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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**BLI 7-2022**

CHAPTER 839

BUREAU OF LABOR AND INDUSTRIES

**FILED**

05/31/2022 3:00 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Update to rules regulating pre-apprenticeship programs

EFFECTIVE DATE: 06/01/2022 THROUGH 11/27/2022

AGENCY APPROVED DATE: 05/31/2022

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NEED FOR THE RULE(S):

During the 2022 Legislative Session, the legislature passed Senate Bill 1545, also known as Future Ready Oregon, a comprehensive \$200 million package of investments that work together to advance an equitable workforce system that supports people with the education, training, and resources they need to get into good-paying, sustainable careers. It prioritizes key populations, advances collaboration and partnerships with community and culturally based organizations, workforce education and training providers.

Future Ready Oregon included a \$20 million investment to expand registered apprenticeship to key growth sectors to build a skilled, more diversified workforce in health care, manufacturing, and will support construction pre-apprenticeship and youth programming to bolster our workforce pipeline. The Bureau of Labor and Industries (BOLI) must establish and administer a grant program to provide financial support for the development, expansion and implementation of registered apprenticeship and pre-apprenticeship training programs in health care and manufacturing, and for the development and implementation of pre-apprenticeship training programs in construction. An important component of Future Ready Oregon is accountability which includes the ability to track and evaluate how funds are utilized to support pre-apprenticeship programs, track enrollment and retention, and participation by individuals in Priority Populations.

Current, administrative rules related to pre-apprenticeship have not been updated since their inception in 2015. The rules do not provide for tracking enrollment and retention in pre-apprenticeship, reflect current practices and procedures, or have any mechanism or authority for evaluating pre-apprenticeship programs akin to their apprenticeship counterparts. The temporary rules update pre-apprenticeship rules to provide for reporting and evaluation, tracking enrollment and retention, and ensuring compliance and accountability.

Therefore, in response to both Future Ready Oregon and the general need to ensure accountability across all pre-apprenticeship program, the rules must be updated.

JUSTIFICATION OF TEMPORARY FILING:

The agency must act expeditiously to implement and allocate grant funds associated with Future Ready Oregon there is

not sufficient time for the agency to complete the permanent rulemaking process and must issue temporary rules to ensure all pre-apprenticeship programs are treated equally and understand accountability responsibilities, generally, and in relationship to Future Ready Oregon. Failure to do temporary rules will result in substantial lost opportunity to those seeking to establish and expand pre-apprenticeships program with Future Ready Oregon funds. The inability of pre-apprenticeship programs to access grant funds will harm the goal of the program, which is to advance equitable, diverse pre-apprenticeship programs that support Priority Populations with the education, training, and resources they need to get into good-paying, sustainable careers.

The temporary rules will ensure equity, consistency, and accountability across all pre-apprenticeship programs and provide opportunities for those programs that seek to apply for Future Ready Oregon grant funds.

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DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 660.120 - [https://www.oregonlegislature.gov/bills\\_laws/ors/ors660.html](https://www.oregonlegislature.gov/bills_laws/ors/ors660.html)

Senate Bill 1545, 2022 - <https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/SB1545>

OAR 839-011-0335 -

[https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID\\_OARD=\\_ncbvyeFuGQayHbIFtkIVJBPGhPhMNxnL3hY\\_tflf!-1156552039?ruleVrsnRsn=208957](https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=_ncbvyeFuGQayHbIFtkIVJBPGhPhMNxnL3hY_tflf!-1156552039?ruleVrsnRsn=208957)

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RULES:

839-011-0070, 839-011-0335

AMEND: 839-011-0070

RULE SUMMARY: Update to include definition of Priority Populations per SB 1545, 2022.

CHANGES TO RULE:

839-011-0070

Apprenticeship and Training Committees - Definitions ¶¶

(1) "Division" means the Apprenticeship and Training Division of the Bureau.¶¶

(2) "Employee" means any person employed or active in an applicable trade.¶¶

(3) "Local Committee" means any registered joint or trades apprenticeship or training committee approved by the Council.¶¶

(4) "State minimum guideline standards" means industry/trade benchmarks developed by a Council approved state committee and approved by the Council that represent the fundamental requirements necessary for entry into and completion of specific Council approved apprenticeship or training programs.¶¶

(5) "Registered apprenticeship program" means a local committee approved by the Council to operate an apprenticeship or training program in a specific occupation.¶¶

(6) "Registration of an Apprenticeship Agreement" means the acceptance and recording of an apprentice or trainee agreement by the Division on behalf of the Council. Registration is evidence of the participation of the apprentice or trainee in a registered program.¶¶

(7) "Registration of an apprenticeship program" means the acceptance and recording of such program by the Office of Apprenticeship, or registration and/or approval by a recognized State Apprenticeship Agency, as meeting the basic standards and requirements of the Department for approval of such program for Federal purposes. Approval is evidenced by a Certificate of Registration or other written indicia.¶¶

