

## Approved Minutes of the State Arborist Apprenticeship Advisory Committee

May 4, 2017  
Wachtel Tree  
Merton, WI

Members Present	Employer / Organization
Hoppe, August	Hoppe Tree Service
Krouse, Randy	City of Milwaukee Forestry
Sanborn, John	Sanborn Tree Service
Wilson, Jeff	Wachtel Tree Service
Members Absent	Employer / Organization
Consultants & Guests	Employer / Organization
Christiansen, Roxanne	Milwaukee Area Technical College
Nakkoul, Nancy	Wisconsin Technical College System
Scheldroup, Bob	Bureau of Apprenticeship Standards
Smith, Owen	Bureau of Apprenticeship Standards
Wahl, Brian	WI Dept. of Natural Resources
Wendt, Mike	Milwaukee Area Technical College

1. The meeting was called to order at 10:05 a.m. by Randy Krouse, Committee Co-Chair, in conformance with the Wisconsin Open Meeting Law.
2. A roll call was conducted. A sign-in sheet was circulated. A quorum was present.
3. The committee reviewed the current roster. No changes were needed.
4. **Old Business**
  - a. **Review the follow-up items from the previous meeting**

**Action:** the committee approved the minutes as written.

**Action:** the committee approved revisions to the Exhibit A, effective June 1, 2017. The requirement to operate a motorized spray rig was removed, and the required hours of performing

plant health care were decreased.

#### 4. **Old Business, continued**

**Action:** the committee approved that the Special Provisions state that the employer may require the apprentice to obtain one or more of six TCIA credentials. The credentials are optional. They are the Tree Care Apprentice, Chipper Operator Specialist, Tree Climber Specialist, Chainsaw Specialist, Tree Care Specialist, and Crew Leader.

**Action:** the committee approved revisions to the state standards, effective June 1, 2017. Sponsors are no longer required to employ a fulltime journey worker with a valid pesticide applicator license. The apprentice-to-journeyworker ratio was revised to 1:1.

##### **b. Release of the federal Arborist apprenticeship program**

Owen reported that the U.S. Department of Labor approved the Wisconsin registered apprenticeship program for national availability. As such, the program will be available to all states, whether the state has its own state apprenticeship agency or participates in the federal apprenticeship program. Owen noted the key modifications to the program made by the U.S. Department of Labor.

##### **c. How is outreach progressing?**

Owen asked the state committee for its thoughts on how well outreach efforts for the program have been proceeding. The state committee shared that it thought more employers would have joined the program by now.

The committee commented that it believes the major challenge is the lack of related instruction outside of southeastern Wisconsin. Owen stated that this slow pace is common for the first registered apprenticeship program in an industry; in contrast, new programs in industries that already utilize registered apprenticeship, such as manufacturing, grow much more quickly. Owen added that the availability of related instruction is a "chicken-or-the-egg" challenge: employers won't commit to registering apprentices until related instruction is offered in their area; technical colleges need employers to commit to registering apprentices to justify offering the related instruction. The committee thanked Milwaukee Area Technical College for piloting the related instruction ahead of employers registering apprentices.

Committee members that sponsor apprentices shared that the program is working very well. It has helped new employees buy into the company and career path. The members added that the program is certainly a valuable investment into their workforce.

A committee member from a municipality shared that the municipality is pursuing the program but has to answer internal policy questions regarding pay classifications and scheduling related instruction in a flexible manner so emergency personnel can respond to snow and storms without missing class.

A representative of Milwaukee Area Technical College shared that the first semester of related instruction went easily because the courses taught foundational subjects and skills. Future courses may be more challenges because they address more advanced skills, e.g. climbing and operating a chainsaw.

Owen asked the state committee to suggest future outreach activities. The committee offered the following:

- A second mass mailing to WAA members to inform them of the recent program changes
- Target municipalities and small companies
- Present the program to the Urban Forestry Council
- Have current sponsors talk with other companies
- Post Arborist job openings on the WAA homepage
- Present the program at WI DNR meetings
- Present the program to the League of Municipalities
- Convene regional information meetings of potential sponsors to answer questions

**Action:** *the Bureau will coordinate the second mass mailing and reimburse the WAA for administering it.*

**Action:** *the WAA will send a list of employers that expressed interest in registered apprenticeship via the WAA website to the Bureau; the Bureau will contact the employers directly.*

**Action:** *the Bureau will coordinate regional information meetings of potential sponsors*

**Action:** *committee members that sponsor apprentices will share their positive experiences with colleagues in other companies.*

#### **d. Revisions to CFR 29.30 (AA/EEO)**

Owen summarized that the CFR 29.30 has been revised and released. He reviewed key points in her handout, and emphasized that more technical assistance is forthcoming from the Department of Labor.

Owen highlighted the following:

- The regulations had not been updated in 40 years.
- The changes include extended protections against discrimination; improve and clarify affirmative steps to ensure equal opportunity in apprenticeship; better defined the process for analyzing workforce and setting goals; include new affirmative steps for employing people with disabilities in apprenticeship; and clarify outreach, recruitment, and retention activities.
- The impacts on Wisconsin will be that sponsors will need to update their non-discrimination pledges and the Bureau will update the apprentice application with EEOC supplemental information.
- All sponsors will have to assign responsibility to an individual to oversee EEO activities; distribute EEO policy and conduct orientation and informational sessions; and conduct outreach and recruitment activities.
- Anti-harassment obligations for all sponsors include providing anti-harassment training to all employees directly involved with training, supervising, or mentoring apprentices; making all facilities and apprenticeship activities available to all; and establish and implementing procedures for handling and resolving complaints.
- Sponsors with five or more apprentices must have an affirmative action plan, must have utilization goals; and must engage in targeted outreach, recruitment, and retention activities.
- Sponsors are allowed to use any method of entry as long as it is not discriminatory.

- Sponsors must offer persons with disabilities three opportunities to self-identify: upon applying; after the applicant has been accepted but before the apprenticeship begins; and one time thereafter.
- The revisions provide the Bureau with more options for remediating sponsors that are out of compliance.
- Last, the timeline for implementation is as follows: during the summer of 2017, the Bureau will draft the new rule and hold a public hearing; during the fall of 2017, the formal rule making process will begin; and during the winter of the next year, 2018, the Bureau will submit its plan to the U.S. Department of Labor.

Owen stated that the Bureau is going to take its time implementing the rule to ensure no adverse consequences occur. The Bureau's goal is to give sponsors all the tools they need to be compliant and make positive changes for the future. He concluded by reminding attendees that more information will be released by the Department of Labor next year.

#### **e. Federal grants to expand registered apprenticeship**

Owen summarized the scope and central activities of the three competitive federal grants the Bureau received through the U.S. Department of Labor.

##### i. WAGE\$

The first grant the Bureau received is the Wisconsin Apprenticeship Growth and Enhancement Strategies (WAGE\$), a five-year, \$5 million American Apprenticeship grant. The bottom line of WAGE\$ is to register 1,000 new apprentices across advanced manufacturing, information technology, and health care apprenticeships.

##### ii. Expansion Grant

This 18-month, \$1.5 million grant will develop new registered apprenticeships in biotechnology and financial services and increase the recruitment and retain of women and minorities in existing construction apprenticeships. The bottom line of the grant is to register 420 new apprentices.

##### iii. Accelerator Grant

The Bureau is using this grant to build its infrastructure by adding Apprenticeship Training Representatives (ATRs) and training them in consultative skills, compliance, and appeals. The grant will also upgrade the Bureau's information management system.

#### **f. Apprenticeship Completion Award Program**

Owen reminded attendees that the program will conclude on June 30, 2017. It is included in the Governor's proposed budget, so it may be renewed for an additional two years.

#### **g. Other**

Attendees had no other items.

## **5. New Business**

#### **a. BAS personnel update**

The Bureau hired several new apprenticeship training representatives (ATRs): Dominic Robinson is the new ATR for the Racine area; Lynn O'Shasky is the new ATR for the Lakeshore area; Richard Badger will be the new ATR for the Waukesha area; and a new ATR has been hired for a new administrative area, Appleton South, but the individual has not yet formally accepted the offer.

**b. Become an Apprenticeship LEADER**

Owen reviewed that the LEADERS invites all registered apprenticeship stakeholders to help the Bureau share the value of registered apprenticeship with industries new to apprenticeship and with new groups of employers within industries that use apprenticeship. Participants can choose their activities, which range from allowing the Bureau to use the company logo to co-presenting with the Bureau at industry roundtable discussions. The application is available on the Bureau homepage.

**c. Other**

Attendees had no other items.

**6. DNR Update**

Plants have been submitting compliance and maintenance reports. IN addition, the new certification exams are finished and have been released. A record number, 750 individuals, took the exams. Many took them for the first time. The average pass rate is approximately 75%. Last, the DNR has been receiving lots of questions about the new point system for advanced certification and who was grandfathered into the new system.

