



# West Texas Electrical JATC Apprentice Handbook

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Statements of Policy  
For  
West Texas Electrical Joint Apprenticeship  
And  
Training Committee

Updated and Approved 10/12/2021  
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## **APPRENTICESHIP POLICY STATEMENT**

The following is the policy statement issued by the West Texas Joint Apprenticeship and Training Committee. This policy shall be administered by the JATC and the appropriate subcommittee in accordance with Section III (N) and (R) of the Local Apprenticeship and Training Standards for the Electrical Contracting Industry, and as such becomes part of the apprenticeship agreement. No part of this policy shall conflict with the present Collective Bargaining Agreement, Standards, Selection Procedures, Affirmative Action Plan, or Guidelines for Apprenticeship maintained by the Bureau of Apprenticeship and Training. This Statement of Policy may be changed or revised at any time by the Committee without affecting the remaining parts.

The Joint Apprenticeship and Training Committee (JATC) is delegated, the full responsibility and authority for the selection, qualification, education, training, evaluation, certification and supervision of all apprentices as well as other matters regarding apprentices or apprenticeship.

The National Electrical Contractors Association (NECA) and the International Brotherhood of Electrical Workers (IBEW) have spent decades developing the finest electrical apprenticeship program in the world. This program is composed of on- the-job training and classroom instruction, both of equal importance in the development of competent journeymen Wiremen. Because of the quality of the program, and the relatively small number of apprentices brought in each year, those who have been selected have a special responsibility to make the utmost of the opportunity provided.

Consistent with this responsibility, all apprentices are expected to conform to the Rules and Regulations set forth in this policy. Violation of this Policy will be considered cause for disciplinary action or dismissal from the Program.

All Committee policies have been adopted to improve the quality of the Apprenticeship Program. Any apprentice, who earnestly applies themselves to living up to the terms of the apprenticeship agreement, will not be affected by the penalties imposed by Committee Policies.

Each apprentice is indentured to the JATC and is directly responsible to them for all matters pertaining to their apprentice training.

The Training Director shall act for and under the direction of the Joint Apprenticeship and Training Committee in the Administration of the Apprentice Program.

### **1. DRUG TESTING, COLORBLINDNESS TEST, and BACKGROUND CHECK**

Each applicant who is selected for apprenticeship will be required to submit to a urinalysis test for drugs. Prior to the test, the applicant must sign a Consent and Release Form authorizing and agreeing to the test as a condition to be considered for admission. This test will be paid for by the Committee and the results will be confidential. Anyone who refuses to take the test or receives a positive result from the drug test will have their offer of an indenture rescinded.

At the time of the initial drug screen and prior to admission to the program, an applicant will be required to perform a test for colorblindness. A positive test for colorblindness will not necessarily prevent an applicant from being accepted into the program but depending on the type and severity of the condition, an applicant/apprentice may be required to purchase corrective lenses to mitigate the condition. The reason for this requirement is that in the electrical trade, the ability to distinguish colors when wiring equipment and devices is a necessity for safe installations.

After admission and during the apprenticeship, an apprentice may be required to submit to a drug screening at any time, for good cause. Refer to the West Texas Electrical JATC Alcohol and Substance Abuse Policy for further information.

Drug test results will be reported to the Training Director.

A Background Check will be conducted by the JATC (cost to be borne by the JATC) after an applicant has been selected for the program. The information obtained during the Background Check will be evaluated using the criteria established by the Texas Department of Licensing and Regulation (TDLR) to determine if the applicant will be able to obtain an Apprentice Electrician License. If the Background Check, or the failure to acquire the required TDLR license, establishes that a selected candidate has either provided false information during the application process or that the candidate will be unable to obtain the required license, then an offer of apprenticeship may be rescinded.

### **2. NONDISCRIMINATION**

The Program will not discriminate against apprenticeship applicants or apprentices based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, genetic information, or because they are an individual with a disability or a person 40 years old or older.

The Program will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30, as amended.

### **3. PROBLEMS/COMPLAINTS**

Any apprentice who has a problem, either on the job or in school, shall contact the Training Director by phone, letter, email, or in person. If the Training Director cannot solve the problem, the problem will be referred to the local subcommittee for appropriate action.

Any apprentice who wants to appear before the local subcommittee may do so by making a request through the

Training Director; the Training Director will inform the apprentice of the time and location of the next meeting.

Any apprentice, Journeyman, employer, or other person having a complaint against any other person regarding violation of this Statement of Policy or the Local Apprenticeship Training Standards shall put their complaint in writing to the Training Director.

The Training Director will acknowledge the complaint in writing, stating that when the complaint will be brought to the attention of the local subcommittee. This may be at the next regular meeting of the Committee, or at a special meeting called by the Chairman of the subcommittee or the Training Director. The subcommittee will take appropriate action.

#### 4. **PAY PERIOD ADVANCEMENTS**

Apprenticeship consists of a minimum of 8,000 hours of on-the-job training and a minimum of 900 hours of related classroom training before being advanced to Journeyman status. Hours missed due to sickness; accidents; hospital or bench time cannot be counted as on-the-job hours as no electrical training has been received.

Reclassification (advancement) in pay period is based on the following:

- a. Sufficient on-the-job training hours worked since last advancement.
- b. Satisfactory attendance and grades in related classroom training.
- c. Satisfactory progress in practical hands on applications.
- d. Satisfactory Employer and Journeyman Report.
- e. Job reports turned in on time.
- f. All fees and/or fines paid.
- g. Acquiring and maintaining the required State license.
- h. Registration with Selective Service (In order to qualify for funding per apprentice, the Texas Workforce Commission (TWC) requires that all male apprentices must be registered with Selective Service as required by law. Although this requirement **WILL NOT** prevent an apprentice from receiving pay period advances, each male apprentice selected shall make every effort to provide proof of Selective Service registration.).

AS AN APPRENTICE IN THE TIME-BASED APPRENTICESHIP PROGRAM, PERIODIC ADVANCES ARE PRESENTLY AWARDED ACCORDING TO THE FOLLOWING SCHEDULE.

Period	Percent of Journeyworker Rate	Minimum Accumulative OJT Hours	+	Related Training
1	<u>50</u> %	0	+	N/A
2	<u>52.5</u> %	1000	+	Satisfactory Progress
3	<u>55</u> %	2000	+	1 <sup>st</sup> Year School Completed
4	<u>65</u> %	3500	+	2 <sup>nd</sup> Year School Completed
5	<u>75</u> %	5000	+	3 <sup>rd</sup> Year School Completed
6	<u>85</u> %	6500	+	4 <sup>th</sup> Year School Completed
Completion	100%	8000	+	5 <sup>th</sup> Year School Completed

At the time of registration of these Standards, the Journeyworker rate is (\$28.49 Amarillo) (\$24.85 Lubbock). The Registration Agency will be notified of all changes to the Journeyworker rate in a timely manner.

[Example: To advance to third period, one must have satisfactorily completed the first year of related training and must also have accumulated 2,000 hours of OJT with satisfactory performance.]

Advancements to each period are to be effective on the fifteenth day of the month. If an apprentice is within eighty (80) hours of the time required for promotion, the apprentice will be promoted on the fifteenth day of the current month. If an apprentice is NOT within eighty (80) hours, then the promotion would be made the next month.

**(EXAMPLE: An apprentice has 920 hours on the 15th of June. The apprentice would be promoted from 1<sup>st</sup> period to 2<sup>nd</sup> period effective June 15th. An apprentice with 919 hours on the 15<sup>th</sup> of June would be promoted from 1<sup>st</sup> period to 2<sup>nd</sup> period on July 15th.)**

#### **5. CONDITIONAL ACCEPTANCE PERIOD & PROBATIONARY PERIOD**

There will be an initial period of conditional acceptance into the program of 45 days prior to registration with the Department of Labor. During this initial 45-day conditional period, the health and welfare and annuity contribution will not be made for the selected applicant. After the 45-day conditional period the selected applicant will be registered with the Department of Labor and will be eligible for the applicable benefit contributions as outlined in the local agreement.

Each apprentice, after registration with the Department of Labor, will serve a 2,000 probationary period. This is 2,000 hours of actual employment combined with successful completion of the related classroom training. During this period, the local subcommittee may terminate an apprentice for cause without a hearing. During the 2,000 probationary period, an apprentice terminated from an employer for cause, unable to show good cause to the committee, will be terminated from the program.

After the probationary period, the local subcommittee may still terminate an apprentice, but the apprentice is allowed a hearing before the local subcommittee.

#### **6. COMPLETION OF PROGRAM**

There are two requirements to complete the West Texas Electrical JATC apprenticeship program:

1. Obtain a minimum of 8000 hours of on-the-job training
2. Satisfactory completion of the Electrical Training Alliance's five-year course study

When these requirements are met, the JATC will notify the Electrical Training Alliance, the Bureau of Apprenticeship and Training, the apprentice's current employer, the IBEW Local Union, and the NECA chapter.

Completion of the apprenticeship program DOES NOT mean automatic reclassification to journey worker status as per the IBEW 602 Inside Agreement. To be reclassified as a journey worker, an apprentice will be required to acquire the TDLR issued journey worker license. If an apprentice completes the program without the TDLR issued journey worker license, the apprentice will be reclassified as a Construction Electrician with a pay rate change to the corresponding Construction Electrician pay level based on the Construction Electrician Memorandum of Understanding (MOU). However, an apprentice can maintain their apprentice classification (with the corresponding pay rate and benefit package) by participating in TDLR License Preparation Classes as outlined in Appendix B.

#### **7. JOB ASSIGNMENTS**

The Apprentice Committee is charged with transfers and assignments of all apprentices. Apprentices do not fall under the "Referral Procedure," but are assigned by the Committee through the Local Union Dispatcher as determined by requirements of experience, training needs, etc. The Committee will instruct the Dispatcher on where apprentices are to be assigned. Priority is given to the individual who has been out of work for the longest period.

Apprentices are expected and required to accept job assignments as directed. Apprentices who refuse a job assignment will be subject to the same penalty as those terminated for absenteeism or any cause other than layoff (See Section 29). The penalty for job assignment refusal will only apply for refusals in the home jurisdiction of the apprentice (For example: An Amarillo apprentice who refuses a job assignment in the Lubbock jurisdiction will not be penalized).

Apprentices are not allowed to solicit their own jobs.

Job transfers of the apprentice to another jurisdictional area must be approved in advance by both the apprentice's home JATC and the JATC to which the apprentice will be travelling. All apprentices working out of the jurisdiction due to local unemployment, will do so only until employment is available locally. Out of jurisdiction assignments will be handled through the JATC so that the necessary classroom training may be arranged.

Apprentices shall not seek employment nor be employed in the Electrical Construction Industry other than being assigned by the JATC. Violation of this Policy shall be cause for Committee action and could result in termination from the Program.

#### **8. REDUCTION OF FORCE (ROF)**

Following severance, all apprentices will report to the appropriate Local Union office to fill out the Employment Register. Termination slips must be presented when registering for new work assignments. The Training Director may recognize vacation time. Out of work apprentices are required to provide a telephone number(s) in which they can be reached.

#### **9. TERMINATION**

Apprentices are not authorized to quit a job (a requested layoff is considered a quit). If an apprentice feels that he/she needs to be transferred to another employer, they must request a meeting with the local subcommittee. If a termination is for reasons other than an ROF or rotation, then the apprentice will be required to appear before the local subcommittee at its next regularly scheduled meeting.