(8) "Standards" means a written agreement submitted by a local committee and approved by the Council, which sets forth a plan containing all terms and conditions for the qualification, employment and training of apprentices or trainees as set forth in ORS chapter 660.126 and 660.137.¶¶

(9) "Trainee" means any individual registered to a registered training program. For the purposes of these rules, all apprentice requirements apply to trainees unless otherwise noted.¶¶

(10) "Training agent" means an employer or organization approved by a local committee to employ and train apprentices and registered with the Division.¶¶

(11) "Training program" means any registered program of 2,000 on-the-job training hours or less. For the

purposes of these rules, all apprenticeship requirements apply to training programs unless otherwise noted.¶

(12) "Journey worker" is a fully skilled practitioner who can work independently in a given trade or occupation in accordance with ORS chapter 660.010(4). Generally, a skilled crafts person has a minimum of four years of verifiable trade-specific experience or has completed a state certified apprenticeship program in the applicable trade and holds a license where required. Use of the term may also refer to a mentor, technician, specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training.¶

(13) "Completion rate" means the percentage of an apprenticeship cohort who receives a certificate of apprenticeship completion within 1 year of the projected completion date. An apprenticeship cohort is the group of individual apprentices registered to a specific program during a 1 year time frame, except that a cohort does not include the apprentices whose apprenticeship agreement has been cancelled during the probationary period. The projected completion date is the number of years determined by the greater of the following measures:¶

(a) The number of required on-the-job training hours needed for completion of the program divided by 2000 and rounded up to the nearest whole number; or¶

(b) The number of years of required related training prescribed in the applicable standard.¶

(14) "Job Site" means:¶

(a) For standards in construction trades, the area covered by an approved building permit, plan of development or contract number, or contractual agreement for new construction or renovation;¶

(b) For standards in non-construction trades, the physical area within the wall that services are offered or the location that is identified on the license by the licensing board and/or other local government or a single job or group of jobs on the same circuit or within the same general area.¶

(15) "Federal purposes" means any federal contract, grant, agreement or arrangement dealing with apprenticeship; and any federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship pursuant to 29 C.F.R. Part 29.2.¶

(16) "Competency" means the attainment of manual, mechanical or technical skills and knowledge, as specified by an occupational standard and demonstrated by appropriate written and hands-on proficiency measurements.¶

(17) "Electronic media" means media that utilize electronics or electromechanical energy for the end user (audience) to access the content; and includes, but is not limited to, electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic media and/or interactive distance learning.¶

(18) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice's occupation. Such instruction may be given in a classroom, through occupational or industrial courses, or by correspondence.¶

(19) "Sponsor" means any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.¶

(20) "Suspension of an apprenticeship agreement" means a temporary committee action to hold the apprenticeship agreement in abeyance during an investigation of a program or policy violation by the apprentice. The committee or its designee may temporarily suspend an apprentice upon the recommendation of the sponsor, an employer, or the committee's designee. The committee shall notify the apprentice and the Division of the suspension action in writing and such notice shall state the reasons for the suspension action, the duration of the suspension action and shall state that the apprentice has a right to appear before the committee to contest the suspension by written request to the committee within 10 days after the date the notice is issued. If review is requested, the apprentice has a right to appear before the committee to contest the suspension at its next scheduled committee meeting. An apprenticeship agreement may also be suspended at the apprentice's request in accordance with committee policies and procedures.¶

(21) "Priority Populations" as defined by Oregon Law Chapter 28, 2022.

Statutory/Other Authority: ORS 660.120(3)

Statutes/Other Implemented: ORS 660.120(1), OL Chapter 28, 2022

AMEND: 839-011-0335

RULE SUMMARY: Update to pre-apprenticeship rules to modernize and align with practices.

CHANGES TO RULE:

839-011-0335

Apprenticeship and Training Committees - Pre-Apprenticeship Programs ¶

(1) Pre-apprenticeship is a program designed to prepare under-represented, disadvantaged or, low-skilled, or individuals from Priority Populations to enter and succeed in complete a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship committee(s). In order to be used by a registered apprenticeship committee as a direct entry or preferred applicant source, a pre-apprenticeship program must be approved by the Council and incorporate the following elements:¶

(a) Council approved training and curriculum based on industry standards;¶

(2) Written request for Council approval of a registered pre-apprenticeship program shall include the following information:¶

(ba) Detailed recruitment strategies focused on outreach to under-represented Identification of the need for the pre-apprenticeship program and the target populations served;¶

(cb) Provides assistance in exposing participants to registered apprenticeship programs and provides direct assistance to participants applying to those programs;¶

(d) Provides hands-on training to individuals in a simulated lab experience or through volunteer opportunities, when possible, neither of which supplants a paid employee but accurately simulates the industry and occupational conditions of the partnering registered apprenticeship sponsor(s) while observing proper supervision and safety protocols;¶

(e) Provide A statement clearly describing the program and the organization sponsoring and operating the pre-apprenticeship training;¶

(c) A statement of program objectives, outcomes, participant competencies upon completion and benchmarks for success;¶