The DNR rep suggested that the Bureau outreach to high schools involved in the "water resources" youth apprenticeship program, which includes an environmental systems pathway.

**7. WTCS Update**

Nancy Nakkoul discussed the "2014-15 WTCS Apprentice Completer Report. " Moraine Park Technical College reported that they have difficulty finding employers to serve on their technical diploma advisory committee. Gateway Technical College was not present.

**7. Review the program participants.**

Participants included three apprentices and three employers with a contract in active or unassigned status on May 1, 2017.

9. The committee tentatively scheduled its next meeting for Wednesday, October 25, 2017, at MATC Mequon.

10. The meeting adjourned at noon.

***Follow-up items***

*BAS will implement the revisions to the state standards.*

*BAS and WAA will implement the second mass mailing.*

*WAA will send a list of interested employers to BAS for follow-up.*

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*Submitted by Owen Smith, Program and Policy Analyst*

*Bureau of Apprenticeship Standards*

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Employment and Training Division  
Bureau of Apprenticeship Standards  
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Scott Walker, Governor  
Ray Allen, Secretary  
Chythania Brown, Division Administrator

May 1, 2017

TO: State Arborist Apprenticeship Advisory Committee Members & Consultants

FROM: Owen Smith, Bureau of Apprenticeship Standards  
Phone: (608) 266-2491; Owen.Smith@dwd.wisconsin.gov

SUBJECT: **State Arborist Apprenticeship Advisory Committee meeting**

DATE: Thursday, May 4, 2017

TIME: 10:00 a.m.

PLACE: Wachtel Tree Science  
N72 W28393 St. Paul Ave.  
Merton, WI 53056

#### **TENTATIVE AGENDA**

1. Call the meeting to order.
2. Introduce attendees.
3. Review the roster.
4. **Old Business**
  - a. Review follow-up items from the previous meeting:
    - i. **For action:** approve the minutes
    - ii. **For action:** approve revisions to the Exhibit A
    - iii. **For action:** approve revisions to paid related instruction (TCIA credentials)
    - iv. **For action:** approve revisions to the state standards
  - b. Release of the federal Arborist apprenticeship program
  - c. How is outreach progressing?
  - d. Revision to CFR 29.30 (federal AA/EEO requirements)
  - e. American Apprenticeship Grant and other federal grants
  - f. Apprenticeship Completion Award Program
  - g. Other
5. **New Business**
  - a. BAS personnel update
  - b. Become an [Apprenticeship Leader](#)
  - c. Other

6. WTCS Update
7. Review the program participants.
8. Schedule the next meeting.
9. Adjourn.

U.S. Department of Labor Employment and Training Administration Office of Apprenticeship (OA) Washington, D.C. 20210	<b>Distribution:</b> A-541 Headquarters A-544 All Field Tech A-547 SD+RD+SAA+; Lab.Com	<b>Subject:</b> New Apprenticeable Occupation: Arborist  <b>Code:</b> 200.1
Symbols: DPQSP/RCG	 ApprenticeshipUSA	Action: Immediate

**PURPOSE:** To inform the staff of OA, State Apprenticeship Agencies (SAA), Registered Apprenticeship program sponsors, and other Registered Apprenticeship partners of a new apprenticeable occupation:

Arborist  
O\*NET-SOC Code: 37-3013.01  
RAPIDS Code: 2048HY  
Training Term: 6560-7,000  
Type of Training: Hybrid

**BACKGROUND:** Mr. Owen Smith, Program and Policy Analyst, Wisconsin Department of Workforce Development on behalf of the Wachtel Tree Science, Incorporated, submitted the following occupation: Arborist for apprenticeability determination.

Arborists perform all aspects of tree care and plant health care, including:

- pruning and removing trees;
- managing disease, disorders and insects;
- using sophisticated climbing and rigging techniques;
- cutting away dead or excess branches from trees or shrubs to improve appearance, health and value of trees, and to mitigate or remove the risk they pose.

Arborist will be added to the List of Occupations Recognized as Apprenticeable by OA when the list is reissued. A suggested Work Process Schedule and Related Instruction Outlines are attached.

If you have any questions, please contact Ricky Godbolt, Apprenticeship and Training Representative at (202) 693-3815.

**ACTION:** OA staff should familiarize themselves with this bulletin and the attached Work Process Schedule and Related Instruction Outline, as a source for developing apprenticeship standards and/or providing technical assistance.

**NOTE:** This bulletin is being sent via electronic mail.



## Attachments



WPS-RTI  
Arborist.doc



**WORK PROCESS SCHEDULE**  
**ARBORIST**  
**O\*NET-SOC CODE: 37-3013.00 RAPIDS CODE: 2048HY**

Description: The apprentice shall receive on the job instruction as is necessary to become a qualified journey-level worker versed in the theory and practice of this occupation. The time required for each occupation may need to be adjusted for individual apprentices. Employers/training agents shall only use registered apprentices to perform the work processes as stated in this section.

	<b>APPROXIMATE HOURS</b>
Adhere to ANSI and employer safety standards for all work.	500
A. Inspect, maintain and use the appropriate personal protective equipment.	
B. Inspect, maintain and use the appropriate tool, equipment or vehicle.	
C. Assess trees for defects and hazards.	
D. Establish and maintain safe work sites and zones.	
E. Demonstrate safety practices unique to working aloft.	
Identify common trees and shrubs in the employer's region.	
A. Deciduous	200
B. Evergreen	
Perform rigging on the ground and aloft.	
A. Determine the removal plan.	
B. Estimate the maximum load weight based on equipment available.	400
C. Install and use a rigging system to lower the load directly to the ground.	
D. Install and use a rigging system to move the load laterally.	
Climb trees safely.	
A. Perform a pre-climb inspection of all equipment.	
B. Perform a pre-climb inspection of the tree and site.	1000
C. Install the climbing line(s) from the ground.	
D. Ascend the tree.	



- E. Position to work aloft.
- F. Descend the tree.
- G. Retrieve the rope and equipment from the ground.

Operate a chain saw on the ground and aloft, and perform field maintenance. 800

- A. Safely start and control the chain saw.
- B. Perform brush cutting.
- C. Perform felling.
- D. Perform limbing and bucking.
- E. Cut wood under tension and compression.
- F. Perform removal cuts.
- G. Perform pruning cuts.
- H. Safely secure and transport the chain saw.
- I. Perform field maintenance.

Operate a chipper. 300

- A. Prepare brush and wood.
- B. Position the chipper.
- C. Chip brush and wood.

Prune trees and shrubs from the ground and aloft, according to ANSI A300. 1000

- A. Demonstrate awareness of the three reasons for pruning.
- B. Determine the pruning objective(s).
- C. Perform pruning cuts using the appropriate hand tools and pole tools.
- D. Perform crown thinning.
- E. Perform crown cleaning.
- F. Perform crown reduction.
- G. Perform crown raising.
- H. Perform structural pruning.
- I. Perform pruning of shrubs.

Perform plant health care activities, including using a motorized spray rig. 1000

- A. Plant trees according to ANSI A300.
- B. Identify common pests, diseases, and non-infectious disorders in employer's region.
- C. Perform spray treatments according to employer practices.
- D. Perform trunk injection treatments.
- E. Perform soil injection treatments.
- F. Perform basal trunk & soil excavation



	800
Remove trees and shrubs.	
A. Remove limbs.	
B. Remove trunk sections.	
C. Fell trunks or entire tree.	
D. Grind stumps.	
Local Optional Work Processes	560
A. Operate vehicles with or without trailer.	
B. Operate aerial lifts.	
C. Operate stump grinder.	
D. Participate in responses to storms and emergency situations.	
E. Install tree support and lightning protection systems.	
<b>TOTAL</b>	<b>6560</b>



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**RELATED INSTRUCTION OUTLINE**  
**ARBORIST**  
**O\*NET-SOC CODE: 37-3013.00 RAPIDS CODE: 2048HY**

**APPROXIMATE  
HOURS**

**Related Instruction Year 1**

Arborist Skills 1	36
Arborist Equipment Fundamentals	36
Introduction to Aerial Tree Work	36
Applied Aerial Work for Arborist Apprentices	36

**Related Instruction Year 2**

Tree and Shrub Identification 1 for Arborist Apprentices	36
Arborist Skills 2	36
Rigging and Tree Removal Fundamentals for Arborist Apprentices	36
Tree Biology & Identification 2 for Arborist Apprentices	36

**Related Instruction Year 3**

Arborist Skills 3	36
Advanced Rigging and Tree Felling with Field Skill Building for Arborist Apprentices	36
Plant Health Care Treatments & Shrub Identification 3 for Arborist Apprentices	36



## **Related Instruction Year 4**

Leadership in Tree Care Operations,  
Communication Skills, and a Capstone Project

36

Transition to Trainer: Your Role as a Journey  
Worker

8

State Pesticide Applicator License, Safety, CPR,  
First Aid, AED, CDL, and other employer required  
training or certifications

Varies

**TOTAL**

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**440**



# State Apprenticeship Standards for **Arborist**

March 2016

*Karen P Morgan*

Bureau Director

*Randy Krouse*  
Co-Chair

*Christy Hayes*  
Co-Chair

Prepared by the  
Bureau of Apprenticeship Standards  
and the  
State Arborist Apprenticeship Advisory Committee

**STATE OF WISCONSIN**  
**GOODWD**  
Department of Workforce Development





## FOREWORD

These Apprenticeship and Training Standards for the Arborist Trade is sponsored by the State Arborist Advisory Committee.

