementing regulations at Title 41 of the Code of Federal Regulations, Chapter 60 provided, that programs approved, modified, or renewed subsequent to the effective date of this amendment will qualify for this exception only if the goals and timetables for the selection of minority and female apprentices provided for in such programs are equal to or greater than the goals required under this Subsection.

D. Programs with Fewer than Five Apprentices. A sponsor of a program in which fewer than five apprentices are indentured shall not be required to adopt an affirmative action program under §509 of this plan, provided that such program was not adopted to circumvent the requirements of this Subsection.

**§509. Affirmative action programs**

A. Adoption of Affirmative action programs. A sponsor's commitment to equal opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action program.

B. Definition of Affirmative Action. Affirmative action is not merely passive nondiscrimination. It includes

procedures, methods, and programs for the identification, positive recruitment, training, and motivation of

present and potential minority and female (minority and nonminority) apprentices, including the establishment of goals and timetables. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of the work potential of minorities and women. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to the nation's labor force.

C. Outreach, Recruitment, and Retention. An acceptable affirmative action program must also include adequate provision for outreach and positive recruitment that would reasonably be expected to increase minority and female participation in apprenticeship by expanding the opportunity of minorities and women to become eligible for apprentice selection. The sponsor must follow two outreach and recruitment obligations:

1. All sponsors must implement measures to ensure that its outreach and recruitment measures extend to all potential apprentices regardless of race, sex, ethnicity, or disability. To do so, the sponsor must:

a. Develop and update a list of recruitment sources;

b. Identify a contact at each of these sources; and

c. Provide recruitment sources with advance notice of apprenticeship openings (preferably 30 days) so they can notify and refer candidates.

D. Analyses of Apprenticeship Programs’ Composition by Race, Ethnicity, and Sex. Non-exempt sponsors are to work with the Apprenticeship Division to analyze the racial, sex, and ethnic composition of their apprenticeship workforce (“workforce analysis”) and compare that to the composition of qualified individuals in the relevant labor market (“availability analysis”). This comparison is the “utilization analysis.” If the portion of women or minorities is significantly less among the sponsor’s apprentices than reasonably expected given the availability of those individuals in the labor market, then the sponsor must set goals and undertake good faith efforts to meet these goals.

E. Utilization Goals

Sponsors that maintain an AAP and are required to set race, sex, and ethnicity utilization goals, as well as utilization goals for individuals with disabilities. In establishing utilization goals, the following principles apply:

1. Utilization goals may not be rigid and inflexible quotas, which must be met, nor are they to be considered either a ceiling or a floor for the selection of particular groups as apprentices. Quotas are expressly forbidden.

2. Utilization goals may not provide a sponsor with a justification to extend a preference to any individual, select an individual, or adversely affect a status as an apprentice, on the basis of that person’s race, sex, or ethnicity.

3. Utilization goals do not create setasides for specific groups, nor are they intended to achieve proportional representation or equal results.

4. Utilization goals may not be used to supersede eligibility requirements for apprenticeship. Affirmative action programs prescribed by the regulations of this part do not require sponsors to select a person who lacks qualifications to participate in the apprenticeship program successfully, or select a less qualified person in preference to a more qualified one.

F. Disability analyses and utilization goals. Rather than conducting an availability analysis specific to a programs labor market, all affirmative action programs will have a single, national goal that seven percent of programs’ apprentices be individuals with disabilities.

1. The seven percent goal is not a quota, and sponsors will not be cited for violations simply for failing to meet the goal. Rather, sponsors that do not meet the goal would be required to examine if impediments to equal opportunity exist and if so, to correct those impediments.

2. Invitation to self-identify as an individual with a disability.

a. Pre-offer. A sponsor adopting an affirmative action program must invite applicants for apprenticeship to inform the sponsor whether the applicant believes that he or she is an individual with a disability as defined in § 501. This invitation must be provided to each applicant when the applicant applies or is considered for apprenticeship. The invitation may be included with the application materials for apprenticeship, but must be separate from the application. The sponsor must invite an applicant to self-identify as required in paragraph using the language and manner prescribed by the Administrator and published on the OA Web site.

b. Post offer. At any time after acceptance into the apprenticeship program, but before the applicant begins his or her apprenticeship, the sponsor must invite the applicant to inform the sponsor whether the applicant believes that he or she is an individual with a disability. The sponsor must invite an applicant to self-identify as required in paragraph of this section using the language and manner prescribed by the Administrator and published on the OA Web site.

c. Apprentices. The sponsor must make a one-time invitation to each current apprentice to inform the sponsor whether he or she is an individual with a disability. The sponsor must make this invitation using the language and manner prescribed by the Administrator and published on the OA Web site.

