



## 1 – Apprenticeship Plans in General

### Legal Framework

- Are contributions made to apprenticeship programs allowed under the Labor-Management Relations Act?
- What requirements are in place to allow contributions under the Labor-Management Relations Act?
- What role does the National Apprenticeship Act have in the governance of apprenticeship programs?
- Which agencies have oversight responsibility for apprenticeship programs?
- What are apprenticeable occupations?
- What are the standards of apprenticeship?
- What is entailed in an apprenticeship agreement?
- Are apprenticeship programs tax-exempt?
- Which sections of Internal Revenue Code Section 501(c) would an apprenticeship program fall under?
- What does an apprenticeship program have to do to remain tax-exempt?
- Are there other laws that apprenticeship programs need to be aware of?
- What is the difference between an apprenticeship and a Registered Apprenticeship?
- What is the difference between qualifying for an apprenticeship training program and qualifying for employment?
- What is the difference between state- and federally administered Registered Apprenticeship programs?
- Is there a difference in governance of Registered Apprenticeships by state?
- Should apprentices expect to have a drug test, physical, background check or other requirements at any point along the career pathway?

### Is it an ERISA plan?

- Are all apprenticeship plans considered ERISA plans?
- What is the significance of being an ERISA plan?

## 2 – Setting up an Effective Apprenticeship Plan

### Logistics

- Which U.S. government agency/department oversees apprenticeable occupations?
- What is the difference between RAPs and IRAPs?
- Where can I find more information on apprenticeship programs?
- How do I set up an effective apprenticeship plan?
- How and where does a person interested in becoming an apprentice apply?
- Are apprenticeship programs solely for the construction trades?
- Does a company have to be a union shop in order to participate in an apprenticeship program?

### Apprenticeship Standards

- Where are regulations for labor standards for apprenticeship programs located? Specifically, what is CFR 29-29?
- Similarly, what is CFR 29-30?
- Do Industry-Recognized Apprenticeship Programs (IRAPs) fall under the CFR guidelines mentioned above?

### Accreditation

- How does a company, labor union and/or industry participate in an approved apprenticeship program?
- What is an intermediary?
- What are industry-recognized credentials?
- How does work-based learning (i.e., internships) differ from an approved apprenticeship?

### Workforce Development Initiatives

- What is the average age of today's apprentice?
- What are some of the approaches different industries are taking to deal with recruiting and retention issues?



- From an outcomes perspective, what are some of the quantifiable results from the aforementioned approaches?
- Is it possible to provide advance standing (both related training instruction and on-the-job-learning) to apprentices?
- What is the Registered Apprenticeship Partners Information Management Data Systems (RAPIDS) database?

#### **Grant Funding**

- When should my approved program seek grant funding?
- What are some sources for grant funding?
- Is there funding available to prepare candidates such as pre-apprentices and youth apprentices?

### **3 – Recruiting Great Apprentices**

#### **Pre-Apprenticeship Programs**

- What is a pre-apprenticeship program, and how does it provide great apprentice candidates?
- What kinds of organizations provide effective pre-apprenticeship programs?
- What is an industry intermediary, and how can it help with pre-apprentices or apprentices?
- What types of pre-apprenticeship programs are available?
- How do pre-apprenticeship programs prepare someone to be an apprentice?
- What is typically involved in pre-apprenticeship programs?

#### **Promotion (e.g., marketing, advertising)**

- How can an apprenticeship program be promoted to reach qualified candidates?
- Where should an apprenticeship start with creating a marketing plan?
- How can a website be used as a recruitment or advertising tool?
- How can social media marketing be used as a recruitment tool?
- How can a marketing plan get people to slow down and pay attention to a message?
- How can you market to diverse groups?

#### **Targeting Groups**

- Segmenting entails dividing groups into smaller subgroups for communication purposes. Why is segmenting groups important in recruitment and advertising?
- What is A/B testing?
- What are audience personas, and how can personas help advertising efforts?
- How can digital advertising (i.e., social media marketing) be used to target females and minorities for recruitment?
- What are Facebook dark ads, and how can they be used for recruitment?
- What are metrics? How should a JATC think about them as data is analyzed?
- What role does the demographic composition of a joint apprenticeship committee (JAC)/joint apprenticeship and training committee (JATC) play in recruiting and retaining a diverse workforce?

#### **Equal Employment Opportunity (EEO) Regulations**

- Who is subject to EEO regulations?
- What do EEO regulations prohibit?
- What do EEO regulations require?