The increased skills and versatility needed today by the trades require, as never before, the thorough all-around training and experience provided through apprenticeship as conducted under modern methods.

To meet this need State Arborist Apprenticeship Advisory Committee was implemented by the Department of Workforce Development, Bureau of Apprenticeship Standards. Members have been nominated by the respective organizations representing these occupations and have been designated as advisory to the Department in matters relating to the Arborist Industry.

These Standards have been adopted as a guide and the minimum standard for employers, employees, and Technical Colleges throughout Wisconsin.

These standards are consistent with the Wisconsin Apprenticeship Law, Wis. Stats. Chapter 106, Wis. Admin Code DWD Chapter 295, Wis. Admin Code DWD 296 and with the Wisconsin Apprenticeship Manual as revised.



## **FINAL SECTION ALIGNMENT**

- I. Definitions
- II. Administration
- III. Personnel of State Arborist Apprenticeship Advisory Committee
- IV. Duties of State Arborist Plant Apprenticeship Advisory Committee
- V. Personnel of Local (In-Plant) Committees
- VI. Duties of Local (In-Plant) Committees
- VII. Minimum Qualifications of Apprentice Applicants
- VIII. Minimum Qualifications of Employers
- IX. Ratio of Apprentices to Journeyworkers
- X. Apprentice Contracts
- XI. Apprenticeship Terms
- XII. Probationary Period
- XIII. Related Instruction Attendance
- XIV. Schedule of Work Processes
- XV. Conditions of Work
- XVI. Continuity of Employment
- XVII. Evaluation and Completion of Apprentices
- XVIII. Credit for Previous Experience
- XIX. Appeal Procedures/Right of Appeal
- XX. Modification of Standards



## I. Definitions

- A. Apprentice - Apprentice means any person who enters into an apprentice contract with the department and with a sponsor or an apprenticeship committee acting as an agent of the sponsor.
- B. Apprentice Contract -Apprentice Contract means any contract or agreement of service, express or implied, between an apprentice, the department, and a sponsor or an apprenticeship committee acting as the agent of a sponsor whereby an apprentice is to receive directly from or through the apprentice's employer, in consideration for the apprentice's services in whole or in part, instruction in any trade, craft, or business
- C. Bureau of Apprenticeship Standards (BAS) - is the agency within the Department of Workforce Development charged with the oversight responsibilities of Wisconsin's apprenticeship program. BAS approves all Apprentice Contracts in accordance with Chapter 106 of the Wisconsin Statutes.
- D. Certificate of Registration means the acceptance and recording of such program by the department as meeting the basic standards and requirements of the department for approval of such program for federal and state purposes, as shown by a certificate of registration.
- E. Competency means the attainment of manual, mechanical or technical skills and knowledge, as specified by an occupational standard and demonstrated by an appropriate written and hands-on proficiency measurement.
- F. Completion rate 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 or who have transferred.
- G. Department - The Department of Workforce Development which is the state registration agency for the purposes of 29 CFR 29. The Bureau of Apprenticeship Standards is part of the Department of Workforce Development.
- H. DNR—The Wisconsin Department of Natural Resources.

- I. 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.
- J. Employee - Such person as employed in the occupations approved for apprenticeship with the employer.
- K. Employer/Sponsor means any person, firm, or corporation regularly engaged in the hiring or training of apprentices that re qualified to train apprentices.
- L. Interim credential means a credential issued by the department, upon request of the appropriate sponsor, as certification of competency attainment by an apprentice.
- M. Journey Worker– means a worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation and/or demonstrated abilities as a skilled worker with or without a journey level card.
- N. Local Committee – means an in-plant committee.
- O. Quality Assurance Assessment means a comprehensive review conducted by the department regarding all aspects of an apprenticeship program's performance.
- P. Registration of an Apprentice Contract means the acceptance and recording of an apprentice contract by the department as evidence of the apprentice's participation in a particular registered apprenticeship program.
- Q. Registration of an Apprentice Contract 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 courses of equivalent value, electronic media, or other forms of self-study approved by the department.
- R. Sponsor means any employer operating an apprenticeship program and in whose name the apprenticeship program is approved by the Bureau of Apprenticeship Standards
- S. State Board - The State Board of the Wisconsin Technical College System.

- T. State Committee - The State Arborist Apprenticeship Advisory Committee is advisory to the Department of Workforce Development on matters of apprenticeship and to the Wisconsin Technical College System (WTCS) on matters of related instruction for apprentices.
- U. Transfer means a shift of apprenticeship registration from one program to another where there is agreement between the apprentice and the affected apprenticeship committees or program sponsors.
- V. Unassignment means the temporary interruption of an apprentice contract.
- W. Wisconsin Technical College System is a publicly funded system of colleges subject to Chapter 38 of the WI State Statutes and Technical College System Administrative Rules.

## **II. Administration**

The administration of local Standards shall be the responsibility of the sponsor (employer). The employer is responsible for the apprentices' instruction and experience as outlined in the schedule of work processes, for the attendance at related instruction classes, and for notifying the Bureau of Apprenticeship Standards in writing of all action as required by the Standards.

## **III. Personnel of State Arborist Apprenticeship Advisory Committee**

**PURPOSE:** Formulate Minimum State Standards (and review them every five years) for the occupation and make recommendations regarding changes to the Bureau of Apprenticeship Standards.

This Committee shall be composed of no less than three (4) nor more than twenty (20) members. The intention is to have fair representation from local committees on the state committee. The Bureau will ensure that all areas of the state are properly represented on each state occupation committee.

- A. Employer representative names will include nominees submitted to the Bureau of Apprenticeship Standards (Bureau) by employers or professional organizations training apprentices in the Arborist Occupation
- B. Employee representative names will include nominees submitted by employee organizations or in-plant local committees to the Bureau. In cases where there is no in-plant local committee, nominees will be solicited from employers or professional organizations.
- C. Members will serve for a term of three years and may be appointed for further terms. Committee memberships will be staggered to maintain continuity in functioning.

D. State committee members must:

- (1) Represent organizations that are actively involved with training apprentices at the local level; or
- (2) Be involved in the development of emerging occupations; or
- (3) Have been involved in the training of apprentices in the last two years

Exceptions to these requirements can be made by the Bureau in order to expand female and minority participation on committees.

E. The BAS may also designate consultant members to serve as non-voting members, as needed. The WTCS representatives, industry apprenticeship coordinators, instructors and other interested parties in the apprenticeship program may advise and consult with state committee, but they are not allowed to serve as voting members

F. The State Arborist Apprenticeship Advisory Committee generally meets at least twice each year and their membership includes employer and employee members who have been nominated by organizations involved at the local committee level. The Bureau may remove a person from membership on a committee for one or more the following reasons:

- (1) Failure to attend at least 75% of the committee meetings over the term of the appointment, unless excused by the Bureau for good cause.
- (2) Failure to meet the membership requirements under paragraph III D unless an exception is granted under III D as noted above.
- (3) Violation of any state apprenticeship statute, rule or standard.

G. The committee operates on a consensus based decision-making process. This means that there may be concerns after discussion, but the committee members may consent to the proposal anyway and allow it to be adopted. Therefore, reaching consensus does not assume that everyone must be in complete agreement, but that all members can live with the decision. When the committee cannot reach consensus, the BAS will make the final decision.

H. Members must attend at least 75% of the meetings over the term of their appointment, unless excused by the Bureau for good cause.

I. The Bureau may remove a person from membership on a committee for one or more of the following reasons:

- (1) Failure to attend at least 75% of the committee meetings over the term of the appointment, unless excused by the Bureau for good cause.
- (2) Failure to meet the membership requirements under paragraph III D unless an exception is granted as noted above.
- (3) Violation of any state apprenticeship statute, rule or standard.



- J. Vacancies may be filled, or representatives changed in term, at the request of the appropriate association.