Thereafter, the sponsor must remind apprentices yearly that they may voluntarily update their disability status.

d. Voluntary self-identification for apprentices. The sponsor may not compel or coerce an individual to self-identify as an individual with a disability.

e. Confidentiality. The sponsor must keep all information on self-identification confidential, and must maintain it in a data analysis file (rather than the medical files of individual apprentices) as required under 29 CFR § 30.12(e). The sponsor must provide self-identification information to the Registration Agency upon request. Self-identification information may be used only in accordance with this part.

3. If the sponsor does not meet the utilization goal, it must take steps to determine if there are any impediments to equal employment opportunity that might explain the failure to meet the goal. If so, the sponsor must undertake action-oriented programs to eliminate these impediments.

G. Underutilization

1. As used in this Paragraph, underutilization refers to a condition in which employment of a specific group or groups in the particular craft or crafts represented by the program is less than would be reasonably expected in view of an analysis of specific factors in § 509 D-F. of this plan.

2. Sponsors required to maintain an affirmative action program (AAP) and who, based on their utilization analysis, are underutilized in a particular group and must set utilization goals (or otherwise find impediments to EEO for individuals with disabilities), must engage in the following additional outreach, and recruitment, and retention activities:

a. Distributing information to community-based organizations, local high schools, local community colleges, local vocational, career and technical schools, career centers at minority serving institutions, and other groups;

b. Advertising openings by publishing advertisements in electronic media and other appropriate forms;

c. Cooperating with local school boards and vocational education systems to develop relationships with pre-apprenticeship programs in order to prepare students from under-represented groups to meet apprenticeship entry standards; and

d. Establishing agreements to enlist the support of pre-apprenticeship programs, community-based organizations, or advocacy organizations in recruiting qualified individuals and in developing pre-apprenticeship programs.

3. When, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action program shall include a detailed explanation why no goals and timetables have been established.

4. When the sponsor fails to submit goals and timetables as part of its affirmative action program or submits

goals and timetables which are unacceptable, and the council determines that the sponsor has deficiencies in terms of underutilization of minorities or women (minority and nonminority) within the meaning of this Paragraph, the council shall establish goals and timetables applicable to the sponsor for admission of minority and female (minority and non-minority) applicants into the eligibility pool or selection of apprentices, as appropriate.

H. Review of personnel processes. As part of its affirmative action program, the sponsor must, for each registered apprenticeship program, engage in an annual review of its personnel processes related to the administration of the apprenticeship program to ensure that the sponsor is operating an apprenticeship program free from discrimination based on race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability. This annual review is required regardless of whether the sponsor is underutilized as described in §509 F. The review must be a careful, thorough, and systematic one and include review of all aspects of the apprenticeship program at the program, industry and occupation level, including, but not limited to, the qualifications for apprenticeship, application and selection procedures, wages, outreach and recruitment activities, advancement opportunities, promotions, work assignments, job performance, rotations among all work processes of the occupation, disciplinary actions, handling of requests for reasonable accommodations, and the program’s accessibility to individuals with disabilities (including to the use of information and communication technology). The sponsor must make any necessary modifications to its program to ensure that its obligations under this part are met.

J. Data and Information. The director of apprenticeship shall make available to program sponsors data and information on minority and female (minority and nonminority) labor force characteristics for each standard metropolitan statistical area, and for other special areas as appropriate.

**§511. Selection of Apprentices**

A. A sponsor’s procedures for selection of apprentices must be included in the written plan for Standards of Apprenticeship submitted to and approved by the Registration Agency, as required under § 29.5 of this title.