#### **Interview Questions**

- What types of questions should the committee ask applicants during interviews?
- What types of questions should the committee avoid asking during interviews?

### **4 – Ensuring Instructor Quality**

#### **Training Great Apprentices**

- How should instructors be selected?

#### **Using Technology**

- How necessary is it to use technology for instruction in the classroom?
- What are the advantages and disadvantages to using technology in the classroom?
- Should the use of smartphones and personal digital devices be discouraged in the classroom?
- What are some practical, affordable software or apps that are recommended for instructional use?
- What determines the instructional technology that should be used?

**Instructor Quality**

- What makes a great instructor?
- Which is more important: subject expertise or the ability to teach?
- What are the essential skills of an instructor?
- How should instructor effectiveness be assessed?
- What is the best way to develop instructor skills?
- What are the qualities to be considered when selecting an instructor for a particular course?

**Privacy Concerns**

- See *'Running an Apprenticeship Fund – FERPA'*

**5 – Keeping Great Apprentices****Best Practices for Retention**

- Can an apprenticeship program recruit future apprentices at high schools or community colleges?
- Can an apprenticeship program partner with local universities and community colleges to provide liberal arts education opportunities?
- Can an apprenticeship program emphasize education for minority apprentices?
- Are other resources such as financial/budgeting information and training important to success?
- Does mentoring help with retention and, if so, what are best practices in establishing a mentoring program? What types of mentoring can enhance an apprenticeship and increase retention?

**Barriers to Retention**

- Can an apprenticeship program divert from traditional education models to attract and retain apprenticeship program participants?
- What is a good example that an apprenticeship program can follow to address retention concerns?
- How can apprenticeship programs retain minority and women participants?

**Best Practices for Dealing With Multiple Generations**

- How can an apprenticeship program best address the communication styles of different generations?
- Is it appropriate to mix generations in the classroom and on the job?
- What is the best way to illustrate that the generations can learn from each other?

**Barriers to Dealing With Multiple Generations**

- What is the best way to overcome generational miscommunications?
- How can older generations best instruct younger generations (and vice versa)?

**Scholarship Loan Agreements**

- Should programs have all apprentices sign a scholarship loan agreement before entering the program?
- What language should the scholarship loan agreement include?
- Does the committee have to enforce the scholarship loan agreement?
- How does the committee collect monies owed pursuant to scholarship loan agreements?
- The committee began the collection process for a former apprentice and received a notice of bankruptcy filing. What does this mean?

**Apprentice Cancellation**

- What is apprentice cancellation?
- What are best practices relating to a cancellation policy and/or procedure?
- Is there some form of support regarding cancellations?

**Apprentice Probation**

- What is a probationary period?
- What are best practices relating to a probationary period?
- Is there a typical probationary period?

**6 – Running an Apprenticeship Fund****Good Governance**

- How should an apprenticeship program be governed?
- How should an apprenticeship program answer the governance questions on federal Form 990?
- Why should an apprenticeship program be governed more like a business than a union?

**Tax-Exempt Status**

- An apprenticeship program is tax-exempt under which section of the Internal Revenue Code?

**IRS and ERISA Compliance**

- What annual filings with IRS/DOL are required of an apprenticeship program?

**Policies**

- What general policies should an apprenticeship program have?
- What specific policies should an apprenticeship program have that are unique?

**FERPA**

- What is FERPA?
- Does FERPA apply to apprenticeship programs?
- Does FERPA apply to current apprentices only?
- Does an apprentice have the right to inspect his or her education record?
- Does an apprentice have a general right to copy his or her education record?
- If an apprentice is unable to inspect his or her education record due to geographical proximity or some other circumstance, does he or she have the right to copies provided by the apprenticeship program?
- If the obligation to provide copies of education records exists, may the apprenticeship program charge for the copies?
- If the obligation to provide copies of education records exists, may the apprenticeship program charge for the time spent to locate and retrieve records?
- What should an apprentice do if he or she believes his or her education record is incorrect?
- If the apprenticeship program refuses to correct or change an apprentice's records upon the apprentice's request, what recourse does the apprentice have?
- If, after an administrative hearing to determine if an apprenticeship program must correct or change an apprentice's records, the program refuses to make the correction or change, what recourse does the apprentice have?
- In general, must an apprenticeship program have an apprentice's written consent to release his or her education record?
- Are there any exceptions to the general rule that written consent is required to release an apprentice's education record?

**Contributions**

- How can an apprenticeship program ensure that it is receiving all employer contributions due to the fund?
- Other than employer contributions, what other sources of income can an apprenticeship program have?
- When could an apprenticeship program be subject to unrelated business income tax (UBIT)?