#### **IV. Duties of the State Arborist Apprenticeship Advisory Committee**

- A. Provide recommend/advise on policy and/or program changes to BAS and WTCS on all aspects of the apprenticeship program and curriculum for the occupation.
- B. Assist in formulating and revising minimum state standards (and review them every five years) for the occupation and make recommendations on changes to the Bureau including:
- the period of training
  - minimum work process requirements
  - related instruction
  - probationary period
  - employer requirements to serve as a trainer
  - journey level worker/apprentice ratios
  - apprentice reviews
- C. Recommend curriculum, related instruction and delivery service requirements for the occupation to the Bureau and the Wisconsin Technical College System (WTCS).
- D. Prepare a policy for the occupation on proficiency assessment/testing (for work experience and course work) to be utilized by employers in determining apprenticeship credit for previous experience/education.
- E. Assume statewide leadership for the purpose of improving conditions and expanding the number of employers using apprentices in the occupation.
- F. Assist in the formation and promotion of local committees where they do not exist, if appropriate.
- G. Review and monitor local committee operations (including biennial reports) and activity levels and recommend changes in operations where appropriate, including AA/EEO.
- H. Assist local committees to work out their programmatic and administrative problems.
- I. The committee will follow these operational guidelines:
- (1) Meet at least a minimum of two times a year.
  - (2) Elect working officers of the Committee; two co-chairs; one employer representative and one employee representative.

- (3) Conduct meetings in conformity with the open meeting law of Wisconsin.
- (4) A meeting quorum exists when at least two employer and two employee representatives are present.
- (5) Official meeting minutes will be prepared by the Bureau of Apprenticeship Standards.

## **V. Personnel of Local (In-Plant) Committees**

Purpose: To oversee the training of apprentices and ensure that the conditions of the Apprentice Contract are being satisfied by all parties. Every apprentice will have access to and be responsible to a local (in-plant) committee.

Each local (in-plant) committee will have a minimum of four voting members; two employer representatives and two from the skilled workforce. If members are added to a committee there must be equal employer and employee representation, unless otherwise specified by a collective bargaining agreement. It is recommended that the in-plant committee meet quarterly.

An exception may be made to this requirement for employers who have less than five apprentices.

Multi-trade local committees will be authorized provided that at least one member of the committee is a member of the apprentice's trade that is being reviewed. If a member of an apprentice's trade is not on the local committee, an advisor from that trade may be used on an ad hoc basis.

- A. The employer will nominate the employer members who have been involved in the training of apprentices or supervision of skilled workers in the past five years.
- B. Employee members will be nominated as specified in collective bargaining agreements or in their absence, local (in-plant) committees and/or employers will nominate employee members who are skilled workers in the trade or represent active journey level workers.
- C. All local (in-plant) committee rosters will be submitted to BAS.
- D. Multi-trade local committees are authorized provided that at least one member of the committee is a member of the apprentice's trade that is being reviewed.
- E. Exceptions to these requirements can be made by the BAS in order to expand female and minority participation on the committees.
- F. The committee may be expected to advise the BAS and the WTCS on all apprenticeship matters in the trades covered by the committee.

- G. Members must attend at least 75% of the meetings over the term of their appointment, unless excused for good cause.
- H. The Bureau may remove a person from membership on a committee for one or more of the following reasons:
  - (1) Failure to attend at least 75% of the committee meetings over the term of the appointment, unless excused for good cause.
  - (2) Failure to meet the membership requirements unless an exception is granted under IV E as noted above.
  - (3) Violation of any state apprenticeship statute, rule or standard

## **VI. Duties of Local (In-Plant) Committees**

- A. Ensure that apprentices get the required range of work process experience and safeguard the training of apprentices on the job.
- B. Review the status and progress of every apprentice prior to the end of the probationary period and recommend any appropriate action to the employer.
- C. Review and make sure that adequate classroom and on-the-job learning (OJL) records are kept for apprentices. All reviews must be in writing.
- D. Review and evaluate classroom and on-the-job performance on a regular basis, as recommended by the state committee, (at least annually in person) and before recommending completion to the Bureau.
- E. Recommend credit for previous experience/education in conformity with BAS policy and procedures.
- F. Advise the Bureau and local technical colleges on all matters pertaining to related instruction in the employer's area. Assist in securing related instruction with the state, local technical college or other provider of related instruction.
- G. Respond to surveys and questionnaires sent by the Bureau regarding information on participating employers, apprentices, meetings held and AA/EEO for the apprenticeship program.
- H. Conform to the state committee written meeting procedure requirements, if any.
- I. Encourage parties to an Apprentice Contract to bring issues before the local (in-plant) committee. If not resolved, provide recommendations to the Bureau on its resolution.

- J. Take part in statewide trade or industry marketing and apprenticeship promotion.
- K. Recommend modifications to ratios in state standards to help meet workforce needs in conformity with bargaining agreements, when applicable.
- L. Keep minutes and make available to the local Apprenticeship Training Representatives of the BAS, if necessary.
- M. Recommend completion of the apprentice to the Bureau.

## **VII. Minimum Qualifications of Apprentice Applicants**

*Applicants must:*

- A. Be 18 years of age or older
- B. High School graduate or equivalency.
- C. Be physically able to perform the work of the occupation with reasonable accommodations and without hazard to themselves or others. Applicants may be required to furnish a statement of physical condition from a physician at the time of the job offer. Applicants may be required to undergo drug or alcohol testing at time of selection as an apprentice.
- D. Have a valid driver's license.
- E. Meet the minimum scores on an academic assessment or equivalent.

*Applicants may be required by the Employer to:*

- F. Undergo drug or alcohol testing at the time of selection as an apprentice.
- G. Obtain a Commercial Driver's License

## **VIII. Minimum Qualifications of Employers**

*Employers must:*

- A. Have been in business for at least one year.
- B. Ensure that apprentices are trained in the core work processes identified for this occupation.
- C. Employ at least one full-time journey worker, qualified supervisor or other individual to supervise and/or train the apprentice at all times.

- D. Employ at least one full-time journey worker with a valid ISA Certified Arborist credential.
- E. Employ at least one full-time journey worker with a valid pesticide applicator license from the State of WI or equivalent.
- D. The employer must employ a full time operator.

## **IX. Ratio of Apprentices to Journeyworkers**

In order to ensure adequate supervision and instruction of all apprentices on-the-job, the initial ratio of apprentices to journey workers shall be one (1) apprentice for two (2) journey workers up to and including two journey workers. Thereafter, the ratio will be (1) apprentice to every (1) journey worker.

<b>Apprentices</b>	<b>Journeyworkers</b>
1	2
2	3
3	4
4	5
5	6

For tasks and jobs on which the apprentice has not been trained and qualified, the apprentice shall be under the direct supervision (quick and easy access to communicate about a job) of an experienced operator or a qualified individual. For tasks and jobs on which the apprentice has been trained and qualified, the apprentice may work under indirect supervision (having phone access to a qualified individual).

## **X. Apprentice Contracts**

- A. All apprentices shall have a contract in compliance with DWD 295.07, signed by the apprentice and the employer.
- B. Each copy of the contract will contain the term of the apprenticeship, the approved Trade Information (Exhibit A), the credit recommended (if any) and any special provisions.

## **XI. Apprenticeship Terms**

The term of the Arborist apprenticeship program shall be hybrid and at least 7,000 hours. The apprentice must successfully obtain the competencies described in the program provisions.

Employers have the option of choosing a longer term of apprenticeship and/or pursue implementing competency and time-based apprentice programs in addition to time-based. Hybrid and competency based programs must be

reviewed by the State Arborist Apprenticeship Advisory Committee and approved by the BAS.

#### A. Competency-Based Approach.

Local committees who choose to employ a competency-based approach to apprenticeship must comply with the following requirements:

- (1) The occupation must be recognized and approved as a competency-based apprenticeable occupation. If the program is not approved by US DOL as a competency based program, the sponsor must consult with the BAS to determine if it is suitable as a competency based program.
- (2) The on-the-job learning component of the apprenticeship program must be identified in the program standards.
- (3) The related instruction component of the competency-based approach must comply with all of the provisions of DWD 295 as referenced in the Wisconsin Apprenticeship Manual.
- (4) Program sponsors must identify within the program standards the required competencies that must be mastered within the program standards, and the required competencies that must be mastered by the apprentice during their apprenticeship.
- (5) Successful completion of the term of apprenticeship will require that the apprentice demonstrate mastery of identified competencies.
- (6) Demonstration of the acquisition of the identified competencies must be determined by both written and hands-on proficiency evaluations.
- (7) All testing and evaluation of the identified competencies must occur in a controlled learning environment that permits accurate and verifiable results by a qualified proctor.
- (8) Program sponsors must identify and document the methods and means used to qualify testing and evaluation proctors.

#### B. Time Based Approach

The time based approach is the traditional term of apprenticeship and the term is stated in years, months or hours or a combination of thereof. This approach measures an individual skill through completion of at least 8,000 hours of on-the-job learning as described in a work process schedule.

#### C. Hybrid Approach

Local committee's that choose to use the hybrid approach to apprenticeship measures an individual's skills through a combination of hours of on-the-job learning and successful completion of competency as described in a work

process schedule. The program must comply with the guidelines for the competency-based portion of the apprentice's term of apprenticeship.