B. Sponsors may utilize any method or combination of methods for selection of apprentices, provided that the selection method(s) used meets the following requirements:

1. The use of the selection procedure(s) must comply with the Uniform Guidelines on Employee Selection Procedures (UGESP) (41 CFR part 60–3), including the requirements to evaluate the impact of the selection procedure on race, sex, and ethnic groups (Hispanic or Latino/non- Hispanic or Latino) and to demonstrate job-relatedness and business necessity for those procedures that result in adverse impact in accordance with the requirements of UGESP.

2. The selection procedure(s) must be uniformly and consistently applied to all applicants and apprentices within each selection procedure utilized.

3. The selection procedure(s) must comply with title I of the ADA and EEOC’s implementing regulations in part 1630. This procedure(s) must not screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the program sponsor, is shown to be job-related for the position in question and is consistent with business necessity.

4. The selection procedure(s) must be facially neutral in terms of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability.

**§5\_\_. Anti-harassment**

A. The sponsor is required to implement the following actions to ensure that apprentices are not harassed because of their race, color, religion, national origin, sex, sexual orientation, age, genetic information, or disability:

1. Provide anti-harassment training to all individuals connected with the administration and operation of the program, including apprentices, that includes: a statement that harassing conduct will not be tolerated; a definition of harassment and types of conduct that constitute unlawful behavior; and information on how to file a complaint alleging harassment

2. Make all facilities and apprenticeship activities available without regard to any of the protected bases; and

3. Establish and implement procedures for handling and resolving complaints

**§515. Records**

A. Obligations of Sponsors. Each sponsor shall keep adequate records including a summary of qualifications of

each applicant; the basis for evaluation and for selection or rejection of each applicant; a record pertaining to interviews of applicants; the original application for each applicant; information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay, or other forms of compensation or conditions of work and, separately, hours of training provided; and any other records pertinent to a determination of compliance with these regulations, as may be required by the apprenticeship division. The records pertaining to individual applicants, whether selected or rejected, shall be maintained in such a manner as to permit identification of minority and female (minority and nonminority) participants.

B. Affirmative action programs. Each sponsor must retain a statement of its affirmative action program required by §509 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analysis made pursuant to requirements of §509. Sponsors shall annually review their affirmative action programs and update them when necessary, including the goals and timetables.

C. Qualification Standards. Each sponsor must maintain evidence that its qualification standards have been validated in accordance with requirements.

D. Maintenance of Records by Sponsors. All records required by this plan and any other information relevant to

compliance with these regulations, shall be maintained for five years, and made available, upon request, to the

Louisiana Workforce Commission, Apprenticeship Division, the U.S. Department of Labor, or other authorized persons.

E. Records of the Louisiana Workforce Commission, Apprenticeship Division. The apprenticeship division shall

keep adequate records, including registration requirements, approved individual program standards, registration records, deregistration records, program compliance reviews and investigations, individual program ethnic count, total apprenticeship ethnic count, and any other records pertinent to a determination of compliance with this plan as may be required by the U.S. Department of Labor, and shall report such to the U.S. Department of Labor Office of

Apprenticeship, semi-annually.

**§517. Compliance Reviews**

A. Conduct of Compliance Reviews. The council will regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with these regulations. The council also will conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to §521.B.1, so warrant, and take appropriate action regarding programs which are not in compliance with the requirements of this plan. Compliance reviews will consist of comprehensive analysis and evaluation of each aspect of the apprenticeship program, including on-site investigations and audits. An EEO compliance review may consist of, but is not limited to, comprehensive analyses and evaluations of each aspect of the apprenticeship program through off-site reviews, such as desk audits of records submitted to the apprenticeship division, and on-site reviews conducted at the sponsor’s establishment that may involve examination of records required under this part; inspection and copying of documents related to recordkeeping requirements of this part; and interviews with employees, apprentices, journeyworkers, supervisors, managers, and hiring officials.

1. Notification of compliance review findings. Within 45 business days of completing an EEO compliance review, the apprenticeship division must present a written Notice of Compliance Review Findings to the sponsor’s contact person through registered or certified mail, with return receipt requested. If the compliance review indicates a failure to comply with this part, the apprenticeship division will so inform the sponsor in the Notice and will set forth in the Notice the following:

a. The deficiency(ies) identified;

b. How to remedy the deficiency(ies);

c. The timeframe within which the deficiency(ies) must be corrected; and

d. Enforcement actions may be undertaken if compliance is not achieved within the required timeframe.