#### **10. ROTATION**

To vary the experience gained; apprentices are rotated to another shop after they have worked for a contractor for a period of one year, or as close thereto as practical. When apprentices are reassigned to a contractor, the size of the shops worked in, the type of work and/or type of job is taken into consideration. Rotating apprentices close to home is nearly impossible and therefore not practiced. Those apprentices who have been at their current contractor for less than six (6) months will not be required to rotate. All fifth (5th) curriculum apprentices may choose to stay at their current contractor, at the contractor's discretion. However, if they choose to rotate and the rotation is acceptable to their current employer, the contractor they rotate to will be determined by the Committee. All rotation schedules will be at the discretion of the Committee.

#### **11. WORK REPORTS**

A Work Report must be COMPLETELY and ACCURATELY filled out by the 15th of each month. Proper processing of Work Reports is the responsibility of the apprentice.



An apprentice who is late, or fails to complete a report, will have future pay increases delayed one month for each late or delinquent Work Report. Work Reports will be submitted using the TradeSchool Web Services.

All hours will be verified. Falsifying Work Reports is a violation of this Policy and will result in disciplinary action. Failure to maintain a favorable Journeyman's Evaluation of Apprentice Report on performance, attitude, and appearance, could cause your pay period advance to be delayed.

## **12. APPRENTICE LICENSE/DRIVER'S LICENSE**

Apprentices are required to obtain an apprentice license from the Texas Department of Licensing and Regulation (TDLR) before they will be allowed to work. Apprentices will have forty-five (45) days from the date of the conditional offer of apprenticeship to acquire an apprentice license, otherwise the offer of apprenticeship may be rescinded. Also, an apprentice is required to maintain a current apprentice license for the duration of their apprenticeship to maintain employment and to advance through their apprenticeship.

A valid driver's license (minimum Class C) is required for acceptance into the program. After the offer of apprenticeship and prior to registration with the Department of Labor, an applicant will be

required to provide official documentation that shows (a) their license is valid and (b) their record for the previous three (3) years. During their apprenticeship, an apprentice may be required to provide this same verification prior to each work assignment.

## **13. CLASSROOM ATTENDANCE**

All apprentices are in the training program by their request and are expected to attend all classes of related training each school year. The apprentice must understand that the related training hours are counted in the total requirements needed to obtain journeyman status; therefore, attendance is mandatory.

Apprenticeship classes will be scheduled by the Training Director and approved by the Committee. The start/end time and day of the week for classes will be given to each apprentice at orientation. It may be necessary throughout the year to reschedule certain classes due to work situations encountered by the instructors. If an apprentice is uncertain about any scheduling, he/she needs to contact the Training Director or his/her instructor.

Absences or tardiness may result in a delay of advancement to the next pay period.

## **14. ABSENTEEISM**

Each apprentice shall attend all class hours of related training each school year. Absences and tardiness may result in delay of advancement to the next pay period.

An apprentice must contact the local Training Office as soon as he/she becomes aware that they will not be in class or as soon thereafter as possible. Notify the Training Office by email or leave a message on the answering machine, if no one is available to take your call-in person.

All apprentices will be required to turn in a completed absentee excuse form for all absences. All absentee excuses will be reviewed by the local subcommittee. Absences will either be "excused" or "unexcused."

If the absentee excuse form is not returned to the Training Office within two (2) weeks following an absence, the absence will be deemed "unexcused" by the Committee.

Examples of excused absences include:

- a. Birth of a child
- b. Illness (doctors' statement must be turned in)
- c. Death of immediate family (father, mother, brothers, sisters, Etc.) (Proof must be furnished)
- d. Pre-makeup Classes-If an apprentice knows in advance that he/she will miss a class, then they can pre-makeup the class with no penalty.
- e. Out of town work – This applies when an apprentice is working out of town and will be required to miss an entire class. The apprentice should make every effort to attend each class even if the result is a tardy. Documentation from the apprentice's employer is required.

**A makeup class will be required for any class missed, whether excused or unexcused.**

Three "tardies" or "left early" or any combination thereof, shall constitute an absence and a makeup class will be required. Habitual tardiness will require the apprentice to meet with the Committee and could result in disciplinary action.

When an apprentice has three (3) "unexcused" absences in one year, including three (3) "tardies" or "left early" as being equal to one absence; or an "unexcused" absence from an assigned makeup class; the apprentice's **ADVANCEMENT TO THE NEXT PAY PERIOD WILL BE DELAYED ONE MONTH.** The individual will be required to attend the next Committee meeting and explain the reason for not being able to attend classes regularly.

All classes will be made up prior to completion of program. If necessary, an apprentice will be required to attend classes after his/her class has completed.

#### **15. MAKE UP CLASSES**

Makeup classes shall be completed on Alternate School Nights. Apprentices are required to check in and out with an instructor to be given credit for a makeup class.

These classes may be classroom lecture style or hands on type classes. All apprentices will be required to bring the current National Electrical Code book, their regular class training materials, along with their hand tools.

An apprentice will be required to attend the makeup class for the total amount of time missed, if the makeup class is for an "excused" absence.

An apprentice will be required to attend the makeup class for the total amount of time missed, plus pay a twenty-five dollars **(\$25.00)** fine if the makeup class is for an "unexcused" absence. Fines will be invoiced and added to the training fees owed. Anyone arriving late for a make-up class will not be admitted into class.

Make up classes should be completed within one (1) month of the absence. If an apprentice fails to make up an absence in a timely manner, the apprentice will be scheduled to attend makeup class(es) with the Training Director. The following penalties will apply for not attending a scheduled makeup class:

Failure to attend a makeup class when scheduled and notified, will result in an additional makeup class being assigned and **ADVANCEMENT TO THE NEXT PAY PERIOD WILL BE DELAYED ONE MONTH, IF THE ABSENCE IS UNEXCUSED.** An unexcused absence of a makeup class will cause

an assessment of **\$50.00** to be levied for the next makeup class. If there is a second (2nd) unexcused absence of a makeup class, an assessment of **\$75.00** will be levied for the next makeup class.

All classes should be made up by the end of the school year; if not, the classes will carry over into the next school year, and the apprentice will not receive the pay period advancement that usually accompanies successful completion of school.

All classes will be made up prior to completion of apprenticeship.

Apprentices will be notified by email if they are scheduled for a makeup class with the Training Director.

#### **16. CONDUCT**

Apprentices are expected to be attentive at all classes and will conduct themselves in a manner that is not detrimental to the apprenticeship program. Instructors have full authority to regulate behavior in classrooms and in the building.

#### **DISRUPTION OF CLASS OR ABUSE OF AN INSTRUCTOR MAY RESULT IN DISMISSAL FROM THE PROGRAM.**

Problems and discussions that do not relate to the job or related training portion of your apprenticeship will not be taken up during class hours.

**All staff, instructors, and apprentices will conduct themselves and all related training activities in such a manner to not permit or allow for any kind of racial or sexual misconduct/harassment within the program.**

**The Sexual Harassment Policy should be consulted for further information.**

#### **17. GRADES**

An overall test average of 80 and an overall grade average of 80 (each semester if applicable) shall be considered passing. If any apprentice scores below 75 on any test, **ADVANCEMENT TO THE NEXT PAY PERIOD MAY BE DELAYED.**

The Training Director shall report all failures to the Committee. An average below 80 at the end of the school year will result in cancellation of indenture for first year apprentices, and a repeat of the year for apprentices, second year and above.

The end of year grade will be calculated using the following weighted average:

Module Tests-50%, LMS Quizzes-25%, Practical (Hands On)-15%, Employer Evaluations-10%

Each apprentice shall do their own work. Any assistance needed shall be obtained from the instructor. An apprentice shall not, under any condition, make their completed workbook, test papers, or assignment sheets available to any other apprentice or in any manner assist them in the evasion of performing their work.

All work assignments shall be completed on time. If absent, an apprentice is obligated to find out what assignments were missed and arrange to make it up. Any apprentice who reports to class with an incomplete assignment will be counted absent for the class.

Any missed test must be scheduled for makeup within one month or the grade will be an automatic and permanent zero. All makeup tests should be delivered during makeup classes. A test missed because of an unexcused absence will be minus ten (10) points when made up. An apprentice may request to make up a test for a failed grade (below 75), with the following stipulations:

- The apprentice is only allowed one makeup request per module test.
- There will be no reference material allowed (other than a Code Book for code related tests).
- The test will be a paper test delivered by the Training Director at a scheduled appointment. If the apprentice misses the appointment, there will not be a makeup allowed for that module test.

Missing a total of three (3) tests during the year, will require an apprentice to repeat the school year, with no pay period advancements until the year is satisfactorily completed.

Apprentices who have attained a final grade average of 90% or better in a given school year and have not assessed any penalties for violations of this Policy, will have an 80-hour early advancement for their next promotion.

#### **18. TRAINING FEES**

Payment of training fees is due and payable by the first night of class. Any apprentice who does not remit the total training fee by the first night of class will be required to sign a Wage Reduction Authorization Agreement (Payroll Deduction) or will not be allowed to attend class. Any fines assessed during the apprenticeship will be paid utilizing payroll deduction. A sample Wage Reduction Authorization Agreement is shown in Appendix A.

#### **19. TRAINING MATERIALS IN CLASS**

All apprentices must bring all required training materials to class each night. Additionally, some instructors require apprentices to bring their tools to participate in hands on training. Failure to bring these items may cause an apprentice to be counted absent for the night.

#### **20. PERSONAL APPEARANCE**

The apprentice represents the Electrical Construction Industry to the public. An employer may require the apprentice to observe certain dress and hair grooming codes for reasons of their company policy or for safety. An apprentice will be in direct contact with the public on many jobs and especially on residential and service work.

The apprentice shall be neat about their personal appearance. Any apprentice that reports to either work or school, in dress or appearance that is considered unacceptable to an employer or an instructor shall be subject to Committee action.

#### **21. DEFACING BUILDING, DESKS, OR EQUIPMENT**

There shall be no deliberate defacing or other destruction of any building property including desks, chairs, walls, training equipment, vending machines, etc. Feet shall not be placed upon walls, desks, chairs, etc.

#### **22. DRUGS OR ALCOHOL**

No alcoholic beverages or drugs (except personal prescription) will be allowed anywhere on the premises. The use, distribution, or presence of a controlled substance, illegal drug; or alcohol will not be tolerated. Being under the influence of alcohol or drugs during class or on the job will result in the

procedures set forth in the JATC Alcohol and Drug Policy. Personal prescriptions must be cleared through the Training Director.

### **23. FOOD AND DRINK**

Most instructors will allow apprentices to bring food and drink into the classroom; due to the fact some apprentices are required to work late, or out-of-town. However, apprentices are required to clean up their messes, and dispose of all cups, wrappers, bags, etc., into a dumpster outside the building. Apprentices will keep all classrooms, break areas, training labs, etc., neat, and clean.

If any food or drink is brought into the classroom, it must be brought in before classes start. Leaving the premises and then returning after class has started will not be allowed.

### **24. TOBACCO PRODUCTS**

There will be no tobacco use (smoking, chewing, or dipping) inside the building.

### **25. CELLULAR TELEPHONES**

There will be no cellular telephones allowed during class time unless for medical reasons and cleared through the Training Director.

### **26. WEAPONS**

Weapons are not allowed on Committee premises or at Committee activities.

All persons shall be strictly prohibited from possessing or using any type of weapon, as defined in the Texas Penal Code, concealed or otherwise, on the property owned by the Committee, or other areas used by the Committee in the pursuit of Committee activities. Employees of the Committee shall notify law enforcement authorities immediately when it is made known that an individual is violating this Policy.

Any Apprentice found to be in violation of this Policy shall be terminated from the Program. All others found to be in violation of this Policy shall be barred from Committee property and activities.

### **27. INCLEMENT WEATHER**

Should inclement weather (i.e.; ice, snow, etc.) be apparent on the student's scheduled class nights, call the local Training Center office after 4:30 p.m., to verify that classes have been canceled.