## **XII. Probationary Period**

The probationary period shall not exceed twelve (12) calendar months. It cannot exceed 25 percent of the length of the program or one year whichever is shorter.

- A. During the probationary period, the apprentice or program sponsor may void the contract by written notice to the Bureau.
- B. After expiration of the probationary period there must be good cause provided the Bureau for the cancellation of the Apprentice Contract.

## **XIII. Related Instruction Attendance**

- A. The apprentice shall attend school and satisfactorily complete the course of instruction recommended by the State Committee for no less than 440 hours unless otherwise approved by the Bureau and the State Committee.
- B. The apprentice shall be paid the same rate for regular school attendance as for work on the job. Apprentices are paid 'straight time' rate for paid school hours. An employer is not required to pay overtime (time and one-half) to apprentices while receiving paid related instruction, unless such requirements are contained in an applicable collective bargaining agreement.
- C. Apprentices shall attend unpaid related instruction on their own time and take such subjects as the employer requires as stated in the Exhibit A.

## **XIV. Schedule of Work Processes**

See Trade Information (Exhibit A) attached or as approved by the State Committee.

## **XV. Conditions of Work**

The apprentice shall be governed by the same working hours as the operator or the employer under whose supervision the apprentice is employed. Under no conditions shall the hours of work conflict with the required hours of school attendance or with State or Federal Regulations.

## **XVI. Continuity of Employment**

When an apprentice is temporarily laid off in an occupation because of business conditions, the apprentice shall be offered reinstatement before any additional apprentices are employed in that occupation.

## **XVII. Evaluation and Completion of Apprentices**

### **A. Record Keeping**

Sponsors are required to keep adequate records in order to maintain their apprenticeship program; including selection records, records relative to the operation of the program; such as, job assignment, layoff or termination records, rates of pay, etc, and an apprentice evaluation system so that the employer can properly evaluate the apprentice's performance.

All records must be maintained for a period of five years from the date of last activity.

### **B. Certification Exams**

In order to receive the Certificate of Completion of Apprenticeship, the apprentice must successfully complete the following:

1. Obtain a State of Wisconsin Pesticide Applicator Certification
2. Earn the International Society of Arboriculture Certified Tree Worker Climber Specialist

Upon successful completion of the apprenticeship under these Standards, the Employer shall request the Bureau of Apprenticeship Standards to issue the apprentice a Certificate of Completion of Apprenticeship. The Certificate shall be signed by the Employer and the Director of the Bureau of Apprenticeship Standards, State of Wisconsin.

## **XVIII. Credit for Previous Experience**

Apprentices may be eligible for credit and care should be taken in evaluating credit requests to be sure that credit is properly applied.

- A. Credit for previous time under an Apprentice Contract: All credit for all time under an Apprentice Contract at the occupation (work and school) must be given to apprentices with such experience, unless extenuating circumstances are explained in writing and the credit is not approved by the Bureau.

This credit (unless not approved) must be applied at the beginning of the Apprentice Contract.

If application of the credit advances the apprentice to a higher wage, then that wage must apply.



- B. Credit for Previous Experience: Apprentices may be granted credit for previous work or school experience. Such credit should only reflect actual work time that relates directly to the occupation or school time relating directly to the occupation or school time relating directly to the occupation related instruction. Credit should be granted prior to the end of the probationary period, or at least as soon as a proper evaluation can be made of the credit request.

If application of the credit advances the apprentice to a higher wage, then that wage must apply.

- C. All credit must be in writing and approved by the Bureau.

## **XIX. Appeal Procedures/Right of Appeal**

In the case of a dispute between the apprentice and the employer with regard to an Apprentice Contract, either party may appeal in writing to the BAS.

- A. In cases of a problem or dispute involving a matter of policy, the matter shall be referred to the State Arborist Apprenticeship Advisory Committee for review. If the State committee cannot satisfactorily resolve the matter, it will provide the Bureau with its recommendations.
- B. For apprentice applicants who are already employees of the firm, initial appeals should be made in accordance with grievance procedures to either the employer or the local union. If no satisfaction is received from this/these resources, the individual may appeal to BAS. For those applicants who are not an employee of the firm, the initial appeal should be made directly to the BAS. If the decision not to accept the applicant is made by the employer, not the in-plant committee, the appeal should also be made directly to the BAS.
- C. All applicants, employers or apprentices have the right of appeal to the Bureau on any recommendation or action taken by the local committee. The advisory status of a local committee shall include the following statement in their disciplinary actions or denial correspondence:

"Should you feel the recommendation or action taken by the local Apprenticeship Committee to be contrary to the area apprenticeship standards, you have the right to appeal in writing to the Department of Workforce Development, Bureau of Apprenticeship Standards, P. O. Box 7972, Madison, Wisconsin 53707, stating the specific section of said standards or addendum to same which you feel was violated."
- D. Any party to the contract may file an appeal in writing within 20 calendar days of the final decision. When an appeal is received, the BAS Director will review the appeal and issue a written determination within 40 days of the appeal.
- E. If requested in writing within ten days by one of the parties, the Bureau Director's decision may be appealed in writing to the DWD Legal Counsel. The

DWD Legal Counsel will review the case and issue a final determination within ten days.

- F. Right to Hearing. A dissatisfied party may file a written request with the BAS or the DWD Legal Counsel for a formal administrative hearing to review the reasonableness of a DWD order as outlined in Chapter 5 of the Wisconsin Apprenticeship Manual. DWD shall respond to a request for an administrative hearing within 20 days. DWD has the discretion to determine whether or not it will hold a hearing. DWD's final decision is reviewable in Circuit Court.
- G. Items not Subject to a Hearing. Actions of the employer that involve the employment relationship and not the apprenticeship program are not subject to a hearing. Violations of employer work rules may not be subject to a hearing contingent upon a review that the employer is not illegally discriminating in its administration of apprenticeship policy.

## **XX. Modification of Standards**

- A. These Standards may be modified at any time by the State Arborist Apprenticeship Advisory Committee.
- B. The minimum requirements set forth in these Standards shall not be altered by virtue of any collective bargaining agreement.

State Arborist Committee • Madison WI  
Arborist • 3-408684018-01-H  
Exhibit A - Program Provisions

**Approved: March 14, 2016**

**TERM OF APPRENTICESHIP:** The term of apprenticeship shall be Hybrid, which has been established to be 42 months of not less than 7,000 hours. In addition to the specified hours, the apprentice must successfully attain the competencies described in these program provisions. Hours of labor shall be the same as established for other skilled employees in the trade.

**PROBATIONARY PERIOD:** The probationary period shall be the first 6 months of employment, but in no case shall it exceed twelve calendar months. During the probationary period, this contract may be cancelled by the apprentice or the sponsor upon written notice to the Department, without adverse impact on the sponsor.

**SCHOOL ATTENDANCE:** The apprentice shall attend the Wisconsin Technical College System or other approved training provider, as assigned, for paid related instruction four hours per week or the equivalent and satisfactorily complete the prescribed course material for a minimum of 440 hours, unless otherwise approved by the Department. The employer must pay the apprentice for attended related instruction hours at the same rate per hour as for services performed.

**WORK PROCESS SCHEDULE:** In order to obtain well-rounded training and thereby qualify as a skilled worker in the trade, the apprentice shall have experience and training in the following areas and shall demonstrate competency, as specified herein. This instruction and experience shall include the following operations but not necessarily in the sequence given. Time spent on specific operations need not be continuous.

<u>Work Process Description</u>	<u>Approximate Hours</u> (Min - Max)
Adhere to ANSI and employer safety standards for all work.	500
A. Inspect, maintain and use the appropriate personal protective equipment.	
B. Inspect, maintain and use the appropriate tool, equipment or vehicle.	
C. Assess trees for defects and hazards.	
D. Establish and maintain safe work sites and zones.	
E. Demonstrate safety practices unique to working aloft.	
Identify common trees and shrubs in the employer's region.	200
A. Deciduous	
B. Evergreen	
Perform rigging on the ground and aloft.	400
A. Determine the removal plan.	
B. Estimate the maximum load weight based on equipment available.	
C. Install and use a rigging system to lower the load directly to the ground.	
D. Install and use a rigging system to move the load laterally.	
Climb trees safely.	1000
A. Perform a pre-climb inspection of all equipment.	
B. Perform a pre-climb inspection of the tree and site.	
C. Install the climbing line(s) from the ground.	
D. Ascend the tree.	
E. Position to work aloft.	
F. Descend the tree.	
G. Retrieve the rope and equipment from the ground.	
Operate a chain saw on the ground and aloft, and perform field maintenance.	800
A. Safely start and control the chain saw.	

