
 POLICY	NUMBER Policy #2024-01	SUPERSEDES N/A
	EFFECTIVE DATE January 1, 2025	PAGES 4
	VALIDATION DATE December 12, 2024	
DIVISION Apprenticeship & Training Division	REFERENCE 20 CFR Part 1002 29 CFR Part 30.3 (ix) 20 C.F.R. § 1002.181 ORS 660.137 (4) Title 10 and 32 of the USC	
APPROVING BODY Oregon State Apprenticeship & Training Council		
SUBJECT Military Service Member Apprentices recalled to and returning from Active Service	APPROVED SIGNATURE  4/17/2025 12:29 PM PD	

PURPOSE

The purpose of this policy is to ensure consistency across all registered apprenticeship program operations and ensure that compliance expectations are not adversely affected by apprentice engagement in Active Service. The Policy provides Registered Apprenticeship (RA) Sponsors guidance to ensure the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is being properly implemented within their Program and how Sponsors are to approach Military Service Member Apprentices (MSMA) recalled to and returning from Active Service using the Oregon Apprenticeship Tracking System (OATS).

APPLICABILITY

This policy pertains to RA program Sponsors, Training Agents and MSMA registered with the Oregon State Apprenticeship & Training Council.

DEFINITIONS

Active Service	(a) Service performed on full-time duty status under Title 10 of the USC (b) Service performed on full-time duty status under Title 32 of the USC (Both of these provisions are Presidential Authorization Orders)
Apprentice	A worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation as defined in Oregon Revised Statutes

	(ORS) 660.010 under standards of apprenticeship fulfilling the requirements of ORS 660.126.
Apprentice Reviews	A review, conducted by the Apprenticeship Program, that occurs at least semiannually, of the apprentice's progress, job performance, related instruction, and consistency with the skills acquired, as required in ORS 660.137.
Apprenticeship Program	A local committee approved by the Council to operate in a specific occupation.
Council	The Oregon State Apprenticeship & Training Council or OSATC, the entity that approves and regulates apprenticeships in Oregon.
Division	The Apprenticeship and Training Division of the Oregon Bureau of Labor and Industries.
ESGR	Employer Support of the Guard and Reserve is a Department of Defense office Employee and Employer.
MSMA	<p>Military Service Member Apprentice, a servicemember who is a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard—</p> <ul style="list-style-type: none"> (i) on active duty, as defined in section 101(d)(1) of Title 10, United States Code and (ii) A member of the National Guard or Reserve, called to active service authorized by the President or the Secretary of Defense, for more than 30 consecutive days under section 502(f) of Title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.
OATS	The Oregon Apprenticeship Tracking System, the web-based system in which apprenticeship committee actions are recorded and documentation is uploaded.
ORS	Oregon Revised Statutes
Prompt Reemployment	Means as soon as practicable under the circumstances of each case. Absent unusual circumstances, reemployment must occur within two weeks of the service member's submission of an application for reemployment. See 20 C.F.R. § 1002.181.
Sponsor	Any person, association, committee, or organization operating an apprenticeship program, and in whose name the program is (or is to be) registered or approved. In Oregon, the Sponsor is required to have both employer and employee representatives in accordance with ORS Chapter 660.
Training Agent	An employer that is registered with a local joint committee and the Apprenticeship and Training Division of the Bureau of Labor and Industries.
USERRA	The Uniformed Services Employment and Reemployment Rights Act of 1994, that protects military service members and veterans from employment discrimination on the basis of their service and allows

	them to regain their civilian jobs following a period of uniformed service.
--	---

REQUIRED APPRENTICESHIP SPONSOR ACTIONS

- ☐ **Sponsors MUST communicate and ensure all Training Agents within their Program are following Federal Law which requires them to notify all their MSMA of their rights and responsibilities under USERRA.**

Training Agents may meet this requirement by displaying this poster (<https://www.dol.gov/agencies/vets/programs/userra/poster>) where they customarily place notices for employees.

- ☐ **Apprenticeship Sponsors MUST advise all onboarding MSMA of their rights and responsibilities under USERRA.**

Sponsors MUST ensure all onboarding MSMA are advised/informed of their rights and responsibilities under USERRA as part of their orientation into the Program.

- ☐ **Sponsors MUST advise all Training Agents and MSMA within their Program that the ESGR stands ready to assist them with a more in-depth consultation on USERRA as needed.**

ESGR has Ombudsmen available to answer USERRA questions and respond to employment disputes related to military service. The Training Agent and MSMA can call 1-800-336-4590 or visit <https://www.esgr.mil/>. Understanding USERRA can be complicated, so it is important for all Sponsors, Training Agents, and MSMA to be aware that ESGR is here to support and give guidance.

- ☐ **Sponsors receiving notice of Active Service from their MSMA MUST promptly recommunicate to them and the associated Training Agent of their USSERA rights and responsibilities before any MSMA goes on Active Service.**

This will ensure the necessary dialogue happens between the Sponsor, Training Agent, and MSMA so that all questions, comments, or concerns regarding the expectations of USERRA can be properly addressed.

- ☐ **Sponsors MUST communicate to all MSMA placed on Active Service on the importance of keeping the apprenticeship program informed of any changes or updates while on Active Service at least once every 6 months.**

This will prevent unnecessary backlog in recordkeeping of the MSMA and ensure effective communications between the Program and MSMA during Active Service. Failure of the MSMA to do so could lead to unnecessary termination.

- ☐ **Sponsors MUST communicate to all MSMA on the importance of immediately notifying them upon their return from Active Service to get their process of reemployment started.**

The MSMA's failure to do so can cause a delay in their reemployment process.

- ☐ **Sponsors MUST record OATS actions with the Division when MSMA get placed on Active Service.**

- **Active Service processing in OATS via MSMA.**

When a Sponsor receives notice of Active Service from their MSMA the following action codes must be used via OATS. On the scheduled time of Active Service for the MSMA the Sponsor must use the Suspended Agreement (S) and Extended Leave of Absence (EL) action codes. From there under "Notes" input "Military Duty / Request to be put on Administrative Leave".

- **If the MSMA's Active Service exceeds 6 months, the Sponsor must use the following action codes in OATS.**

Unsuspend (U), Hold (H) and then resuspend (S). From there under "Notes" input "Military Duty/ Request to be put on Administrative Leave".

- **Upon the MSMA's notice of return from Active Service the Sponsor will use the following action codes below via OATS.**

Unsuspend (U) MSMA and from there under "Notes" input "Apprentice reinstated to Active via return from Military Service."

- ☐ **Sponsors MUST act quickly after receiving notice of the MSMA's return from Active Service.**

Upon receiving notice of the MSMA's return from Active Service the Sponsor must schedule a consultation/orientation with the MSMA and Training Agent within 2 weeks. This consultation/orientation will be to provide the MSMA with any updates they may have missed while absent with a focus on reemployment, related training instruction and on the job training expectations. Upon completion of the orientation, if the MSMA meets all criteria for reinstatement, prompt reemployment must occur (20 C.F.R. § 1002.181). For Sponsors with referral systems/apprentice out of work lists, they must reinstate the MSMA as Active in the Program and place them in their original position on the out of work list.