Any class missed due to inclement weather will be rescheduled and made up. The instructor will establish the time and date of the rescheduled class and will coordinate with the Training Director in notifying the affected apprentices.

### **28. TERMINATION FROM EMPLOYER**

Apprentices are expected to work a full 40-hour week if work is available. Each apprentice shall notify his/her employer before the start of the workday if he/she is unable to attend work or start on time. Regular attendance is required for satisfactory progression in the program. Excessive absenteeism or tardiness, and/or failure to inform your employer that you will miss work are violations of this policy and will not be tolerated. The apprentice will make every effort to notify the proper person(s) on the job when he or she will be late or absent from work.

During the probationary period, an apprentice terminated from an employer for cause (as listed below), unable to show good cause to the committee, will be terminated from the program.

A non-probationary apprentice who is terminated from his/her employer for reasons including, but not limited to the following:

- a. Excessive absenteeism or tardiness from work
- b. Insubordination
- c. Misconduct on the Job
- d. Work not Satisfactory
- e. Job assignment refusal (in home jurisdiction only)

Will be subject to the following disciplinary action(s):

- a. The First such termination: Suspension for ten (10) working days from job assignment only. Apprentices will then be reassigned if work is available.
- b. The Second such termination: Suspension for one (1) month from job training assignments only and summoned to appear before the Committee. Apprentices will then be reassigned if work is available.
- c. The Third such termination (found to be valid): Cancellation of indenture and termination from the Program.

#### **29. QUITTING OR TERMINATION FROM THE PROGRAM**

An apprentice who quits or is terminated from the program will lose: his/her employment; the ability to work under the referral procedure; his/her apprentice classification (classification will be changed to NONE.)

Additionally, this person will not be assigned to any job, or be allowed to continue to work in any classification, or participate in any related training (unless they are reinstated in the apprenticeship program as per the Local Apprenticeship Standards) until two (2) years after their class has completed apprenticeship and they have gained related knowledge and job skills to warrant classification.

#### **30. CANCELLATION OF APPRENTICE AGREEMENT**

AMONG THE CAUSES FOR WHICH THE COMMITTEE HAS THE AUTHORITY TO CANCEL THE AGREEMENT OF AN APPRENTICE EITHER DURING OR AFTER THE PROBATIONARY PERIOD, ARE AS FOLLOWS:

- a. Evidence of fraud or misrepresentation on the apprentice's original application.
- b. Failure to progress satisfactorily in the classroom instruction given each apprentice.
- c. Unsatisfactory progress in on the job training.
- d. Failure to keep the required records of the on-the-job training and to promptly submit these records to the Committee as required.
- e. Absenteeism.
- f. Failure to comply with the rules and regulations of the Committee.
- g. Other sufficient causes as determined by the Committee.

Situations not covered in the Statement of Policies will be dealt with on an individual basis by the Committee.

**31. COMMITTEE NOTIFICATION**

If an apprentice is called to appear before the Committee or subcommittee, and fails to report as scheduled, and fails to show good cause for not reporting, then he/she will have their next advancement delayed for three (3) months.

**32. CHANGE OF CONTACT INFORMATION**

Any apprentice who changes their address, email address, or telephone number must notify the Training Director, the Health and Welfare Office, and the Local Union immediately, in order that the records be current.

**33. POLICY AMENDMENTS**

The West Texas Electrical JATC reserves the right to amend, add or delete any part of this policy without effect on the parts remaining.

**These revised policies shall supersede all previous Committee Policies.**

## **APPENDIX A**

### **Wage Reduction Authorization Agreement (SAMPLE)**

I <<Name First MI Last>> (Apprentice) understand and agree that my employer, <<Current Contractor>>, may hereafter deduct money from my pay for the reason stated below:

For my participation in the apprenticeship program, I authorize <<Current Contractor>> to complete a payroll deduction on a weekly basis for fees and fines related to the apprenticeship program. <<Current Contractor>> is authorized to reduce my pay by \$20.00 (Twenty Dollars) per week in order to fulfill my obligations for the apprenticeship program.

I understand that this agreement concerning my compensation and benefits does not modify the at will employment relationship between myself and <<Current Contractor>>; does not constitute a commitment by <<Current Contractor>> to employ me for any particular length of time; and does not restrict either <<Current Contractor>> or myself from ending the employment relationship at any time for any reason, with or without notice (except as outlined in the West Texas Electrical JATC Statement of Policy).

I agree that <<Current Contractor>> may deduct money from my wages and forward these funds to the West Texas Electrical JATC Trust fund on a monthly basis. I further understand that <<Current Contractor>> has stated its intention to abide by all applicable Federal and Texas wage and hour laws and that if I believe that any such law has not been followed, I have the right to file a wage claim with appropriate Texas and Federal agencies.

Apprentice Name (Print) \_\_\_\_\_

\_\_\_\_\_  
Signature of Apprentice

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of JATC Rep.

\_\_\_\_\_  
Date



## **APPENDIX B**

### **Policy for TDLR License Preparation Classes**

#### **A. Individuals Included**

- a. A currently registered apprentice who has completed the regular class schedule of the 5-Year eTA curriculum but has not yet acquired their TDLR issued journey worker license.
- b. A formerly registered apprentice who is eligible for and has requested reinstatement into the apprenticeship program. Reinstatement eligibility will be determined by the JATC and will be on a case-by-case basis.
- c. Construction Electricians who do not wish to apply for or cannot meet the qualifications for the apprenticeship program.
- d. Journey level workers who are working to acquire their master's license. Please note that Journey level workers can attend classes as needed and will not be penalized the same as apprentices or construction electricians.

#### **B. Schedule, Location, and Curriculum**

- a. The schedule for these classes will generally be on a six (6) month cycle. The start date for each cycle will be determined by the Training Director.
  - i. Classes will be scheduled by the Training Director and will generally be held one evening per week from 6:00 PM to 10:00 PM. Classes that fall on a recognized holiday will not be held.
- b. The classes will be held at the WTXJATC Training Center located at 102 S. Bowie St. Amarillo, TX 79106 and/or at the Lubbock Hall at 405 50<sup>th</sup> St. Lubbock, TX 79404. Apprentices will be allowed to attend classes remotely as needed.
- c. The curriculum for the classes will be specific to the current version of the National Electrical Code (NEC) that is being used by the TDLR for testing.
  - i. Classes will cover specific sections of the NEC that are likely to be on the TDLR exam and will generally have a lecture and discussion format followed by the taking of timed practice exams.

#### **C. Requirements and Completion**

- a. Regular attendance is mandatory for participation in the classes and to maintain registered apprentice classification. Absenteeism will be dealt with as follows:
  - i. Three (3) absences in a class cycle will require that the individual appear before the JATC to discuss the reasons for their absenteeism.
  - ii. Six (6) absences in a class cycle will result in termination of eligibility to attend classes. Registered apprentices will be reclassified as a Construction Electrician and be subject to the requirements of the Construction Electrician MOU.
- b. Individuals will be required to have a current copy of the National Electrical Code (NEC). Copies of the NEC can be acquired from the WTXJATC at cost.
- c. An individual will be deemed to have completed the classes if they attend all classes during a class cycle and/or have acquired the TDLR issued journey worker license.
- d. An individual who has completed a class cycle without acquiring the TDLR issued journey worker license, will need to make a written request to the JATC for permission to attend the next scheduled class cycle.
- e. The cost of the classes will be \$25 per class (\$500 for a class cycle). For members of IBEW Local 602 there will be no cost for the classes.

# **Local Apprenticeship and Training Standards With Selection Procedures And EEO/AA Plan**

For the

**West Texas Electrical Joint Apprenticeship  
and Training Committee**

200 S. Fannin  
Amarillo, TX 79105

Representing the

**West Texas Chapter  
National Electrical Contractors Association, Inc.**

And

**Local Union No. 602  
International Brotherhood of Electrical Workers**

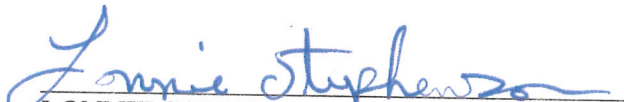
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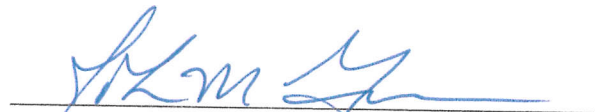
DOL Program No.: TX012460003

**ADOPTED AND APPROVED AND REGISTERED AS REFLECTED ON THE  
SIGNATURE PAGE OF THIS DOCUMENT**


JOINTLY ADOPTED BY THE *electrical training ALLIANCE* ON THIS 31<sup>st</sup> DAY  
OF January, 2019.

  
LONNIE STEPHENSON  
INTERNATIONAL PRESIDENT, IBEW

1/11/19  
Date

  
JOHN GRAU  
CHIEF EXECUTIVE OFFICER, NECA

1/22/2019  
Date

  
TODD STAFFORD, EXECUTIVE DIRECTOR  
*electrical training ALLIANCE*

1/31/2019  
Date

CERTIFIED AND APPROVED BY:

  
U.S. DEPARTMENT OF LABOR,  
OFFICE OF APPRENTICESHIP

7/26/2019  
Date

By: Michael Qualter

Title: Deputy Administrator

CERTIFICATION NUMBER: G-2019-041

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## Foreword

The science of electricity is constantly changing and expanding at an ever-increasing rate. From its inception, the electrical industry has kept pace with new technologies and is now one of the largest industries in the United States. This rapid expansion means that the electrical apprentice must be given sound basic training in the knowledge of the occupation, supplemented by sufficient instruction in the theories of electrical science.

The electrical occupation is unique in that it is mechanical, technical, and professional. In order to meet industry demands in an ever-evolving technological environment, the electrical industry must select individuals who have the aptitude to learn and develop the knowledge, skills, and abilities necessary to proficiently perform the individual job tasks associated with the work processes of the occupation. The industry must select and train individuals who will diligently work and study to stay abreast of current and future emerging technologies.

The electrical industry, by its very nature, places a high degree of personal responsibility on each individual. While supervision is most often provided on the job, the electrical worker is constantly called upon to make decisions concerning proper performance methodology.

Today's electrical installations are very complex and highly sophisticated. Faulty installations often prove to be extremely expensive and hazardous. Much of the complex wiring involved in the work is hidden from view when the job is completed; any defect in this hidden work can cause serious damage and prove to be extremely costly. The well-trained electrical worker takes pride in the appearance of their work, and in its technical correctness and structural soundness.

This Joint Apprenticeship and Training Committee ("JATC") was formed under the local Collective Bargaining Agreement ("CBA") by the local union of the International Brotherhood of Electrical Workers ("IBEW") and the local chapter of the National Electrical Contractors Association ("NECA"). The local union, the local chapter, and the JATC have dedicated their time to develop an efficient training program so the apprentice can, through a systematic program of schooling and on-the-job training, become a well-qualified electrical worker. The degree of success the JATC has in its operation will depend entirely upon the willingness of all local parties of the electrical industry to cooperate in this joint activity. Quality training remains a high priority with the IBEW and NECA.

The JATC will adopt and promote nationally developed Apprenticeship Standards and curricula to ensure quality apprenticeship and training for the industry in the best interest of the apprentice, management, labor, the customer, and the public.

## Definitions

The following definitions apply to terms and acronyms commonly used throughout this document. They are intended to be consistent with the definitions in 29 CFR Parts 29 and 30.

**ACE.** American Council on Education.

**APPRENTICE.** Any individual meeting the qualifications described in the Standards of Apprenticeship who has signed an Apprenticeship Agreement with the JATC providing training and related instruction under these Standards, and who is registered with the Registration Agency.