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Exhibit A - Program Provisions

B. Perform brush cutting.	
C. Perform felling.	
D. Perform limbing and bucking.	
E. Cut wood under tension and compression.	
F. Perform removal cuts.	
G. Perform pruning cuts.	
H. Safely secure and transport the chain saw.	
I. Perform field maintenance.	
Operate a chipper.	300
A. Prepare brush and wood.	
B. Position the chipper.	
C. Chip brush and wood.	
Prune trees and shrubs from the ground and aloft, according to ANSI A300.	1000
A. Demonstrate awareness of the three reasons for pruning.	
B. Determine the pruning objective(s).	
C. Perform pruning cuts using the appropriate hand tools and pole tools.	
D. Perform crown thinning.	
E. Perform crown cleaning.	
F. Perform crown reduction.	
G. Perform crown raising.	
H. Perform structural pruning.	
I. Perform pruning of shrubs.	
Perform plant health care activities, including using a motorized spray rig.	1000
A. Plant trees according to ANSI A300.	
B. Identify common pests, diseases, and non-infectious disorders in employer's region.	
C. Perform spray treatments according to employer practices.	
D. Perform trunk injection treatments.	
E. Perform soil injection treatments.	
F. Perform basal trunk & soil excavation	
Remove trees and shrubs.	800
A. Remove limbs.	
B. Remove trunk sections.	
C. Fell trunks or entire tree.	
D. Grind stumps.	
Local Optional Work Processes	560
A. Operate vehicles with or without trailer.	
B. Operate aerial lifts.	
C. Operate stump grinder.	
D. Participate in responses to storms and emergency situations.	
E. Install tree support and lightning protection systems.	
Paid Related Instruction	440
TOTAL	7000

The above schedule is to include all operations and such other work as is customary in the trade.

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Exhibit A - Program Provisions

**MINIMUM COMPENSATION TO BE PAID:**

The apprentice's wage must average no less than 60% of the skilled wage rate during the term of the apprenticeship (DWD 295.05). The apprentice may not be started at less than the minimum wage.

Base skilled wage rate N/A per hour.

If at any time the base skilled wage rate rises or falls, the apprentice's wage shall be adjusted proportionately. The wage rate of apprentices employed in this trade and this firm shall be based on the base skilled wage rate stated above.

All apprentices are covered by State and Federal Wage and Hour Standard requirements. All apprentices shall be paid no less than the minimum wage established under regulations.

**CREDIT PROVISIONS:** The apprentice, granted credit at the start or during the term of the apprenticeship, shall be paid the wage rate of the pay period to which such credit advanced the apprentice.

<b>Work credit hours approved:</b>	N/A
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<b>School credit hours approved:</b>	N/A
<b>Paid related instruction:</b>	N/A

<b>Unpaid related instruction:</b>	N/A
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<b>Total credit hours to be applied to the term of the apprenticeship:</b>	N/A
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**SPECIAL PROVISIONS:**

The apprentice must perform the following in order to successfully complete the program:


1. Obtain basic First Aid and CPR and OSHA 10 certifications in the first year of the program and maintain them throughout the program.
2. Obtain a State of Wisconsin Pesticide Applicator Certification or equivalent.
3. Earn the International Society of Arboriculture Certified Tree Worker Climber Specialist credential.
4. Successfully complete Transition to Trainer in the final year of the program.

The apprentice may be required by the employer to perform the following in order to successfully complete the program:

1. Obtain a Commercial Driver's License
2. Earn the International Society of Arboriculture Certified Arborist credential.



<i>Apprenticeship-Equal Opportunity</i>	
Why now?	Age of current regulations
Regulations	Key Changes
Timeline	Wisconsin
Next Steps	Implementation

Regulations	Why Update?
<ul style="list-style-type: none"> <li>Regulations have not been updated in 40 Years</li> <li>Will help employers attract a larger and more diverse pool of applicants</li> <li>Clarifying and streamlining the regulations will make it easier for sponsors to comply.</li> <li>Changes will bring policies in line with current civil rights statutes and case law.</li> </ul>	

CFR 29 Part 30	Key Changes.
<ul style="list-style-type: none"> <li>Extends protections against discrimination</li> <li>Improves and clarifies affirmative steps to ensure equal opportunity in apprenticeship</li> <li>Provides flexibility in implementing</li> <li>Better defines process for analyzing workforce and setting goals</li> <li>Introduces affirmative steps for employing people with disabilities in apprenticeship</li> <li>Clarifies outreach, recruitment, and retention activities</li> </ul>	

## CFR 29 Part 30 Protected Bases



Adds additional classifications to list of protected bases

- Age-40 and older
- Disability
- Sexual Orientation
- Genetic Information

## Regulations Wisconsin Impact

- Need to update Nondiscrimination Pledge
- Apprentice Application
  - EEOC Supplemental Information



## CFR § 30.3 Specific Actions – For All

- Assign responsibility to an individual to oversee EEO
- Distribute EEO policy and conduct orientation and informational sessions
- Conduct outreach and recruitment
  - 1) Develop and update a list of recruitment sources
  - 2) Identify a contact at each source
  - 3) Provide recruitment sources with advance notice of apprenticeship openings



## CFR § 30.4 Anti-harassment obligations



- 1) Provide anti-harassment training
- 2) Make all facilities and apprenticeship activities available to all
- 3) Establish and implement procedures for handling & resolving complaints





## CFR § 30.4 Sponsors with 5 or More

- ❑ Must have Affirmative Action Plan
  - ❑ Similar to current regulations
    - ❑ New tool to perform utilization analysis
- ❑ Must have utilization goals
- ❑ Must engage in targeted outreach, recruitment, and retention activities



## CFR § 30.4 Sponsors with 5 or More

### Exemptions

- ❑ Programs with fewer than five apprentices
- ❑ Sponsors who are meeting their goals
- ❑ Sponsors who have AA plan which meets the requirements of another governmental agency-specific cites in the rule.

## CFR § 30.10 Selection of Apprentices

- Allows the sponsor to use any method of entry as long as not discriminatory
- Must comply with Uniform Guidelines on Employee Selection Procedures (UGESP) 41 CFR part 60-3



## § 30.11. People with Disabilities



- New section addresses self-identification of people with disabilities
  - Three stages
    - When applicants apply
    - After the applicant has been accepted but before begin
    - One time thereafter

## CFR § 30.13 Compliance Reviews



- Registration agency will regularly conduct compliance reviews with findings back to sponsor within 45 days
- If the sponsor is out of compliance, sponsor must submit a remediation plan.

## Regulations Wisconsin Impact

### Timeline

- By 05/31/2017-Review changes with State Committees
- Summer 2017-Draft new rule and hold hearing
- Fall 2017-Formal Rule Making
- Winter 2018-Submit Plan to US DOL Implementation



## Regulations Wisconsin Impact

### Wisconsin Regulatory Structure

- WI Statutes Ch 106-No change needed
- DWD 295-Only minor changes needed
- DWD 296
- WI Apprenticeship Manual



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## Apprenticeship Grants

### WAGE\$ Grant Overview

The ApprenticeshipUSA Wisconsin Apprenticeship Growth and Enhancement Strategies (WAGE\$) grant is a \$5 million statewide grant from the U.S. Department of Labor to the Wisconsin Department of Workforce Development, Bureau of Apprenticeship Standards from October 1, 2015 – September 30, 2020.

Key project goals are to implement Registered Apprenticeships in three sectors (Advanced Manufacturing, Health Care, and Information Technology) to ultimately result in **1,000 new apprentices**. The grant will also strengthen collaboration among organizations within the workforce system, thus increasing Wisconsin's capacity to support future Registered Apprenticeship growth.

### **WAGE\$ Sub-Recipients**

11 Workforce Development Boards

- Role: Hire or designate an Apprenticeship Liaison at each Board, assist with employer outreach, and support the development of pre-apprenticeship programs

Wisconsin Technical College System (WTCS)

- Role: Develop and modify curriculum for new apprenticeship programs and support expansion activities in classes with low enrollment

### **Proposed Occupations and Numbers of Apprentices**

#### ➤ **Advanced Manufacturing**

- Industrial Manufacturing Technician (100) - *Expansion*
- Maintenance Technician (120) - *Expansion*
- Welder/Fabricator (75) - *Expansion*
- Mechatronics (32) – *New Program*

#### ➤ **Information Technology – All New Programs**

- Computer Network Support Analyst (50)
- Computer System Analyst (100)
- Information Security Analyst (100)
- Data Warehouse Specialist (30)
- Business Intelligence Analyst (60)

#### ➤ **Health Care – All New Programs**

- Community Health Care Worker (83)
- Licensed Practical Nurse (70)
- Medical Assistant (180)

*NOTE: The actual programs selected for development will be industry-led and may be modified, with U.S. Department of Labor approval, based on employer discussions about training needs.*

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### **State Expansion Grant**

The ApprenticeshipUSA State Expansion Grant is a \$1.5 million statewide grant from the U.S. Department of Labor to the Wisconsin Department of Workforce Development, Bureau of Apprenticeship Standards beginning November 1, 2016 with continuation funding available.