(d) A statement outlining specific outreach and recruitment activities designed to encourage participation from Priority Populations;¶

(e) A course outline providing an overview of the academic and manipulative portions of the program. Individual course descriptions, class hours and measurement tool(s) used to determine successful completion of classes should be provided in this section;¶

(f) A description and images of the training facilities used for pre-apprenticeship training;¶

(g) A list of the knowledge, skills and abilities required to be an instructor in this program; and¶

(h) A formalized agreement, such as a memorandum of understanding, which documents facilitated entry or articulation with one or more at least one registered apprenticeship programs and where possible, has a formalized agreement with a registered apprenticeship program that enables individuals who have successfully completed the pre-apprenticeship program to enter directly into a registered apprenticeship program and/or include articulation agreements for earning or earn advanced credit/ or placement for skills and competencies already acquired.¶

(f) Provide a letter of approval from one ocquired during pre-apprenticeship training.¶

(3) In order mfore registered a pre-apprenticeship committee stating that the proposed pre-apprenticeship program will prepare individuals with the skills and competencies needed to meet the minimum entry requirements of the program to be approved by the Council, pre-apprenticeship programs must incorporate the following elements:¶

(a) Council-approved training and curriculum based on industry standards;¶

(b) Detailed recruitment strategies focused on outreach to that demonstrate effective strategies for engaging Priority Populations;¶

(c) Provide exposure to diverse apprenticeship opportunities including but not limited to site visits to training programs and that upon completion, completing pre-apprenopportunities to engage with active apprentices, training administrators, or employers from specific occupations; and ¶

(d) Provides hands-on training to individuals in a simulated lab experience or through volunteer opportunities, will meet the minimum entry requirements, gain consideration, and are prepared for success in the program as a preferred applicant sourcehen possible, neither of which supplants a paid employee but accurately simulates the industry and occupational conditions of the partnering registered apprenticeship sponsor(s) while observing proper supervision and safety protocols.¶

(24) Written request for Council approvalPre-apprenticeship program sponsors agree to provide the Council with a list of a pre-apprenticeship program shall include the followparticipants no later than 14 days after participants

begin their training program. Program sponsors will provide participants name, address and other identifying information;

- (a) Identification of the need for the pre-apprenticeship program and the target population served;
- (b) A statement clearly describing the program and the organization sponsoring and operating the pre-apprenticeship training;
- (c) A statement of program objectives, outcomes, participant competencies upon completion and benchmarks for success;
- (d) A course outline providing an overview as determined by the Council, on a form designated by the Division.
- (5) Pre-apprenticeship program sponsors agree to provide the Council with a list of pre-apprenticeship program graduates no later than 30 days from the date of completion on a form designated by the Council.
- (6) Upon due notice and a reasonable opportunity to show cause, the Council may revoke pre-apprenticeship program for inactivity, inadequate activity, or failure to abide by the rules and policies of the Council.
- (7) A provider may voluntarily request the cancellation of pre-apprenticeship program by submitting a request to the Director or the Council. A programs' registration will be cancelled by the Council effective on the date that written notice is received by the Director of the academic and manipulative per Council. A provider may request administrative reactivations of the program. Individual course descriptions, class hours and measurement tool(s) used to determine successful completion of classes should be provided in this section that was voluntarily cancelled. Request for reactivation must be made within two (2) years of the date that written notice requesting voluntarily cancellation was received by the Director or the Council.
- (e8) A description of the training facility. All programs are subject to periodic quality assurance reviews used for pre-apprenticeship training.
- (f) A list of the knowledge, skills and abilities required to be an instructor in this program.
- (3) Pre-apprenticeship of program operations. The Division shall develop a review schedule that identifies when a program will be subject to a review, and the time period being evaluated.
- (9) Quality assurance reviews will be conducted at intervals not to exceed once every five (5) years.
- (10) Quality assurance reviews will evaluate program sponsors agree to provide the Council with a list of pre-apprenticeship program graduates at least once every six (6) months indicating the names, addresses and other identifying information for program completers on a form designated by the Division operations, outreach, recruitment, and completion data.
- (11) All quality assurance reviews will be reported on the Division approved form and will be distributed to the registered pre-apprenticeship program, the Director, and the Council.
- (12) The Council will review and take action on the quality assurance reports. Action may include, but is not limited to, any of the following:
  - (a) Approve the report.
  - (b) Order a probationary period including more frequent and detailed reviews.
  - (c) Direct corrective action accordingly.
- (4d) Upon due notice and a reasonable opportunity to show cause, the Council may revoke pre-apprenticeship program approval should it find that the program is not serving the intended purposes of the program in the best interest of registered. Impose sanctions including censure, suspension of registration status, and may include revocation of program approval to operate as a registered pre-apprenticeship program.
- (e) Any other action as directed by the Council and the Division.
- (13) The Division will provide technical assistance and performance improvement plans to assist pre-apprenticeship programs.

Statutory/Other Authority: ORS 660.120

Statutes/Other Implemented: ORS 660.126, ORS 660.137