2. Compliance.

a. When a sponsor receives a Notice of Compliance Review Findings that indicates a failure to comply with this part, the sponsor must, within 30 business days of notification, either implement a compliance action plan and notify the apprenticeship division of that plan or submit a written rebuttal to the Findings. Sponsors may also seek to extend this deadline one time by up to 30 days for good cause shown. If the apprenticeship division upholds the Notice after receiving a written response, the sponsor must implement a compliance action plan within 30 days of receiving the notice from the apprenticeship division upholding its Findings. The compliance action plan must include, but is not limited to, the following provisions:

i. A specific commitment, in writing, to correct or remediate identified deficiency(ies) and area(s) of noncompliance;

ii. The precise actions to be taken for each deficiency identified;

iii. The time period within which the cited deficiency(ies) will be remedied and any corrective program changes implemented; and

iv. The name of the individual(s) responsible for correcting each deficiency identified.

b. Upon the apprenticeship division’s approval of the compliance action plan, the sponsor may be considered in compliance with this part provided that the compliance action plan is implemented.

3. Enforcement actions. Any sponsor that fails to implement its compliance action plan within the specified timeframes may be subject to an enforcement action under Title 29 Code of Federal Regulations, part 30.15.

B. Reregistration. A sponsor seeking reregistration shall be subject to a compliance review as described in §517.A as part of the registration process.

C. New Registration. Sponsors seeking new registration shall be subject to a compliance review as described in

§517.A by the apprenticeship division as part of the registration process.

D. Voluntary Compliance. When a compliance review indicates that the sponsor is not operating in accordance with this plan, the apprenticeship division shall notify the sponsor in writing of results of the review and make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before

undertaking sanctions described under §525. In the case of sponsors seeking new registration, the apprenticeship

division will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration

purposes.

**§5\_\_. Timetable for Initial Obligations**

1. Existing Sponsors
2. 180 days post-effective date of these amendments (insert date) existing sponsors shall implement the following non-discrimination measures:
   1. Refrain from discrimination, including new protected bases
   2. Update and disseminate EO pledge
   3. Begin universal outreach efforts
   4. Implement anti-harassment measures
3. 2 years post-effective date existing sponsors shall:
   1. Disseminate one-time invitation to self-identify (ID) for all current apprentices, begin self-ID at pre and post stage (§509 E. 2.)
   2. Begin invitations to self-ID at pre-offer and post-offer stage (§509 E. 2.)
   3. Conduct initial workforce analysis for race/sex (§509 D.) and individuals with disabilities (§509 E.)
   4. Conduct initial review of personnel processes (§5\_\_)
   5. Draft written AAP (§ 509)
4. At First Compliance Review After Effective Date (whenever that occurs)
   1. Conduct utilization analysis for race/sex (w/ RA assistance) (§509 D.)
   2. If data shows underutilization for sex, minority group, or IWDs, set utilization goal (§ 509 E.)
5. New Sponsors
6. Upon Registration (or 180 days post-effective date (insert date) of these amendments, whichever is later)
   1. Refrain from discrimination, including new protected bases
   2. Update and disseminate EO pledge
   3. Begin universal outreach efforts
   4. Implement anti-harassment measures
7. 2 years post-registration new sponsors shall:
   1. Disseminate one-time invitation to self-identify (ID) for all current apprentices, begin self-ID at pre and post stage (§509 E. 2.)
   2. Begin invitations to self-ID at pre-offer and post-offer stage (§509 E. 2.)
   3. Conduct initial workforce analysis for race/sex (§509 D.) and individuals with disabilities (§509 E.)
   4. Conduct initial review of personnel processes (§5\_\_)
   5. Draft written AAP (§ 509)

3. At First Compliance Review After Effective Date (whenever that occurs)

* 1. Conduct utilization analysis for race/sex (w/ RA assistance) (§509 D.)
  2. If data shows underutilization for sex, minority group, or IWDs, set utilization goal (§ 509 E.)