**Plan Professionals**

- Who are the professionals who serve apprenticeship programs, and how should they be used?
- Should an apprenticeship program use committees to handle some of the trustees' responsibilities and, if so, what should the committees do?

**Trustee Meetings**

- What should be contained in the minutes of a trustee meeting of an apprenticeship program?
- How often should the trustees of an apprenticeship program meet?
- How should the trustees, the administrator and the apprenticeship coordinator of an apprenticeship plan divide their responsibilities?

**Insurance Issues**

- What types of insurance should an apprenticeship program have?

**Internal Controls**

- What internal control systems should an apprenticeship program have?
- What general internal controls should an apprenticeship program have regarding cash disbursements?
- What is meant by *adequate separation of duties* as an element of cash disbursement internal controls in an apprenticeship program?
- What is meant by hiring proper personnel as an element of cash disbursement internal controls?



- What is meant by having appropriate authorization of cash disbursement transactions?
- Why should an apprenticeship program have internal controls that ensure the accurate recording of transactions?
- Why should an apprenticeship program have internal controls that require confirmation or comparison of recorded amounts?
- Why should an apprenticeship program limit access to assets and records of cash disbursement transactions?

**Fraud Concerns**

- What types of fraud can be perpetrated in an apprenticeship program?
- How can fraud best be prevented and/or detected in an apprenticeship program?

**Trust Fund Operations**

- What trust fund responsibilities should be top of mind for apprenticeship fund members?

**7 – DOL Audits of Apprenticeship Funds**

- How does the Department of Labor (DOL) regulate apprenticeship programs?
- Why does DOL audit an apprenticeship program?
- What should an apprenticeship program do when it receives a request from DOL to conduct an audit?
- What documentation does DOL want to see when it conducts an audit?
- Who should meet with DOL during the course of an apprenticeship program audit?
- What are some of the common areas of scrutiny in a DOL apprenticeship program audit?
- What is a self-audit, and should an apprenticeship program consider conducting one?
- Why are apprenticeship program graduation ceremonies and marketing and promotional expenses heavily scrutinized by DOL?

**8 – Financial Issues Relating to Apprenticeship Funds**

- Why should an apprenticeship program have a collection policy?
- What should be included in the collection policy of an apprenticeship program?
- Should an apprenticeship program have a collection committee?
- What should be the duties of a collection committee?
- What guidance should be provided by the education and expense reimbursement policy of an apprenticeship program?
- What expenses are permissible for the trustees and employees of an apprenticeship program?
- What types of expenses does an apprenticeship program have?
- What documentation should an apprenticeship program have for the professional fees it incurs?
- Aside from employer contributions, what revenue sources are available to an apprenticeship program?
- What can an apprenticeship program do to reduce its expenses?
- Should apprenticeship instructors be treated as employees or independent contractors?
- What types of budgets should an apprenticeship program have, and what are the elements of each type of budget?
- What are the advantages of having a budget for an apprenticeship program?
- Should an apprenticeship plan have an annual financial statement audit?
- What should trustees look for when examining the annual financial statement of an apprenticeship program?
- What is a dashboard, and why should an apprenticeship program consider having one?
- What is an adequate level of financial reserves for an apprenticeship program?
- What is an endowment, and why should an apprenticeship program consider having one?
- How can an apprenticeship program start or increase its endowment?
- What investments should an apprenticeship program have?
- What are good banking practices for an apprenticeship fund?
- How should an apprenticeship fund manage its cash flow?



## 9 – Apprenticeship Fund Pitfalls

### Prohibited Transactions

- What is a *prohibited transaction*?
- Who is a *party in interest*?
- What are the specific types of transactions that could trigger a prohibited transaction?
- What statute does the rule about prohibited transactions derive from?
- Are there any rules of thumb in determining whether a prohibited transaction exists?
- What are prohibited transaction exemptions?
- Are there any statutory prohibited transaction exemptions?
- ERISA Section 408(b)(2) provides a statutory exemption allowing for reasonable contracts for services. What are the requirements to meet this exemption?
- What are class exemptions?
- What is the process for applying for a prohibited transaction exemption?
- Are there any transactions that cannot be cured by a prohibited transaction exemption?
- How do recusal rules work with respect to prohibited transactions?
- What if a recusal leaves the joint apprenticeship and training committee (JATC) without a quorum?
- When dealing with actual or potential prohibited transaction situations, how much detail should be reflected in meeting minutes?
- How does ERISA 408 and its compensation rules impact JATC groups as to instructor pay?
- Is supplemental instructor pay allowed?
- What are the penalties for prohibited transactions?