**APPRENTICESHIP AGREEMENT.** The written agreement between the apprentice and the JATC setting forth the responsibilities and obligations regarding the Apprentice's employment and training under these Standards. Each Apprenticeship Agreement must be registered with the Registration Agency.

**APPRENTICESHIP COMMITTEE (or COMMITTEE).** Those persons appointed by the IBEW Local Union and the NECA Chapter to administer the apprenticeship program. The joint committee is composed of an equal number of representatives of the IBEW Local Union and NECA Chapter. Committee Members are also Trustees.

**APPRENTICESHIP PROGRAM.** The program administered under these Standards of Apprenticeship.

**BOOT CAMP.** An optional post-selection, pre-registration program used by some JATCs to determine if applicants possess the ability to learn and to perform the essential requirements of an electrical worker.

**CANCELLATION.** The termination of an apprenticeship agreement.

**CERTIFICATE OF COMPLETION OF APPRENTICESHIP.** The Certificate of Completion of Apprenticeship issued by the *electrical training ALLIANCE* for the JATC to provide to those registered apprentices certified and documented as successfully completing the apprentice training requirements outlined in these Standards of Apprenticeship.

**CEU.** Continuing Education Units.

**COLLECTIVE BARGAINING AGREEMENT (or CBA).** The negotiated agreement between the Local Union and the Local Chapter, or with signatory employers, that sets forth the terms and conditions of employment for apprentices during on-the-job training.

**CPR.** Cardiopulmonary Resuscitation.

**DIRECT ENTRY.** A method of entry into the Apprenticeship Program permitted under these Standards under which qualifying applicants are directly admitted into the apprenticeship program. Each direct method of entry will have certain minimum requirements, and post-offer, pre-registration selection requirements.

**DIRECT INTERVIEW.** A method of entry into the Apprenticeship Program permitted under these Standards under which qualifying applicants may be allowed to bypass certain minimum requirements and go directly to the interview. Each direct interview method of entry will have certain minimum requirements and post-offer, pre-registration selection requirements.

**DOL.** U.S. Department of Labor. Most references are to the Employment & Training Administration, Office of Apprenticeship, but the term may be used to refer to other offices of the U.S. DOL.



**EEO/AA PLAN.** The Equal Employment Opportunity Policies and Affirmative Action Plan established by the JATC that is part of these Standards. Formerly known as the Affirmative Action Plan or AAP.

***electrical training ALLIANCE.*** The national organization created by the IBEW and NECA, formerly known as the National Joint Apprenticeship and Training Committee or the NJATC.

**ELECTRONIC MEDIA.** Media that utilizes 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, the extranet, lease lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic media and/or interactive distance learning.

**EMPLOYEE RETIREMENT INCOME SECURITY ACT or ERISA.** A federal law, the Employee Retirement Income Security Act of 1974, as amended, that imposes requirements on various types of employee welfare and pension plans, including apprenticeship plans, and enforced by the DOL.

**EMPLOYER.** Any person or organization employing an apprentice for on-the-job training as part of the Apprenticeship Program. Also sometimes referred to as a “Participating Employer” with the JATC, or as a “Contractor”.

**GED.** General Educational Development Certificate.

**IBEW.** International Brotherhood of Electrical Workers.

**INDUSTRY.** The electrical construction industry in general, and in particular the IBEW-NECA segment of the industry.

**INSTRUCTOR.** An individual employed or used by a JATC to provide related instruction to apprentices.

**JATC.** Joint Apprenticeship and Training Committee or “Committee”. References to the “JATC” are to the local JATC created by the Local Union and the Local Chapter pursuant to a CBA that includes the Category One, Standards Inside Apprenticeship Language from Article V of the IBEW-NECA pattern Inside Agreement.

**JATT.** Joint Apprenticeship Training Trust. The legal entity through which the local apprenticeship training fund exists, which was created by a Trust Agreement. Under ERISA, the Board of Trustees of the JATT is the “plan sponsor” that is generally responsible, as set forth in the Trust Agreement, for the administration of the plan.

**JOURNEY-LEVEL WORKER.** 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. (Use of the term may also refer to a mentor, technician, specialist, or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship, or through practical on-the-job experience and formal training). Formerly sometimes referred to as a “Journeyman”.

**LOCAL CHAPTER (or NECA CHAPTER).** The NECA Chapter(s) involved in the creation of the JATC and JATT and is one of the settlors of the Trust.

**LOCAL UNION (or IBEW LOCAL).** The IBEW Local(s) involved in the creation of the JATC and JATT and is one of the settlors of the Trust.

**NECA.** National Electrical Contractors Association.

**OA.** U.S. Department of Labor, Office of Apprenticeship.

**OJT.** On-the-Job Training.

**O\*NET-SOC CODE.** The Occupational Information Network (O\*NET) codes and titles are based on the new Standard Occupational Classification (SOC) system mandated by the federal Office of Management and Budget for use in collecting statistical information on occupations. The O\*NET classification uses an 8-digit O\*NET-SOC code. Use of the SOC classification as a basis for the O\*NET codes ensures that O\*NET information can be readily linked to labor market information such as occupational employment and wage data at the national, state, and local levels.

**OSHA.** Occupational Safety and Health Administration.

**PARTY or PARTIES.** Refers to the parties to the CBA, i.e., the Local Union and Local Chapter. Used in some provisions derived directly from the Standard Inside Apprenticeship Article V language.

**PROBATION PERIOD.** A defined period of time during which the apprenticeship agreement may be terminated by either party to the agreement upon written notice to the Registration Agency. In no case shall the probationary period exceed 25% of the program length or one (1) year; whichever is shorter.

**QUALIFIED ELECTRICAL WORKER (“QEW”).** A Journey-level worker in the electrical industry, who has graduated from a registered apprenticeship program or obtained equivalent skills and experience. Equivalent to the former terms Lineman or Wireman.

**REGISTERED APPRENTICESHIP PARTNERS INFORMATION DATA SYSTEM (“RAPIDS”).** The Federal system which provides for the automated collection, retention, updating, retrieval, and summarization of information related to apprentices and apprenticeship programs.

**REGISTRATION AGENCY.** Means, depending on the state, the U.S. Department of Labor, Office of Apprenticeship and/or the State Apprenticeship Agency that has responsibility for registering apprenticeship programs and apprentices; providing technical assistance; conducting reviews for compliance with Title 29 C.F.R. Parts 29 and 30 and quality assurance assessments.

**RELATED INSTRUCTION.** An organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to apprentice’s occupation. Such instruction may be given in a classroom, through occupational or industrial courses, correspondence courses of equivalent value, on-line courses or other digital media or formats, or other forms of self-study approved by the Registration Agency.

**RULES and POLICIES.** The rules, policies and procedures established by the JATC for day-to-day administration of the Apprenticeship Program, that address rights and responsibilities of apprentices and contractors and the operation of Related Instruction but does not include any other policies and procedures that the JATC or JATT may establish for their internal operations.

**SELECTION PROCEDURES.** The Apprentice Selection Procedures that are part of these Standards.

**SHOP.** Designates the complement of workers who report daily to an Employer’s designated place of business, e.g., the “service-truck” crew.

**STANDARDS OF APPRENTICESHIP (or STANDARDS).** This entire document, including the Selection Procedures and EEO/AA Plan.

**STATE APPRENTICESHIP AGENCY or SAA.** The state Bureau of Apprenticeship Training, or similar state agency, with authority over apprenticeship programs in that state.

**SUPERVISOR.** An individual designed by an Employer to supervise or have charge and direction of an apprentice during on-the-job training.

**TIME-BASED OCCUPATION.** The time-based approach measures skill acquisition through the individual apprentice's completion of at least 8,000 hours of on-the-job learning as described in a work process schedule as well as required minimum number of hours of related instruction.

**TRANSFER.** A shift of an apprentice's apprenticeship agreement from one JATC to another JATC.

**TRUST AGREEMENT.** The multi-employer plan trust agreement that created the JATT.

**TRUSTEES or BOARD OF TRUSTEES.** Those persons appointed by the IBEW Local Union and the NECA Chapter to administer the Joint Apprenticeship Training Trust. The JATT joint committee is composed of an equal number of representatives of the IBEW Local Union and NECA Chapter. The applicable Trust Agreement will typically say that Trustees are solely responsible for the administration of the trust. Trustees are also Committee members.

**TRUST FUND.** A term sometimes referred to the JATT, where the funds are held.

# 1. General

- 1.1 This apprenticeship and training program shall be administered by the Trustees and the Committee. The Trustees shall administer the JATT under the terms of the Trust Agreement and applicable law. The Trustees and the Committee may, if they are named fiduciaries under ERISA, allocate responsibility between them for operation of the apprenticeship program, except for non-allocable Trustee responsibilities. Absent some other agreement, the duties of the Trustees shall be limited to those set for in the Trust Agreement or law.
- 1.2 The JATC shall establish and adopt Standards governing the qualifications, selection, employment, education, and training of all apprentices that conform with the *electrical training ALLIANCE* National Requirements for Local Apprenticeship Standards, the CBA, and the requirements of the Registration Agency. These Standards (including the Selection Procedures and EEO/AA Plan), and any subsequent amendments, must be approved in advance by the *electrical training ALLIANCE* prior to being submitted to the appropriate Registration Agency for approval and registration.
- 1.3 These Standards, after approval by the *electrical training ALLIANCE* and the Registration Agency, shall supersede all previous JATC Standards. Apprenticeship Agreements in force under preceding Standards shall remain in force unless changed by written consent of the apprentice, the JATC, and the Registration Agency.
- 1.4 Pursuant to the apprenticeship language in the applicable CBA, the IBEW-NECA pattern Inside Agreement Article V, IBEW Basic Laws and Policies, and industry practices, these Standards shall apply to the IBEW Local Union and NECA Local Chapter and; the members; to employers who are party to the CBA or are otherwise signatory or participating employers; to all applicants and apprentices in this Apprenticeship Program; and, to all others receiving training from this Apprenticeship Program.
- 1.5 The provisions of these Standards shall not be construed as permitting violation of any applicable local, state, or Federal law.
- 1.6 These Standards shall not be interpreted as being inconsistent with existing or subsequent local CBA language establishing more demanding standards; the more demanding standard shall always prevail.
- 1.7 The jurisdictional area which these Standards cover shall be the wage area as set forth in the local CBA. The jurisdictional area is described in the Rules and Policies.
- 1.8 All funds for the operation of the apprenticeship and training program shall be held in a Trust Fund established by the IBEW Local and the NECA Chapter. The Trustees shall administer the Trust Fund in accordance with the Trust Agreement and applicable law.
- 1.9 Whenever these Standards refer to providing any type of document, information, notice or other communication, unless otherwise specified or required by the Registration Agency, or applicable law, such communication and transmittals may be made by any effective means, including electronic or digital transmission.