Key project goals are to expand apprenticeship into two new areas (Biotech and Finance), to increase apprenticeship in high growth construction sectors, and to expand training opportunities for underrepresented workers. The grant will result in an addition **427 new apprentices.**

### ***Expansion Grant Sub-Recipients***

- 2 Workforce Development Boards: Employ Milwaukee and Workforce Development Board of South Central Wisconsin

### ***Key Registered Apprenticeship Expansion Grant Strategies***

1. Target regions with high growth sectors and concentrations of underrepresented workers
2. Enhance the pipeline for underrepresented workers
3. Increase Registered Apprenticeship demand in the construction sector
4. Expand into new high growth sectors
5. Continue funding for best practices statewide

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### **Accelerator Grant**

The ApprenticeshipUSA State Expansion Grant is a \$200,000 statewide grant from the U.S. Department of Labor to the Wisconsin Department of Workforce Development, Bureau of Apprenticeship Standards from July 1, 2016 – December 2017.

Key project goals are to align the skills of Apprenticeship Training Representatives to meet the projected increase in outreach duties; conduct asset mapping to better tell the apprenticeship story to new industries; conduct outreach and technical support; and hold strategic partnership meetings and associated trainings. The grant initiatives will expand Bureau of Apprenticeship Standards capacity and include organizational changes that will enhance overall apprenticeship outreach efforts.





# ApprenticeshipUSA

## FACTSHEET

[www.dol.gov/apprenticeship](http://www.dol.gov/apprenticeship)

## Access to Registered Apprenticeship – A Proven Path to In-Demand Skills and the Middle Class

Apprenticeship rule update will help employers grow and diversify their apprenticeship programs

### Background

Registered Apprenticeship is a powerful tool for growing our economy and workforce. It helps our workers and employers alike by providing skills-driven training tailored to the needs of our nation's businesses. Apprentices can afford to get the training they need because they learn skills on the job while earning wages. Employers can develop a top-notch, state-of-the-art workforce to stay competitive while apprentices benefit from hands-on career training and national industry certification; it can even lead to more workers getting the advanced training and college degrees they need to compete in the 21st Century economy.

Apprenticeships provide a measurable return on investment for our economy with nine out of ten apprentices employed after completion; the average starting wage is more than \$60,000. And studies show that apprentices who complete their training can earn substantially more over their lifetime - approximately \$240,000 more than their peers who didn't participate in apprenticeship. A stronger apprenticeship system is good for employers too – employers that sponsor apprenticeship programs report higher productivity and retention rates.

The U.S. Department of Labor is working to double and diversify the number of apprentices in the United States - to ensure that more Americans from all backgrounds can benefit from this proven training model. As part of this effort, we have updated and simplified the guidelines for employers and other apprenticeship sponsors on how to ensure Equal Employment Opportunity in apprenticeship programs for traditionally under-represented groups, including

women, minorities, and people with disabilities. These rules have long provided that employers cannot discriminate on the basis of race, color, religion, national origin and sex, in addition to requiring sponsors to take affirmative action efforts to ensure equal opportunity in apprenticeships. But these rules have not been updated since 1978, and needed to be revised to meet the realities of the modern economy and extend protections against discrimination to include a broader range of America's workforce. The updated guidelines will also make it more straightforward for sponsors to comply with the rules and will bring the rule in accord with the current landscape of civil rights statutes and developing case law.

Modernizing and streamlining the rules will also make it easier for employers and apprenticeship sponsors to effectively grow and diversify their apprenticeship programs. These rules are a tool to help programs reach a larger and more diverse pool of applicants, as well as to help improve the experience of all individuals while in the program, thereby broadening participation in apprenticeships and improving the quality of programs.

The updated rules are designed to help employers and apprenticeship sponsors access all of the nation's talent. Women, for example, make up nearly one-half of the American workforce, but less than ten percent of all registered apprentices, meaning many employers are missing out on a large source of talent. Minorities are also under-represented in many industries compared to their share of the talent pool. For instance, while Hispanics make up approximately one



sixth of the labor force, they account for less than one tenth of apprenticeship enrollments in industries such as manufacturing, utilities, and transportation.

The new rules are designed to help employers and apprenticeship sponsors access more of America's talent, and to ensure that we tap into our nation's full potential.

## What's New in the Apprenticeship Equal Employment Opportunity Regulations

Apprenticeship sponsors and employers have long been responsible for ensuring a workplace free from discrimination and taking affirmative steps to support diversity by reaching a broader pool. The first updates to these regulations in nearly 40 years will provide employers and other apprenticeship sponsors with greater clarity in meeting these responsibilities.

The final rule improves on the previous regulations by:

- Extending protections against discrimination to include a broader range of America's workforce, including protections based on disability, age (40 or older), sexual orientation, and genetic information.
- Improving and clarifying the affirmative steps employers and sponsors must take to ensure equal opportunity in apprenticeship.
- Providing new apprenticeship programs with additional flexibility, including up to two years to develop initial affirmative action programs.
- Simplifying and clearly defining the process for analyzing the talent available in the labor market to establish clear and achievable goals for diversity in apprenticeship making it easier for employers and sponsors to comply.
- Clarifying the outreach, recruitment, and retention activities expected of sponsors by specifying four common-sense required activities, such as advertising openings and partnering with educational institutions to recruit diverse talent.
- Providing effective technical assistance - the Office of Apprenticeship will provide technical assistance to States and work with apprenticeship program sponsors to help them meet their affirmative action responsibilities.



## More Information About the Final Rule

The full text of the final rule and other information can be found on the Office of Apprenticeship's EEO website, see <https://www.doleta.gov/oa/eoo/>.

## Detailed Summary of the Apprenticeship Equal Employment Opportunity Final Rule

The following is a summary of the previous rule and the updates made in this final rule.

### Nondiscrimination

- The previous rule prohibited discrimination in the recruitment, selection, employment and training of apprentices on the basis of race, color, religion, national origin, and sex.
- The updated final rule expands protected groups for nondiscrimination purposes, including disability, age (40 or older), sexual orientation, and genetic information. The final rule's EEO pledge also clarifies that sex discrimination includes discrimination on the basis of pregnancy and gender identity.



## Affirmative Steps to Ensure Equal Employment Opportunity

- The previous rule established that program sponsors have a general duty in operating their Registered Apprenticeship program to engage in affirmative steps to ensure equal opportunity. However, the previous regulation did not make explicit how employers had to comply with this obligation, which could lead to uncertainty.
- The final rule clarifies what sponsors must do by setting forth the basic steps that all Registered Apprenticeship programs must undertake, eliminating confusion as to what compliance looks like. These affirmative steps, which draw from best practices that some sponsors already engage in, include:
  - Assigning responsibility to an individual to oversee EEO efforts;
  - Internally distributing the EEO policy as well as conducting orientation and information sessions for apprentices regarding the EEO policy;
  - Conducting outreach and recruitment and providing 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,
  - Keeping the workplace free from harassment, intimidation, and retaliation, which includes anti-harassment training and maintaining procedures for handling and resolving complaints.

## Written Affirmative Action Program

- The previous rule required sponsors with five or more apprentices to establish an Affirmative Action Program (AAP) at the time their apprenticeship program was registered (either with OA or a recognized State Apprenticeship Agency). The AAP includes a written plan that details the steps the sponsor has taken and will take to ensure equal opportunity in recruitment, selection, employment, and training of apprentices.
- The final rule now allows new program sponsors more time to establish initial AAPs. New program sponsors will have up to two years to prepare an initial written affirmative action plan. This will give sponsors ample time for preparation of their first plan under these proposed regulations.

- The final rule exempts certain sponsors from the requirement to maintain and update an AAP, in keeping with the previous rule:
  - Sponsors with fewer than five apprentices; and
  - Sponsors that are already in compliance with other equal opportunity programs providing for affirmative action on the bases of race, ethnicity, sex, and disability, including the use of goals for any underrepresented group. An example is federal contractors that have written AAPs developed in accordance with Executive Order 11246 and Section 503 of the Rehabilitation Act, administered by the Department's Office of Federal Contract Compliance Programs (OFCCP).

## Analysis of Apprenticeship Programs' Composition by Race, Ethnicity, and Sex

- Under the previous regulations, non-exempt sponsors typically worked with their registration agencies 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 was significantly less among the sponsor's apprentices than is reasonably expected given the availability of those individuals in the labor market, then the sponsor had to set goals and undertake good faith efforts to meet these goals.
- The final rule maintains these requirements but also:
  - Explains that these goals (1) are not rigid and inflexible quotas that must be met; (2) do not allow preferential selection on the basis of race, sex, or ethnicity; (3) do not create "set-asides" for specific groups; and (4) cannot be used to supersede eligibility requirements.
  - Adjusts the workforce analysis so that it is conducted at the occupation level, and the utilization analysis at the major occupation category level, using a common source of data easily accessible to sponsors.
  - Simplifies the process for analyzing the labor market composition by: (1) decreasing the number of data sources to be analyzed; (2) clarifying the steps required to do the analysis; (3) providing clear directions for establishing goals; and (4) making clear that the Registration Agency will assist the sponsor throughout this process.