### Fiduciary Responsibilities

- What is the definition of a fiduciary?
- Are trustees of a joint apprenticeship and training committee (JATC) considered fiduciaries?
- Is a JATC coordinator considered a fiduciary?
- Are bargaining parties considered fiduciaries?
- What are the pillars of fiduciary responsibility?
- Do new trustees get a training period before being held responsible as a fiduciary?
- If a fiduciary violates his or her fiduciary responsibility, what is the penalty?
- Can one fiduciary be held liable for the actions of another?
- How can a fiduciary avoid co-fiduciary liability?
- What kind of insurance should be in place to protect against fiduciary liability claims?

### Skills Competitions and Graduation Banquets

- Can an apprenticeship program use plan assets to purchase marketing and other promotional materials?
- Can an apprenticeship program use plan assets to pay for graduation ceremony expenses?
- Can apprenticeship programs use plan assets to pay for contests and other competitions?

### Leasing Arrangements

- Is a written lease agreement required if the space has been leased over a long period of time?
- What terms should be included in the lease?
- What prohibited transactions apply to multiemployer leasing agreements, and is there any relief for them?
- Can a leasing arrangement constitute a prohibited transaction even if the terms offer a favorable deal to a joint apprenticeship and training committee (JATC)?
- How do we go about ensuring that our leases are at fair market value?
- What kind of documentation is needed to demonstrate that fair market value has been appropriately determined?
- How often should our plan review lease agreements to ensure they are still at fair market value?
- Does the JATC have to pay for expenses outside of the lease, such as utilities and taxes?
- If there are expenses outside of the lease amount, what proportion (if any) does the JATC have to pay?
- Can a JATC buy land or property from a party in interest?
- Where can I learn more about leasing arrangements in multiemployer plans?



## 10 – Apprenticeship Program’s Role as an Employer

### HR Issues

- What are some best practices for selecting and interviewing candidates?
- How can we set up a defensible hiring process?
- What are the elements of a good hiring process?
- How can we make our orientation process better for new hires?
- What are the components of a robust performance evaluation process?
- How can we better handle on-the-job disputes between co-workers?
- What are effective ways to improve relationships between apprentices, instructors and site supervisors?
- What kinds of performance and employee records should we be keeping, and for how long?
- What can we do to help apprentices connect classroom training with their work experiences to maximize performance?
- What is the best way to tell an apprentice that he/she has a problem that needs to be addressed?
- What is the best way to incorporate workplace values, ethics and good work habits into the things our apprentices are learning?
- What is the best way to fire someone?

### Harassment

- What categories are protected by federal discrimination laws?
- Do states have other categories that are protected from discrimination?
- What are discriminatory practices?
- How is harassment defined? What are the most common forms of harassment?
- What is retaliation, and why is it so important in a harassment policy?
- What should victims of harassment do?
- What role does a supervisor have?
- What should other employees do if harassment is seen?
- How can we create an environment that will prevent harassment and discrimination?
- What role does cultural competency play in preventing harassment and discrimination?
- What should be in a harassment/discrimination policy?
- What are the steps of an effective investigation of an allegation of harassment or discrimination?
- What should be considered when contemplating action against an employee for harassment or discrimination?

## 11 – Trends in Apprenticeship Programs

### Use of Social Media/Technology

- What goals should be set for social media accounts? What does success look like?
- What social media channels are recommended for reaching qualified candidates?
- How should negative comments or a brand reputation crisis be dealt with?
- How can one stay on top of the latest innovations in digital media?
- How should a social media budget be allocated?
- What is the most important thing a social media manager should be doing?
- What makes a piece of social media content successful?
- How can Facebook/Instagram marketing be used as a recruitment tool?
- What is the difference between a Facebook group and a Facebook page?
- What are some options for targeted ads on Facebook?
- How can applicants apply through a Facebook page?
- How can applicants apply through a website?
- What is the most effective time of day to be posting?
- How frequently should Facebook posts be published?
- What is social media listening?

### Life Skills Training—Skills to Address

- Is it lawful to devote apprenticeship program resources to life skills instruction?
- What life skills should be covered?

**Life Skills Training—Finding Curriculum Time to Address Life Skills Training**

- How much time over the school year should be dedicated to life skills?
- Is it appropriate to measure participant progress in life skills instruction? If so, what are the best ways to measure progress?

**Outlook for Apprenticeship Plans**

- As an apprenticeship program stakeholder, what current and future trends should I be following?