## **2. Composition of Joint Committee; Meetings**

- 2.1 The JATC and JATT shall be composed of six (6) members; the IBEW Local Union and NECA Chapter shall each appoint an equal number three (3) of individuals who shall serve as both Committee members and Trustees. These dual appointments as Committee members and Trustees must be in writing. Individuals appointed by the NECA Chapter must be members or employees of NECA and active in the Industry. Individuals appointed by the IBEW Local must be members or staff of the IBEW and active in the Industry. Current Committee members/Trustees shall be identified in the Rules and Policies and/or on the JATC's website.
- 2.2 The term of office shall be for three (3) years. The term of one (1) NECA appointee and one (1) IBEW appointee shall expire each year on December 31. A Committee member/Trustee may be reappointed. Any reappointment shall also be in writing for the same specified term.
- 2.3 The Committee shall select from its membership, but not both from the same party, a Chairman and a Secretary, who shall retain voting privileges as members. The Committee may establish term limits for officers if not otherwise established by its governing documents.
- 2.4 JATC members shall complete their appointed term unless removed for cause by the party to the CBA that appointed them, they voluntarily resign or die. All vacancies shall be filled immediately by the party who appointed that individual to complete the unexpired term. The IBEW Local and NECA Chapter retain the discretion to determine what is "cause" subject to any applicable local or national IBEW or NECA rules. JATC/JATT minutes shall reflect all appointments, reappointments, resignations, and terminations of Committee members/Trustees.
- 2.5 The Committee and Trustees shall adopt appropriate internal policies and procedures for their respective areas of responsibility and the conduct of Committee members/Trustees, including confidentiality. The JATC shall also ensure that Committee members/Trustees have access to appropriate education regarding their obligations and duties, as an expense of the Trust.
- 2.6 The Committee may establish or authorize one or more joint subcommittees to be similarly constituted and appointed for training purposes to meet a specific need, such as a Residential or Telecommunication subcommittee. Such subcommittees may be established at the discretion of the Committee and shall remain in place until terminated by a majority vote of the Committee. Subcommittee members shall be appointed by the sponsoring parties in the same manner that the JATC members are appointed. Members of a subcommittee may or may not be JATC members. Subcommittees shall operate under the same rules as the Committee. There shall be no subcommittee of the JATT unless permitted by the terms of the Trust Agreement.
- 2.7 The JATC shall meet at least once a month, and on call of the Chairman when a specific need arises. The JATC may agree to cancel a regularly scheduled monthly meeting due to specific or unusual circumstances. Upon notice by the Chairman and Secretary, a JATC meeting may be held via audio, video, or other electronic conference. JATC members in attendance, through any authorized means, may vote. There must be at least one (1) JATC member present who was appointed by each party to establish a quorum at JATC meetings. Each party shall have a total number of votes at JATC meetings equal to its allowable number of JATC members, regardless of the number of members present. In the event the parties are divided on an issue, each party may cast one full vote as if all were present. A vote to abstain is an official vote, it represents one of the votes the sponsoring party is entitled to and is not counted as either a yea

or a nay. An individual member must be present (in-person or electronically) to personally vote on JATC matters. No absentee votes or proxy votes will be valid.

- 2.8 Due to the confidential nature of Apprenticeship Agreements and apprentice records and issues, all JATC meetings are to be considered as “closed” meetings, except where applicable law provides otherwise.
- 2.9 There are to be no alternate or ex-officio members of the JATC. Consultants and guests may be invited to or permitted to attend meetings of the JATC but shall have no official voice and no vote. A designated representative of the IBEW Local or the NECA Chapter, such as the local union Business Manager or NECA Chapter Manager, shall have the right to attend a JATC meeting with due notice given the JATC.
- 2.10 Meetings of the JATT should be scheduled in the same manner, following the meeting of the JATC, and follow similar procedures as those for JATC meetings, unless the Trust Agreement provides otherwise.

### **3. Equal Employment Opportunity**

- 3.1 This Apprenticeship Program shall be operated in a manner that does not discriminate on the basis of any protected characteristics or conduct under federal, state, and local law. These policies are set and detailed in the EEO/AA Plan (Appendix B).
- 3.2 The JATC will not discriminate against an apprentice or applicant on the basis of race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age (40 or older), genetic information, or disability with regard to its apprenticeship and other programs, including its recruitment, outreach, and selection procedures; grading, assessment, and advancement; on-the-job opportunities and assignments; rates of pay; imposition of penalties or other disciplinary action and termination; or, any other benefit, term, condition, or privilege associated with apprenticeship.
- 3.3 The JATC will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29, Code of Federal Regulations, part 30, as amended, and other applicable laws.

### **4. General Duties of the JATC**

- 4.1 The JATC may develop training for Qualified Electrical Workers (QEW), pre-apprenticeship programs, and other related training, so long as such programs do not violate applicable law.
- 4.2 The JATC may employ a Training Director or other staff to assist in the day-to-day operation of the apprenticeship and training programs. All governing responsibility for the apprenticeship program and for compliance with applicable laws rests with the JATC and/or the Trustees of the JATT, and cannot be delegated, including assuring full compliance with these Standards, the EEO/AA Plan, and the Selection Procedures.
- 4.3 The JATC shall determine the number of apprentices needed to keep the jurisdictional area supplied with an adequate number of Journey-level workers in the areas covered by these Standards. The JATC shall consider all factors (e.g., employment opportunities, attrition)

- having a bearing on the number of apprentices needed when determining the number to register. The JATC shall also consider its capability to provide on-the-job training and related instructional training.
- 4.4 The JATC shall see that each apprentice satisfactorily completes the minimum course materials and curriculum produced by the *electrical training ALLIANCE*.
  - 4.5 The JATC shall periodically review the progress of each apprentice to ensure they receive supervised on-the-job experience in the work processes and job tasks as outlined in these Standards (See Section 16).
  - 4.6 In order to provide diversity of training and/or employment opportunities, the JATC shall have full power and authority, as per the CBA, to assign, transfer, or reassign apprentices from one job or shop to another, or from one participating employer to another. All OJT transfers and assignments shall be issued by the JATC as set forth in the CBA.
  - 4.7 The JATC is not an employer of apprentices engaged in on-the-job training and is not obligated to ensure the employment of any apprentice. The JATC shall endeavor to keep all apprentices employed in a reasonably continuous manner with the participating employers, while also ensuring a diversity of on-the-job training.
  - 4.8 Since the JATC is not an employer of apprentices, nothing in these Standards regarding the JATC's duties regarding OJT shall be interpreted to change or relieve any rights or duties of Employers. Except where required by applicable federal or state laws, nothing in these Standards is intended to create any right or obligation enforceable by apprentices against the JATT, the Trustees, the JATC, the IBEW Local, or the NECA Chapter.
  - 4.9 The JATC shall follow any procedures required by the Registration Agency, U.S. Department of Labor, Office of Apprenticeship for registration of new apprentices and for providing or updating information about registered apprentices.
  - 4.10 The JATC shall adopt written Rules and Policies and applicable procedures that set out the rights and responsibilities of applicants, apprentices or other participants, and applicable procedures. The Rules and Policies shall not be inconsistent with the Standards or other requirements adopted by the *electrical training ALLIANCE* to implement the Standards. The Rules and Policies shall be consistently applied in a non-discriminatory manner. Every registered apprentice shall be provided a copy of the Rules and Policies at the time of registration and a copy of all subsequent modifications and must sign an acknowledgement. Rules and Policies may be provided through and receipt acknowledge by electronic means. A copy of the JATC's Rules and Policies (and subsequent changes) shall be submitted to the Registration Agency if so required by the Registration Agency.
  - 4.11 The JATC and/or JATT may establish such other rules, policies, and procedures as they deem appropriate for their internal operations (e.g., finance and administration, confidentiality, operation of OJT) or as may be required by law or to implement the Standards.
  - 4.12 In the first quarter of each year, the JATC shall provide the IBEW Local and the NECA Chapter a summary of the JATC's activities for the preceding year. The summary shall include a review of the prior year's EEO/AA Plan, its overall effectiveness, and changes made to the EEO/AA Plan as a result of the review. Such report shall not include any information identifying

individual apprentices in any manner. The JATC shall work cooperatively with the *electrical training ALLIANCE* in timely completing any Industry surveys and reports requested by the *electrical training ALLIANCE* and in maintaining the National Requirements.

## **5. Qualifications & Duties of Participating Employers**

- 5.1 The JATC shall determine the adequacy of each participating Employer to provide apprentices the necessary training needed to gain experience in the various job tasks and work processes of the occupation. The JATC shall have the authority to suspend or withdraw the approval of an Employer to train apprentices when appropriate. The JATC shall establish minimum expectations for all Employers consistent with these Standards. The JATC may also conduct orientations, workshops, or other educational sessions for Employers to explain the Apprenticeship Program's Standards and the operation of the Apprenticeship Program.
- 5.2 An Employer who is eligible to train apprentices shall be signatory to a local CBA, comply with the qualifying requirements as set for in the CBA, and be able to provide the necessary work experience for training as determined by the JATC. Participating Employers must comply with all provisions of the Apprenticeship Program, including the Standards, Selection Procedures, and the EEO/AA Plan, the JATC's Rules and Policies and any other rules or agreements required by the JATC. An Employer shall only secure apprentices through the JATC. Participating Employers shall contribute to the JATC Trust Fund at the rate established in the CBA. Failure to contribute to the Trust Fund may be just cause for removing any apprentices from an Employer.
- 5.3 While an apprentice is on the job site, it shall be the responsibility of that Employer to provide the apprentice a non-discriminatory and safe workplace and conditions of employment and work assignments that the apprentice can safely perform.
- 5.4 The Employer will assign apprentices to those QEWs who have the ability to adequately train and supervise the on-the-job training of the apprentice based upon the work processes being learned.
- 5.5 Employers must cooperate with the JATC by ensuring the timely and accurate completion of work reports and such other evaluations as the JATC requests of apprentices. Employers must promptly inform the JATC of any serious complaints or grievances by or against apprentices, including but not limited to complaints of discrimination or harassment, and permit the JATC on request to monitor any investigation involving apprentices. Employers will also participate in appropriate training provided by the JATC, such as that required by 29 C.F.R. Part 30.

## **6. Term of Apprenticeship**

- 6.1 The JATC shall see that each apprentice completes the minimum of 8,000 hours of reasonably continuous supervised employment on-the-job training prior to the change in classification. The JATC shall attempt to provide for participation in all of the work processes as outlined in Section 16 of these Standards.

Apprentices shall participate in a minimum of 180 hours of related classroom training per year, outside the normal work hours. The JATC shall require each apprentice to satisfactorily complete the *electrical training ALLIANCE's* Five-Year Inside Wireman Apprenticeship



Course material. The JATC may choose in their discretion to schedule related instruction to allow apprentices to complete the material in less than five years.

- 6.2 The following table identifies minimum requirements to enter each Period of Apprenticeship. This JATC has established six periods of apprenticeship as stipulated below.

Period	Percent of QEW Rate	Minimum Accumulative OJT Hours	+	Related Training
1	50	0	+	N/A
2	52.5	1000	+	Satisfactory Progress
3	55	2000	+	1 <sup>st</sup> Year School Completed
4	65	3500	+	2 <sup>nd</sup> Year School Completed
5	75	5000	+	3 <sup>rd</sup> Year School Completed
6	85	6500	+	4 <sup>th</sup> Year School Completed
Completion	100	8000	+	5 <sup>th</sup> Year School Completed

At the time of registration of these Standards, the QEW rate in Amarillo is \$28.49 and in Lubbock/Midland is \$24.85. The Registration Agency will be notified of any changes to the QEW rate in a timely manner.

To be advanced, the apprentice must have satisfactorily completed both requirements: OJT hours and Related Training as indicated above.

[Example: To advance to third period, one must have satisfactorily completed the first year of related training and must also have accumulated 2,000 hours of OJT with satisfactory performance.]

## 7. Wages and Fringe Benefits

Apprentices shall be employed on a stipulated hourly wage and benefits basis, as provided in the local CBA. Increases shall be subject to satisfactory progress on the job and satisfactory progress or completion of related instruction. Section 6 for the periods of advancement and rates of pay.

## 8. Qualification for Apprenticeship

- 8.1 *Methods of Entry.* Every individual selected for apprenticeship shall come from the pool of qualified applicants on the ranked list, unless otherwise qualifying for Direct Interview or Direct Entry. No applicant shall be excluded from consideration because they fail to meet qualifications for Direct Interview or Direct Entry; they must be considered under the standard method of entry.
- 8.2 *Application.* Every applicant must fill out an application form, either in paper format or electronically; accurately; and completely responding to all questions and items listed in the application.
- 8.3 *Minimum Qualifications.* Except as provided in paragraphs 8.5 and 8.6 for those eligible for Direct Interview or Direct Entry, each applicant must meet the following minimum qualifications and will be required to provide evidence satisfactory to the JATC at the time indicated in the Selection Procedures.