1. Schedule of Recurring Obligations

1. Sponsors shall:

a. update their list of recruitment sources annually

b. update their written Affirmative action program each time a workforce analysis is done (at compliance review, and then again in 3 years if no intervening compliance review)

* 1. Conduct a workforce analysis (race/sex/ethnicity) at each compliance review, and again if 3 years have passed since last workforce analysis without a compliance review
  2. Conduct availability analysis (race/sex/ethnicity) at each compliance review
  3. Establish Utilization Goals (race/sex/ethnicity) at each compliance review (if underutilized)
  4. Conduct Workforce Analysis (disability) at each compliance review, and again if 3 years have passed since last workforce analysis without a compliance review
  5. Participate in action oriented efforts for race/sex/ethnicity if goal is set at compliance review and disability if underutilization determined and impediments to EEO are determined to exist
  6. Review of personnel processes annually
  7. Invite apprentices to self-identify as individual with a disability through:

1. Pre-offer: When individual applies or is considered for apprenticeship
2. Post-offer: After acceptance into program, but before apprenticeship begins
3. Reminder to apprentices in program that they can update self-ID: Annually.

**§519. Noncompliance with Federal and State Equal Opportunity Requirements**

A. A pattern or practice of noncompliance by a sponsor (or when the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with federal or state laws or regulations requiring equal opportunity may be grounds for imposition of sanctions in accordance with §525 if such noncompliance is related to equal employment opportunities of apprentices and/or graduates of such an apprenticeship program under this plan. The sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling their equal employment opportunity obligations.

**§521. Complaint Procedure**

A. Requirements for individuals filing complaints

1. Who may file. Any individual who believes that he or she has been or is being discriminated against on the basis of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic

information, or disability with regard to apprenticeship, or who believes he or she has been retaliated against as described in Title 29 CFR Part 30.17, may, personally or through an authorized representative, file a written complaint with the apprenticeship division with whom the apprenticeship program is registered.

2. Time period for filing a complaint. Generally, a complaint must be filed within 300 days of the alleged discrimination or specified failure to follow the equal opportunity standards. However, for good cause shown, the apprenticeship division may extend the filing time. The time period for filing is for the administrative convenience of the apprenticeship division and does not create a defense for the respondent.

3. Contents of the complaint. Each complaint must be made in writing and must contain the following information:

a. The complainant’s name, address and telephone number, or other means for contacting the complainant;

b. The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);

c. A short description of the events that the complainant believes were discriminatory, including but not limited to when the events took place, what occurred, and why complainant believes the actions were discriminatory (for example, because of his or her race, color, religion, sex, sexual orientation, national origin, age (40 or older), genetic information, or disability).

d. The complainant’s signature or the signature of the complainant’s authorized representative.

B. Requirements of sponsors. Sponsors must provide written notice to all applicants for apprenticeship and all apprentices of their right to file a discrimination complaint and the procedures for doing so. The notice must include the address, phone number, and other contact information for the apprenticeship division that will receive and investigate complaints filed under this part. The notice must be provided in the application for apprenticeship and must also be displayed in a prominent, publicly available location where all apprentices will see the notice. The notice must contain the following specific wording:

*Your Right to Equal Opportunity*

*It is against the law for a sponsor of an apprenticeship program registered for Federal purposes to discriminate against an apprenticeship applicant or apprentice based on race, color, religion, national origin, sex, sexual orientation, age (40 years or older), genetic information, or disability. The sponsor must ensure equal opportunity with regard to all terms, conditions, and privileges associated with apprenticeship. If you think that you have been subjected to discrimination, you may file a complaint within 300 days from the date of the alleged discrimination or failure to follow the equal opportunity standards with [INSERT NAME OF APPRENTICESHIP DIVISION, ADDRESS, PHONE NUMBER, EMAIL ADDRESS, AND CONTACT NAME OF INDIVIDUAL AT THE APPRENTICESHIP DIVISION WHO IS RESPONSIBLE FOR RECEIVING COMPLAINTS]. You may also be able to file complaints directly with the EEOC, or State fair employment practices agency. If those offices have jurisdiction over the sponsor/employer, their contact information is listed below. [INSERT CONTACT INFORMATION FOR EEOC AS PROVIDED ON ‘‘EEO IS THE LAW POSTER,’’ AND CONTACT*