## Expansion to Individuals with Disabilities

- The previous regulations did not include nondiscrimination or affirmative action requirements on the basis of disability.
- **The final rule adds disability** to the bases protected by the nondiscrimination requirement, and it adds disability as an element of sponsors' affirmative action programs. Rather than each program conducting an availability analysis specific to its labor market, the final rule establishes a single, national goal that seven percent of programs' apprentices be individuals with disabilities. This approach is based upon available labor market demographic data and is consistent with OFCCP's revised Section 503 regulations that, among other things, established a nationwide seven percent goal for the utilization of qualified individuals with disabilities by federal contractors.
- As with race/sex goals, this updated rule clarifies that 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.
- To provide sponsors with necessary information on applicants' and apprentices' disability status, under the rule sponsors invite individuals to voluntarily self-identify as an individual with a disability.

## Outreach and Recruitment

- The previous rule set forth 10 kinds of outreach, recruitment, and retention activities but does not specify which, or how many, were required.
- In the final rule, there are only two different outreach and recruitment obligations set forth in the rule.
- The final rule provides more clarity as to how outreach obligations work.
- First, the rule states that 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:
  - Develop and update a list of recruitment sources (several examples of which are provided in the rule);

- Identify a contact person at each recruitment source; and
  - Provide these recruitment sources advance notice of openings so they can notify and refer candidates
- Second, the rule also requires that those sponsors that maintain an AAP and are required to set race/sex utilization goals, and/or that identify barriers to EEO with regard to disability, must engage in targeted outreach, and recruitment, and retention activities in response. These activities are:
    - 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;
    - Advertising openings by publishing advertisements in electronic media and other appropriate forms;
    - 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
    - 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.

## Selection of Apprentices

- The previous rule set forth four detailed mechanisms by which sponsors may select apprentices into their programs.
- The final rule provides much greater flexibility for selection, providing that sponsors may use any method to select apprentices so long as that method complies with long-established Uniform Guidelines on Employee Selection Procedures and the Americans with Disabilities Act, is uniformly and consistently applied, and is not discriminatory.

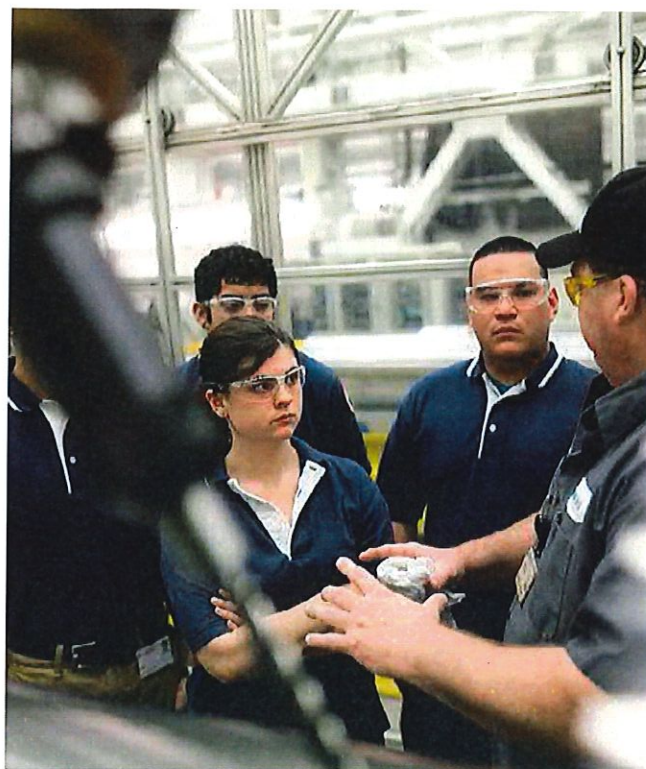


## Complaint Procedure

- The previous regulations provided that applicants or apprentices could file a written complaint with OA or the State Apprenticeship Agency alleging discrimination or a failure to comply with other equal opportunity provisions.
- The final rule clarifies the complaint procedures both for individuals to file EEO complaints and for OA and State Apprenticeship to handle these complaints.

## Measures for Noncompliance

- OA recognizes the voluntary nature of these programs and wants Registered Apprenticeships to succeed. It uses compliance enforcement measures as a last resort after exhausting other avenues.
- The previous regulations' measures for noncompliance included cancellation or deregistration of an apprenticeship program.
- The final rule includes additional, more flexible, enforcement mechanisms. Rather than the only enforcement mechanisms being deregistration or cancellation of a program, which essentially would shut down the apprenticeship program, the updated rule allows the placement of a temporary moratorium on a sponsor's registration of new apprentices. This will allow the sponsor to work with the Registration Agency to address the violations and meet the steps identified in its compliance action plan before deregistration proceedings are instituted.







## WTCS System-Wide Activity Update for Spring 2017

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- **WTCS Apprenticeship Completion Report:** The WTCS published the new Apprenticeship Completion Report in February 2017 with data from completers from 2014-15.  
<http://www.wtcsystem.edu/about-us/wtcs-overview>
  - Of 669 apprentice completers surveyed, 263 responded for a 39% response rate.
  - 95% indicated they were employed in the trade for which they received training, down 4% from the prior report.
  - Annual median earnings of \$67,595 was reported across all sectors, up approximately \$1200 from the prior report.
  - 95% indicated that they were very satisfied or satisfied with their paid-related instruction. For On-The-Job Training, 90% reported they were very satisfied or satisfied.
  - 34% are considering continuing their formal education, up slightly from 31% from the prior year's survey (i.e., Technical Studies Journey Worker AAS, associate degree, bachelor's degree)
- **WTCS Apprenticeship Enrollment Trend:** Enrollment across all apprenticeship programs is up 47% between 2013 and 2016, far outpacing enrollment growth in non-apprenticeship technical degree and diploma programs at the WTCS Colleges. As of end of academic year 2016, there were 6128 apprentices enrolled the Wisconsin Technical College System, unduplicated count. That is a 14% increase from the prior year. With duplicates, there are 6,633 enrollments. Confirmed actual enrollment data for the 2016-17 year will not be available until August 2017.
- **System-wide Curriculum:** PRI model Curriculum Standards are established and currently posted for 51 trades to the WTCS WIDS Repository. Additional curriculum projects are underway for 2016-17, in particular for new apprenticeship programs for Auto Body Collision and Organic Vegetable Farm Grower/Manager, as well as those occupations targeted under the WAGE\$ grant in Mechatronics and IT-Software Developer. Colleges are able to map/create a matrix showing how their curriculum aligns with the model standards and to evaluate credits earned. ATRs regularly use the PRI documents to explain and promote learning content to current and potent apprenticeship sponsors.
- **Great Lakes Tools of the Trade/WTCS Apprenticeship Scholarships:** The Great Lakes Higher Education Foundation once again awarded 200, \$1000 scholarships for industrial and construction apprentices. Awards were distributed in February 2017.
- **Apprentice Direct Instructional Support GPR grants:** For 2016-17, the WTCS has allocated up to \$300,000 in grant funds to support direct instruction for apprentices due to rapidly expanding enrollments and opening of new programs and sections. This continues to reflect a 50% increase in the investment of funds available since 2015.

**Report Name** COM-01 State Committee  
Report - Industrial & Service

Wisconsin Bureau of Apprenticeship Standards



**Refresh Date** 5/1/17 2:34 PM

## State Committee Report State Arborist Advisory Committee

This summary counts employers and apprentices with a contract active or unassigned on 5/1/2017 in trade(s) associated with this committee.

Report is based on apprentice contracts where:

- Status is 'Active' or 'Unassigned'.
- Contract sector is 'Industrial' or 'Service'.
- Contract trade code matches a trade code assigned to committee.
- Contract sponsor is the employer.

Note: Employers with contracts in more than one trade or committee can cause Column #3 totals at the Committee or State level to deviate from the summed total of the individual trade or committee rows.

Trade	Total # of Sponsors	Total # of Apprentices	Of Total Apprentices in Column 3, # who are...			
			Minority		Females	
			#	%	#	%
1	2	3	4	5	6	7
<b>Report Total</b>	<b>2</b>	<b>4</b>			<b>1</b>	<b>25.0</b>
Arborist (340868401801)	2	4			1	25.0

Wisconsin Bureau Of Apprenticeship Standards  
**State Arborist Advisory Committee**  
**Historical Report by Year**  
**Report Period: 2017\* and Previous 10 Years**



*Current year is YTD data as of Run Date: 05/01/2017		
Run Date: 05/01/2017		
State Arborist Advisory Committee		
Sponsored Trade Group(s): Service		
Year	Active Apprentices	Active Sponsors
2007		
2008		
2009		
2010		
2011		
2012		
2013		
2014		
2015		
2016	3	2
2017	4	2