- 8.3.1 Each applicant must be: (i) a high school graduate, or (ii) have a Certificate of High School Equivalency or GED, or (iii) have a two-year Associate Degree (or its equivalent) or higher. (If equivalent education was obtained outside of the United States, the applicant will be required to provide appropriate documentation.)
- 8.3.2 Each applicant must have successfully completed: (i) one full year of high school algebra (or its equivalent) with a grade of “C” or better, or (ii) one semester of post-high school algebra (e.g., Adult Education, Continuing Education, Community College, etc.) with a grade of “C” or better, or (iii) the *electrical training ALLIANCE*’s online Tech Math course.
- 8.3.3 Each applicant must be able to work legally in the United States and provide a valid social security number. The JATC will not seek to verify authorization to work in the U.S. since that is the responsibility of the Employers during on-the-job training, but if the JATC learns that an applicant is not eligible to work and will not be eligible at the time of registration, the JATC may terminate the application.
- 8.3.4 Each applicant must be capable of completing all requirements of the apprenticeship program and performing the work required of an electrical worker, with or without reasonable accommodations, including being able and willing to:
  - 8.3.4.1 Safely perform or learn to safely perform the essential functions of the job;
  - 8.3.4.2 Get to and from work at job sites anywhere within the geographical jurisdiction of this Apprenticeship Program.
  - 8.3.4.3 Attend and successfully pass all related instruction;
  - 8.3.4.4 Understand and follow all JATC Rules and Policies;
  - 8.3.4.5 Push, pull, crawl, crouch, and work in confined spaces such as attics, manholes, and crawlspaces, lift 25–50-pound objects on a fairly consistent schedule, and use various hand and power-assisted tools to install conduit, wiring, fixtures, devices, and electrical apparatus within commercial, industrial, and residential buildings.
  - 8.3.4.6 Read, hear, speak, and understand instructions and warnings in English.
- 8.3.5 Each applicant must be a minimum of eighteen (18) years old at the time of registration, except that otherwise qualified applicants may be registered by the JATC prior to turning age 18 if permitted by state law.
- 8.4 *Written Examination.*
  - 8.4.1 Each applicant will be required to take the Aptitude Test prepared by the *electrical training ALLIANCE*. Applicants who do not qualify for Direct Interview or Direct Entry must receive a minimum passing score of “4”.
  - 8.4.2 Applicants who qualify for Direct Interview or Direct Entry, and who are subsequently registered in the program, will be required to take the Aptitude Test, either before or after registration, to assist in placement and identify areas where they may require additional support.
- 8.5 *Direct Interview Qualification.* The applicants described below will not be required to obtain a qualifying score on the Aptitude Test or meet the requirements of 8.3.1 High School diploma or GED, or 8.3.2 math. If they meet all other minimum qualifications above, and the requirements below, they will be invited to an interview. These individuals must still meet all post-selection requirements in paragraph 8.7. Applicants are not required to apply through these methods and may choose to apply through the standard method of entry.

#### 8.5.1 Military Experience.

- 8.5.1.1 Applicants who have completed at least three years of active-duty military service with the U.S. Armed Forces, with a discharge under honorable conditions within five years of the application date.
- 8.5.1.2 Applicants who have completed at least six years of U.S. military reserve service, who are still serving as a military reservist or have an honorable discharge within two years of the application date.
- 8.5.1.3 Applicants who have been honorably discharged from the military and have completed military technical training school in a Military Occupational Specialty (“MOS”) applicable to the commercial and/or industrial electrical construction industry and can document a minimum of two years of military experience in that MOS within five years of the date of application. These individuals may also qualify for direct entry.
- 8.5.1.4 To qualify under 8.5.1.1, 8.5.1.2 and 8.5.1.3, applicants must provide a DD Form 214 or equivalent documentation acceptable to the JATC to establish their experience.
- 8.5.1.5 Applicants who have served overseas and/or lived on a military installation for a minimum of two (2) years prior to application will have any existing residency restriction waived.

#### 8.5.2 Industry Experience.

- 8.5.2.1 2,000 Hours. Applicants who can verify that they have worked a minimum of two thousand (2,000) hours specifically in the electrical construction industry.
- 8.5.2.2 4,000 Hours. Applicants who can verify that they have worked a minimum of 4,000 hours specifically in the commercial and/or industrial electrical construction trade. These individuals may also qualify for direct entry. An absolute minimum of four-thousand hours of electrical construction work experience must be proven to meet this qualification. No other form of electronic or electrical experience/training or construction experience will be given credit under this provision.
- 8.5.2.3 Individuals applying under these two methods must provide to the JATC sufficient documentation, satisfactory to the JATC, to demonstrate their experience in the electrical construction industry. This documentation may be comprised of official documents such as tax/payroll records, or notarized letters of experience from prior employers.

#### 8.5.3 *electrical training ALLIANCE* Interim Credential.

Individuals who have received an Interim Credential through the program developed by the *electrical training ALLIANCE*, which represents that they have successfully completed the First-Year curriculum. These individuals may also be eligible for direct entry.

#### 8.5.4 School to Apprenticeship

- 8.5.4.1 Individuals who have completed a School to Registered Apprenticeship (STA) Program in the electrical industry, including School to Registered Apprenticeship (STRA) program involving the JATC. To be eligible, the STA or STRA program must meet the following requirements:
  - 8.5.4.1.1. Shall be available to all schools within the jurisdiction of the CBA who agree to participate in the STRA program.

- 8.5.4.1.2 Shall require participants to be at least 16 years of age.
- 8.5.4.1.3 Shall require participants to complete their Junior Year (11<sup>th</sup> Grade) of High School prior to being employed as an apprentice in this program.
- 8.5.4.1.4 Shall allow the JATC to work with the school to encourage participating school systems to include in their academic curriculum: A basic Computer Course and Mechanical Drawing, or Computer Aided Design. The JATC may determine that participants must complete the First Year of industry related classroom training (*electrical training ALLIANCE Curriculum*), specific *electrical training ALLIANCE* courses or industry orientation related seminars, or classes. These classes and seminars shall be taught by the JATC. The *electrical training ALLIANCE* course materials may be presented during the evening hours.
- 8.5.4.1.5 May permit the scheduling of alternating weeks of academic study and OJT experience, as determined by the JATC, and agreed to by the participating school(s).
- 8.5.4.1.6 Shall mandate that failure to successfully complete academic studies (high school and JATC) shall be just cause for termination from the program.
- 8.5.4.1.7 Shall mandate that failure to demonstrate progress in safely and proficiently accomplishing work practices shall be just cause for termination.

#### 8.5.5 Job Corps.

Applicants who completed a Job Corps training program in electrical construction within two (2) years prior to application, and who obtain a qualifying score on the Aptitude Test.

#### 8.5.6 Pre-Apprenticeship Programs.

- 8.5.6.1 Individuals who can verify that they have completed a structured pre-apprenticeship training program meeting minimum requirements recognized by the JATC, and sponsored by community outreach groups, the IBEW or NECA, the Local, State, Regional or National Building Trades programs, or by the JATC. These individuals may also qualify for direct entry.
- 8.5.6.2 Applicants under this method must provide the JATC with appropriate documentation, satisfactory to the JATC, confirming that they meet the specific requirements of the pre-apprenticeship program. This documentation must be comprised of official documents such as: completion/graduation certificates, transcripts, notarized letters of confirmation and sworn statements.

#### 8.5.7 Industry Needs. Applicants who meet unique industry needs or requirements, and who obtain a qualifying score on the Aptitude Test, will qualify for direct interview by the JATC as soon as possible after application submission, and may qualify for direct entry. To qualify under this method, applicants must either:

- 8.5.7.1 Be in categories for which signatory contractors are required to recruit and hire under project labor agreements (“PLAs”), project stabilization agreements (“PSAs”), and/or other federal, state, or local governmental contracts or agreements, provided that those categories are not defined by Protected Characteristics as defined in the JATC’s EEO/AA Plan (e.g., requirements for veterans, local residents, or disadvantaged workers as defined by income or other factors than the Protected Characteristics); or

- 8.5.7.2 Be located in a geographic area for which there is a high demand that cannot be reasonably served with a sufficient number of apprentices because of the excessive travel distances.
- 8.6 *Direct Entry.* Applicants who meet the following qualifications will be offered direct entry into the Apprenticeship Program, with certain requirements waived and without being placed on or selected from the ranked list of qualified applicants. These individuals must still meet all post-selection requirements in paragraph 8.7, unless expressly exempted.
- 8.6.1 *New Signatory Employer.* An electrical construction employee of a non-signatory employer not qualifying as a Qualified Electrical Worker when the employer becomes a signatory shall be evaluated by the JATC, using consistent, standard, non-discriminatory means and registered at the appropriate period of apprenticeship based on previous work experience and related training.
- 8.6.1.1 Such applicants must meet the minimum requirements of 8.3.4. Such applicants must also:
- 8.6.1.1.1 Provide official, undisputable documentation to show that they were an employee performing electrical construction work prior to and at the time the employer becomes signatory.
- 8.6.1.1.2 Supply the JATC with required reliable documentation and adequate verification to substantiate previous employment and experience to warrant their registration.
- 8.6.2 *30% Cards.* An individual who signs an authorization card during an organizing effort, where 30% or more of the employees have signed authorization cards, whether or not the employer becomes signatory, and is an employee of the non-signatory electrical contractor and does not qualify as a Qualified Electrical Worker, shall be evaluated by the JATC, using consistent, standard, non-discriminatory means and registered at the appropriate period of apprenticeship based on previous work experience and related training.
- 8.6.2.1 All employees of the non-signatory electrical contractor must have been offered the opportunity to sign authorization cards.
- 8.6.2.2 For such applicants to be considered, they must meet the minimum requirements of 8.3.4. Such applicants must also:
- 8.6.2.2.1 Have previous work experience (with non-participation employer(s)) that warrants some OJT credit, based on the provisions of these Standards, provide reliable documentation and adequate verification (which shall be recorded and securely filed in the applicant's file) to substantiate previous employment and experience, in order to qualify for direct entry under this provision.
- 8.6.2.2.2 Provide official documentation to show length of employment with present electrical employer and all other previous electrical employers.
- 8.6.3 *Transfer of Apprenticeship.*
- 8.6.3.1 A registered apprentice who wishes to transfer an Apprenticeship Agreement between two local IBEW/NECA JATCs having registered inside apprenticeship programs. This is a method of direct entry.