*INFORMATION FOR STATE FEPA AS PROVIDED ON STATE FEPA POSTER, AS*

*APPLICABLE]*

*Each complaint filed must be made in writing and include the following information:*

*1. Complainant’s name, address and telephone number, or other means for contacting the complainant;*

*2. The identity of the respondent (i.e. the name, address, and telephone number of the individual or entity that the complainant alleges is responsible for the discrimination);*

*3. A short description of the events that the complainant believes were discriminatory, including but not limited to when the events took place, what occurred, and why the complainant believes the actions were*

*discriminatory (for example, because of his/her race, color, religion, sex, sexual orientation, national origin, age (40 or older), genetic information, or disability);*

*4. The complainant’s signature or the signature of the complainant’s authorized representative.*

C. Requirements of the apprenticeship division

1. Conduct investigations. The investigation of a complaint filed under this part will be undertaken by the apprenticeship division, and will proceed as expeditiously as possible. In conducting complaint investigations, the apprenticeship division must:

a. Provide written notice to the complainant acknowledging receipt of the complaint;

b. Contact the complainant, if the complaint form is incomplete, to obtain full information necessary to initiate an investigation;

c. Initiate an investigation upon receiving a complete complaint;

d. Complete a thorough investigation of the allegations of the complaint and develop a complete case record that must contain, but is not limited to, the name, address, and telephone number of each person interviewed, the interview statements, copies, transcripts, or summaries (where appropriate) of pertinent documents, and a narrative report of the investigation with references to exhibits and other evidence which relate to the alleged violations; and

e. Provide written notification of the apprenticeship division’s findings to both the respondent and the complainant.

2. Seek compliance. Where a report of findings from a complaint investigation indicates a violation of the nondiscrimination requirements of this part, the apprenticeship division should attempt to resolve the matter quickly at the apprenticeship division level whenever appropriate. Where a complaint of discrimination cannot be resolved at the apprenticeship division level to the satisfaction of the complainant, the apprenticeship division must refer the complaint to other Federal, State or local EEO agencies, as appropriate.

3. Referrals to other EEO agencies. The apprenticeship division, at its discretion, may choose to refer a complaint immediately upon its receipt or any time thereafter to:

a. The EEOC;

b. The United States Attorney General;

c. The Department’s OFCCP; or

d. For an SAA, to its Fair Employment Practices Agency.

4. Enforcement Actions

Where the apprenticeship division, as a result of a compliance review, complaint investigation, or other reason, determines that the sponsor is not operating its apprenticeship program in accordance with this part, the apprenticeship division must notify the sponsor in writing of the specific violation(s) identified and may:

(a) Offer the sponsor technical assistance to promote compliance with this part.

(b) Suspend the sponsor’s right to register new apprentices if the sponsor fails to implement a compliance action plan to correct the specific violation(s) identified within 30 business days from the date the sponsor is so notified of the violation(s), or, if the sponsor submits a written response to the findings of noncompliance, fails to implement a compliance action plan within 30 days of receiving the apprenticeship division’s notice upholding its initial noncompliance findings. If the sponsor has not implemented a compliance action plan within 30 business days of notification of suspension, the apprenticeship division may institute proceedings to deregister the program in accordance with the deregistration proceedings set forth in part 29 of this chapter, or if the apprenticeship division does not institute such proceedings within 45 days of the start of the suspension, the suspension is lifted.

(c) Take any other action authorized by law. These other actions may include, but are not limited to:

(1) Referral to the EEOC;

(2) Referral to an appropriate State fair employment practice agency; or

(3) Referral to the Department’s OFCCP.

**§523. Adjustments in Schedule for Compliance Review**

**or Complaint Processing**

A. If, in the judgment of the apprenticeship division, a particular situation warrants and requires special processing and either expedited or extended determination, it shall take steps necessary to permit such determination if it finds that no person or party affected by such determination will be prejudiced by such special processing.

**§525. Sanctions**

A. When the apprenticeship division, as a result of a compliance review or other reason, determines that there is

reasonable cause to believe that an apprenticeship program is not operating in accordance with this plan, and voluntary corrective action has not been taken by the program sponsor, the apprenticeship division shall institute proceedings to deregister the program or it shall refer the matter to the U.S. Department of Labor for referral to the Equal Employment Opportunity Commission or the attorney general with recommendations for institution of a court action by the attorney general under Title VII of the Civil Rights Act of 1964, as amended, or the attorney general for other court action as authorized by law.

B. Deregistration proceedings shall be conducted in accordance with the following procedures.

1. The apprenticeship division shall notify the sponsor in writing that a determination of reasonable cause

has been made under provisions of §525.A and that the apprenticeship program may be deregistered unless, within

15 days of receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the

determination is based.

2. If within 15 days of receipt of the notice provided for in §525.B.1, the sponsor mails a request for hearing, the

executive director, Louisiana Workforce Commission, Apprenticeship Division, shall convene a hearing in

accordance with §525.C.

3. The executive director, Louisiana Workforce Commission, Apprenticeship Division, shall make a final

decision on the basis of the records, which shall consist of the compliance review file and other evidence presented, and if a hearing was conducted pursuant §525.C, the proposed findings and recommended decision of the hearing officer. The executive director, Louisiana Workforce Commission, Apprenticeship Division, may allow the sponsor reasonable time to take voluntary corrective action. If the Executive Director’s decision is that the apprenticeship program is not operating in accordance with this plan, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the executive director shall make public notice of the order and shall notify the sponsor and the complainant, if any, and the U.S. Department of Labor. The apprenticeship division shall inform any sponsor whose program has been deregistered that it may appeal such deregistration to the U.S. Department of Labor in accordance with procedure set forth at 29 CFR 30.15.

C. Hearings. A hearing shall be conducted in accordance with the following procedures.

1. Within 10 days of receipt of a request for a hearing, the executive director, Louisiana Workforce Commission,

Apprenticeship Division, shall designate a hearing officer. The hearing officer shall give reasonable notice of such

hearing by certified mail, return receipt requested, to the sponsor. Such notice shall include a reasonable time and

place of hearing, a statement of the provisions of this plan pursuant to which the hearing is to be held, and a concise

statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

2. The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the Executive Director upon the basis of the record before them.

**§527. Reinstatement of Program Registration**

A. Any apprenticeship program deregistered pursuant to this plan may be reinstated upon presentation of adequate evidence to the director of apprenticeship and state apprenticeship council, that the apprenticeship program is operating in accordance with this plan.

**§529. Intimidatory or Retaliatory Acts**

A. Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor against any person for the purpose of interfering with any right or privilege secured by Title VII of the Civil Rights Act of 1964, as amended, Executive Order 11246 , as amended, or because he or she as made a complaint, testified, assisted, or participated in any manner in any investigation proceeding or hearing under this plan, shall be considered noncompliance with the equal opportunity standards of this plan. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this plan, including conduct of any investigation, hearing or judicial proceeding arising there from.

**§531. Nondiscrimination**

A. The commitments contained in the sponsor's affirmative action program are not intended, and shall not be

used, to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, sex (including discrimination on the basis of pregnancy and gender identity), disability, age (40 or older), sexual orientation, or genetic information.

**§533. Exemptions**

A. Requests for exemption from these regulations, or any part thereof, shall be made in writing to the director of

apprenticeship and shall contain a statement of reasons supporting the request. Exemptions may be granted for good

cause. The apprenticeship division will immediately notify the U.S. Department of Labor of any such exemptions

granted affecting a substantial number of employees and reasons therefore.

B. Partial exemptions may be granted from three requirements namely:

1. adoption of an affirmative action program;

2. adoption of selection procedures; and

3. discard of existing eligibility lists.

C. Sponsors eligible for exemption are those who are subject to an equal employment opportunity program providing for selection of apprentices, and for affirmative action in apprenticeship which has been approved as

meeting requirement of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.) and its

implementing regulations published in Title 29 of the Code of Federal Regulations, Chapter XIV, or Executive Order 11246, as amended, and its implementing regulations at Title 41 of the Code of Federal Regulations, Chapter 60.

**§535. Severability Clause**

A. These rules and each of their provisions are hereby declared to be severable, one from another. If any provision or item of a rule, or the application thereof, is held invalid, such invalidity shall not effect other provisions, items, or applications of the rule which can be given effect without the invalid provision, item or application.