- 8.6.3.2 In order to transfer an apprenticeship agreement between two local IBEW/NECA JATCs having a registered inside apprenticeship program, the following requirements must be met. The apprentice must submit a written request for transfer, describing in detail the needs and reasons upon which the request is based.
  - 8.6.3.3 The apprentice's sponsoring JATC must agree to the transfer, acting on behalf of the official program sponsors for the IBEW and NECA.
  - 8.6.3.4 The receiving JATC must agree to accept the transfer, acting on behalf of the official program sponsors for the IBEW and NECA.
  - 8.6.3.5 The receiving JATC shall have complete access to all apprenticeship records pertaining to the transferring apprentice.
  - 8.6.3.6 The transferring apprentice must:
    - 8.6.3.6.1 Complete an Application.
    - 8.6.3.6.2 Provide to the JATC official documentation pertaining to their participation in the apprenticeship program they are transferring from. An official copy of all records established with the sponsoring JATC (including a copy of the application form and the apprenticeship agreement – properly registered with the Registration Agency) and other information submitted shall be provided to the receiving JATC.
    - 8.6.3.6.3 The receiving JATC will examine all documentation submitted before granting permission to transfer. All such records shall become part of the receiving JATC's permanent files.
    - 8.6.3.6.4 Upon being accepted by the receiving JATC, have their existing apprenticeship agreement terminated and have registration proceedings initiated immediately by the receiving JATC and the appropriate Registration Agency. The Registration Agency will be provided with all documentation necessary and/or required to verify that the transfer is justifiable.
  - 8.6.3.7 The apprentice will receive full credit for probationary time previously served. No plan assets will be transferred between the plans to cover the cost of the apprentice's education.
- 8.6.4 Other Means.
- 8.6.4.1 Individuals who qualify under 8.5.1.3 two years military electrical experience, 8.5.2.2 4,000 hours, 8.5.3 Interim Credential, 8.5.6 pre-apprenticeship, or 8.5.7 industry needs, may qualify for direct entry, after interview based upon standard, non-discriminatory evaluation factors (e.g., top 50% of class ranking for those with Interim Credentials, a defined cut-off or pass/fail score on knowledge-based tests or skills-based tests or other exams, or a pass/fail interview).
  - 8.6.4.2 The JATC may, in its discretion, determine that due to industry needs, individuals in one or more categories under 8.5 will be offered direct entry rather than direct interview for a period of time.
  - 8.6.4.3 Decisions to permit direct entry under these options, and for what period of time, should be recorded in the Minutes of the Committee and publicized through the Notice of Apprenticeship Opportunity, prior to each period of application and interviews.

- 8.6.4.4 A decision to permit direct entry instead of direct interview must be made before or promptly after an interview before interviewees are placed on the ranked list. Once an applicant is placed on the ranked list, their status cannot be changed to Direct Entry.
- 8.7 *Post-Selection Requirements.* All selected applicants (including those admitted through direct entry) must meet the following minimum requirements at the time indicated in these Selection Procedures, typically after a conditional offer is made and prior to registration.
- 8.7.1 Provide any remaining documentation required to complete the selection process.
- 8.7.2 Not be disqualified as a result of information obtained by the JATC during the selection process, including interviews, verification of information, reference checks or other information made available to the JATC prior to registration.
- 8.7.3 Pass all required drug-screen tests. The cost of the tests is borne by the JATC. If the applicant fails any pre-registration drug test, refuses to take any pre-registration drug test, or has insufficient hair or urine for any pre-registered drug test, each of which constitutes a failed pre-registered drug test, the conditional offer will be revoked.

## **9. Selection and Placement**

Selection of Applicants will be done under the Selection Procedures (Appendix A). Applicants placed on the ranked list shall remain active for one (1) calendar year from the date of interview, subject to exceptions.

## **10. Credit for On-The-Job Skill Acquisition and Previous Related Training**

- 10.1 Every applicant who qualifies for Direct Interview or Direct Entry, and who is subsequently registered, will be evaluated by the JATC to determine, using standard means of evaluation, if OJT and/or related instruction credit will be awarded for previous training and experience.
- 10.2 Qualified applicants interviewed and selected for apprenticeship under these Standards who have previously completed another IBEW/NECA apprenticeship will be awarded a minimum of three thousand, five hundred (3,500) hours of OJT credit. Such individuals will be properly evaluated by the JATC and placed in the appropriate year of related training.
- 10.3 Qualified applicants selected for registration who have the *electrical training ALLIANCE* Interim Credential shall be placed in Second Year related instruction if the Interim Credential was received within three (3) years of the date of registration.
- 10.4 Other applicants selected for registration who have previous knowledge and skill acquisition in the electrical construction industry can ask for and have such work and job experience evaluated by the JATC prior to signing an Apprenticeship Agreement. The apprentice cannot request an evaluation of past experience after signing.
- 10.5 Where such experience warrants, the JATC can place the apprentice in the appropriate period with the commensurate wages as determined by the JATC. The JATC will use consistent and equal ways and means for measuring and evaluating individuals to determine how much credit to award, for both OJT and related training. Hours of OJT credit awarded, and related instruction placement are independent of one another. Those awarded OJT credit and assigned

to the appropriate pay period classification may be given additional time to successfully complete related instructional requirements.

- 10.6 Advanced standing is subject to review throughout the probationary period. During this time, OJT and classroom performance will be evaluated to determine if any readjustment concerning OJT or related training status is warranted, including re-evaluation and reassignment of apprenticeship period and level of related instruction, as the JATC determines.

## **11. The Apprenticeship Agreement**

- 11.1 Before being employed as an apprentice or enrolled in related instruction classes, the selected applicant must sign an Apprenticeship Agreement with the JATC. The Apprenticeship Agreement will be submitted to the Registration Agency for approval if required. The Standards and the JATC's Rules and Policies (as they may be amended) shall be considered a part of the Apprenticeship Agreement.
- 11.2 Prior to signing the Apprenticeship Agreement, each selected applicant shall be given an opportunity to read and review the Standards, the JATC's Rules and Policies, the Apprenticeship Agreement, and the section of the CBA that pertains to apprenticeship. Selected applicants shall sign an acknowledgement that they have reviewed the documents and willing to abide by them.
- 11.3 The JATC and the Apprentice shall sign the Apprenticeship Agreement, and each receive a signed copy. The JATC shall follow the procedures of the Registration Agency regarding the submission of the Apprenticeship Agreement (e.g., through RAPIDS for DOL states, number of signed originals).

## **12. Probationary Period**

- 12.1 The first 2,000 hours of OJT, and satisfactory performance in related classroom training during such time, shall constitute the probationary period. During the probationary period, the JATC shall make a thorough review of the apprentice's ability and development.
- 12.2 Prior to the end of the probationary period, the JATC will decide whether to end the probation, extend the probation or cancel the Apprenticeship Agreement. If the Registration Agency so requires, the Registration Agency shall be notified of cancellations or extensions.
- 12.3 During the probationary period, the JATC may extend the probation up to the maximum, or cancel the apprenticeship agreement, without the formality of a hearing and at the discretion of the JATC, so long as the JATC is acting in a non-discriminatory manner. Apprentices whose agreements are cancelled during the probationary period have no appeal rights other than those provided in the EEO/AA Plan.

## **13. Related Instruction**

- 13.1 Each apprentice shall be required to participate in non-compensable related instruction away from the job as specified below.



- 13.2 Topics to be studied (completed) as part of the required *electrical training ALLIANCE* curriculum shall include, but not be limited to those listed below. The order of presentation and/or year of presentation may change from time to time.

**FIRST YEAR – 180 HOURS MINIMUM**

Codes and Standards  
Electrical Theory  
Industry Orientation  
Installation Applications  
Jobsite Skills and Practices  
Safety Awareness

**SECOND YEAR – 180 HOURS MINIMUM**

Codes and Standards  
Construction Documentation  
Electrical Equipment  
Electrical Theory  
Industry Orientation  
Installation Applications  
Safety Awareness

**THIRD YEAR – 180 HOURS MINIMUM (108 HOURS CORE MINIMUM AND 72 HOURS ADVANCED MINIMUM)**

Codes and Standards  
Construction Documentation  
Construction Leadership  
Electrical Systems  
Electrical Theory  
Safe Material and Equipment Handling  
Safety Awareness

**FOURTH YEAR – 180 HOURS MINIMUM (72 HOURS CORE MINIMUM AND 108 HOURS ADVANCED MINIMUM)**

Codes and Standards  
Construction Documentation  
Electrical Control Systems  
Electrical Systems  
Electrical Equipment  
Safety Awareness

**FIFTH YEAR – 180 HOURS MINIMUM (72 HOURS CORE MINIMUM AND 108 HOURS ADVANCED MINIMUM)**

Codes and Standards  
Electrical Control Systems  
Electrical Equipment  
Industry Orientation  
Jobsite Skills and Practices  
Safety Awareness

## **ADVANCED TOPICS**

### **THIRD YEAR – 72 HOURS MINIMUM, FOURTH YEAR – 108 HOURS MINIMUM, FIFTH YEAR – 108 HOURS MINIMUM**

Advanced Codes and Standards  
Advanced Construction Documentation  
Advanced Construction Leadership  
Advanced Distributed Generation  
Advanced Communications Systems  
Advanced Control Systems  
Advanced Electrical Equipment  
Advanced Electrical Systems  
Advanced Limited Energy Systems  
Advanced Safety Awareness  
Advanced Theory

- 13.3 The time spent in related classroom instruction, which may include blended learning, shall be in addition to the required minimum hours of OJT. The minimum number of classroom hours per year may change from time to time in order to meet training needs. Such changes must be properly approved by the Registration Agency.
- 13.4 The JATC shall secure competent instructors whose knowledge, experience, and ability to teach shall be carefully examined and monitored. The instructors shall take the teacher training courses made available from the *electrical training ALLIANCE* (or state required equivalent) through attendance, participation and working towards completion of the Industry's Four-Year National Training Institute Teacher-Training program.
- 13.5 The JATC shall secure the instructional aids and equipment it deems necessary to provide quality instruction.
- 13.6 The instructors shall administer or oversee *electrical training ALLIANCE* standardized tests in a timely manner. Such tests shall be evaluated, scored, and reviewed with the class. If tests are not administered electronically, the instructor shall ensure that all tests and materials are collected and provided to the JATC.
- 13.7 The JATC shall monitor the apprentice's performance in related training and take appropriate action to encourage improvement where warranted. JATCs will require performance reports to be filed on a regular basis by each instructor, evaluating the apprentice's related instructional training performance. Such reports shall be maintained by the JATC as part of its official file for each apprentice, providing an accumulative record of performance in related training.
- 13.8 The JATC shall inform each graduating apprentice of availability of college credit through the *electrical training ALLIANCE's* College Credit Program with the American Council on Education ("ACE"), and any Continuing Education Units ("CEUs") that may be available.
- 13.9 Certain related instruction may be provided online, rather than in a traditional classroom or laboratory setting. If an apprentice is required to attend related instruction online, the apprentice must have access to the Internet via a computer and must complete all online assignments and the total required hours of each session in the allotted amount of time. The computer will not be provided by the apprenticeship program and the Internet access fees will not be paid by the apprenticeship program.

## **14 Safety and Health Training**

- 14.1 The Employers are responsible for instructing apprentices in safe and healthful work practices and shall ensure that the apprentice is trained in facilities and other environments that are in compliance with either the Occupational Safety and Health Act standards promulgated by DOL or State or local standards that have been found to be at least as effective as the Federal standards.
- 14.2 The JATC shall see that all apprentices complete CPR/First Aid training during their probationary period. The JATC shall also attempt to see that graduates of its apprenticeship program possess a current CPR/First Aid card. NOTE: This training requires additional classroom hours.
- 14.3 The JATC shall see that each apprentice successfully completes the *electrical training ALLIANCE*, OSHA approved, Ten-Hour Construction Safety course, before beginning the Second-Year of related instructional training. NOTE: This training requires additional classroom hours.

## **15 Hours of Work; Assignments**

- 15.1. The apprentice shall work the hours that are specified in the local CBA or such hours that are set by an Employer consistent with the CBA. The current hours of work shall be included in the Rules and Policies. The apprentice's work shall not interfere with attending related instructional classes.
- 15.2. The JATC shall maintain a standard procedure for assignment of apprentices and endeavor to ensure continuous employment for all apprentices, and adequate training and experience in all work process as described in Section 16. The JATC shall make all OJT assignments and reassignments consistent with the CBA. In order to achieve these objectives an apprentice may be transferred or reassigned to another participating employer as determined by the JATC in its discretion.
- 15.3. In the event that the JATC is unable to provide an eligible apprentice with an OJT assignment, apprentices may seek temporary employment outside of the electrical construction industry. Regardless of employment status, apprentices must continue to report for their regularly scheduled related instructional classes. Apprentices shall remain at all times subject to immediate call by the JATC for an OJT assignment given by the JATC. Under no circumstances shall a participating employer be denied the assignment of an apprentice due to an apprentice temporarily working outside the CBA. Failure to immediately comply with instructions to return to the JATC for an OJT assignment may result in cancellation of the apprentice's apprenticeship agreement.
- 15.4. The JATC may assist apprentices in seeking temporary employment by providing access to resources, establishing connections with local employers or other methods.

## **16. Work Experience**

- 16.1 In order to provide for the development of the necessary occupational skills in the various work processes, the JATC shall attempt to provide the apprentice with OJT in the following

categories, as job training assignments permit. These estimates are not minimum requirements for proficiency. Some job assignments may relate to more than one work process.

### INSIDE QUALIFIED ELECTRICAL WORKER

(Existing Title: Electrician)

O\*NET-SOC CODE: 47-2111.00

RAPIDS CODE: 0159

WORK PROCESS	APPROX. HOURS OJT
PROJECT LAYOUT AND PLANNING	200
Reading and interpreting blueprints and specifications	
Coordination between crafts, engineers, and architects	
Layout feeders, risers, and branch circuits	
UNDERGROUND INSTALLATIONS	300
Trenching and ditch digging	
Direct burial	
Installing PVC/Rigid conduit	
Installing grounding electrode systems	
THINWALL CONDUIT RACEWAY SYSTEMS	1450
Fastening and supporting devices	
Conduit fabrication	
Installation of conduit, fittings, and boxes	
RIGID CONDUIT RACEWAY SYSTEMS	900
Fastening and supporting devices	
Bender setup	
Conduit fabrication	
Installation of conduit, fittings, and boxes	
INSTALLING SERVICES, SWITCHBOARDS AND PANELS	500
Mounting devices	
Breaker installation	
Terminations	
FLOOR DUCT INSTALLATION	100
Transit/grade establishment	
Installing duct and fittings	
Core drilling and outlet installation	
MOTOR CONTROL CENTER INSTALLATION	100
Rigging and mounting	
Terminating feeders, branch circuits and control wiring	
INSTALLING, SPlicing & TERMINATING WIRES AND CABLES	1200
Establishing temporary power	
Feeders and branch circuits	
Control wiring	
Splices, taps and terminations	

<b>WORK PROCESS</b>	<b>APPROX. HOURS OJT</b>
CABLE TRAY INSTALLATION	150
Fabrication	
Installing support devices	
Installing cable tray and covers	
LIGHTING SYSTEM INSTALLATION	1000
Installing outlet boxes and conductors	
Installing fixtures	
Control devices	
TESTING AND TROUBLESHOOTING FEEDERS, MOTORS, AND BRANCH CIRCUITS	100
Checking circuit continuity	
Identifying fault current to ground	
Meggering and Hi Potting	
Certifying system operations	
Repair and maintenance	
Ground verification	
FIRE ALARM INSTALLATION	150
Blueprint and specification interpretation	
Layout and circuit installation	
Control panel and device installation	
Programming and testing	
MOTOR INSTALLATION	300
Rigging and setting	
Alignment	
Circuiting and Terminations	
Testing	
CONTROL SYSTEM INSTALLATION	200
Blueprint and specification interpretation	
Layout and circuit installation	
Distributed control	
INSTALLING AND PROGRAMMING PROGRAMMABLE LOGIC CONTROLLERS	100
Module installation	
Control wiring and devices	
Programming	
INSTALLING INSTRUMENTATION AND PROCESS CONTROL SYSTEMS	100
Blueprint and specification interpretation	
Layout and installation	
Calibration	

<b>WORK PROCESS</b>	<b>APPROX. HOURS OJT</b>
SECURITY SYSTEM INSTALLATION	50
Blueprint and specification interpretation	
Layout	
Box and circuit installation	
Termination	
Testing	
INSTALLING SOUND AND COMMUNICATION SYSTEMS	50
Blueprint and specification interpretation	
Layout	
Conduit and box installation	
Installing panels and network	
Circuit installation	
Terminations and testing	
INSTALLING AND TERMINATING TRANSFORMERS	100
Rigging and mounting	
Primary and secondary terminations	
Testing and troubleshooting	
INSTALLING FIBER OPTIC CABLE	400
Equipment layout	
Installing cable	
Polishing and terminating	
Testing and verifying	
ALTERNATIVE ENERGY SOURCES (SOLAR, WIND, FUEL CELL, ETC.)	100
Blueprint and specification interpretation	
Layout and installation	
Testing, verifying, and troubleshooting	
WELDING AND BRAZING	50
Machine setup	
Fabrication	
Welding, grinding, and finishing	
SERVICE AND TROUBLESHOOTING	100
Testing and analysis and repair of: motors, transformers, electrical devices, electronic devices, magnetic devices, lighting and power circuits, equipment and machinery, control circuits and devices	
MATERIAL HANDLING AND PRE-FABRICATION	100
Material/equipment awareness	
Fabricating for field installation	
SAFETY AWARENESS & OTHER SPECIALIZED AREAS	200
TOTAL MINIMUM HOURS OF OJT	8,000

- 16.2 The JATC shall require each apprentice to submit a work report on a monthly basis. Such reports shall be maintained by the JATC as part of its official file for each apprentice. The JATC shall use reports and other evaluations and records the JATC may use to provide an accumulative OJT record of experience in the various work processes for each apprentice.
- 16.3 All OJT work shall be performed under the supervision of a Qualified Electrical Worker. Supervision will not be of such nature as to prevent the development of responsibility and initiative. Work may be laid out by an Employer's designated supervisor based on the apprentice's skills and ability to perform the job tasks, after which the apprentice shall be permitted to perform job tasks in order to develop job skills and industry competencies.
- 16.4 Apprentices with a minimum of 6,500 hours of OJT who have successfully completed the Fourth Year of related instruction, may be permitted to perform electrical construction work without the direct supervision of a Qualified Electrical Worker as follows: while the apprentice's supervising Qualified Electrical Worker must be present on the job site, and the apprentice should not be the first worker assigned to the job, such apprentice may be assigned to independently perform job tasks at the job site consistent with the apprentice's skills, knowledge, and ability to perform the work as determined by the Employer.
- 16.5 An apprentice shall not supervise the work of any other apprentice or workers of any other classification.

## **17. Number of Apprentices: The Ratio**

The numeric ratio of apprentices to QEWs, consistent with proper supervision, training, safety, and continuity of employment, shall be specified in CBAs applicable to these Standards and must be expressed numerically. The ratio for the West Texas Electrical Joint Apprenticeship and Training Committee as per the CBA is (1) apprentice to (1) QEW.

## **18. Temporary Training Opportunities**

Apprentices may be permitted to receive OJT and related training on a temporary basis with another IBEW/NECA JATC, provided that the apprentice, both the JATCs and their respective Local Unions and Local Chapters agree on such assignment. Before apprentices are given a temporary OJT assignment, they must supply the host JATC with an official copy of their apprenticeship agreement, clearly indicating that it has been properly registered with the applicable Registration Agency. Apprentices shall remain subject to reassignment by the JATC with whom they are registered. Failure to immediately comply with such instruction to return to the JATC with whom they are registered may result in the cancellation of the apprentice's apprenticeship agreement; in which case, the apprentice would no longer be employable under the CBA in any jurisdiction.

## **19. Advancement of Apprentices**

- 19.1 Every two months during the first year of apprenticeship, and at least yearly thereafter, the JATC shall examine the progress of the apprentice on the job and in related instruction, based on apprenticeship evaluation completed by an Employer and other available information. The JATC shall also receive a monthly OJT training report from each Employer showing the experience and training in the various work processes acquired by the apprentice and evaluating the apprentice.

- 19.2 The JATC shall evaluate the apprentice's overall performance and accomplishments at the end of each period. Action must be taken on each apprentice to approve advancement, extend present rating for a specified probationary period, or cancel the apprenticeship agreement, with due notice to the apprentice and a reasonable opportunity for corrective action. Proper documentation shall be maintained of all action taken by the JATC.

## **20. Cancellation or Resignation of Apprenticeship Agreement**

- 20.1 An Apprenticeship Agreement may be canceled at the request of the apprentice at any time.
- 20.2 An Apprenticeship Agreement may be suspended for a specified period of time, canceled, or terminated by the JATC for good cause, with due notice to the apprentice and, in appropriate circumstances, a reasonable opportunity for corrective action. Written notice shall be provided to the apprentice and to the Registration Agency (if required).
- 20.3 Individuals who have been suspended or terminated from apprenticeship shall not be assigned by the JATC in any capacity. Suspended or terminated apprentices are not eligible to participate in any related training activities and, as per the CBA, they are not eligible for any job assignments under the CBA unless the JATC has determined that the individual is eligible for a change to another classification recognized in the CBA.
- 20.4 When an apprentice's Apprenticeship Agreement is terminated before satisfactory completion of their apprenticeship, the resulting vacancy may be filled by selecting and registering the next individual from the current eligibility list; provided all registered apprentices who are available for OJT assignments are so assigned. In the event that related instructional training classes are not available in the immediate future, the individual(s) registered shall begin informational/awareness classes just as soon as possible. These courses may include topics such as: Industry Awareness, Communications, Productivity, Marketing, CPR, Tech Math, Safety Awareness, and General Orientation.

## **21. Complaint Procedures**

- 21.1 The JATC shall have full authority and responsibility to review and shall seek to resolve all issues and/or disputes pertaining to all apprenticeship and training matters. The JATC shall hear and consider all complaints of violations concerning the Apprenticeship Agreement and the Standards, and shall make such rulings, as it deems necessary and appropriate in its discretion. Apprentices have the right to request an appearance before the JATC concerning specific issues or matters dealing with their apprenticeship agreement. Such requests must be in writing. The JATC shall adopt a formal Complaint Procedures as part of its Rules and Policies. Apprentices and applicants have no right to representation by an attorney or others during JATC investigations and meetings, unless otherwise provided in the Rules and Policies.
- 21.2 Any apprentice or applicant for apprenticeship who believes they have been subject to discrimination in violation of the EEO/AA Plan or federal, state, or local law has the right to file an internal complaint with the JATC and rights to file external complaints with the U.S. Department of Labor, EEOC, and/or applicable state or local agencies. See EEO/AA Plan.



- 21.3 All applicants and apprentices have the right to file complaints regarding any issue with the Registration Agency. Applicants and apprentices will be provided with a copy of the Notice of Rights. See EEO/AA Plan.
- 21.4 All apprentices have the right to seek resolution through the applicable Grievance and Arbitration Articles of the CBA for issues arising on the job: wages, hours, working conditions, and other issues covered by the CBA. Apprentices should first provide notice to the JATC.
- 21.5 A Local Union receiving a grievance from or about an apprentice shall notify and involve the JATC, which has the primary responsibility for apprentices under Article V of the standard Inside Agreement.

## **22. Certification of Completion**

- 22.1 Upon satisfactory completion of the *electrical training ALLIANCE*'s Five-Year course of study and accumulation of a minimum of 8,000 hours of OJT, the JATC will certify to the sponsoring parties, to the *electrical training ALLIANCE* and to the Registration Agency that the apprentice has satisfied the requirements of his or her apprenticeship agreement.
- 22.2 The JATC will present each graduating apprentice with a Certificate of Completion issued by the *electrical training ALLIANCE*. The JATC shall request a Completion Certificate from the *electrical training ALLIANCE* for every individual completing the apprenticeship program. Each Certificate shall be approved and signed by the officers of the JATC. The JATC shall submit a signed request for a Certificate of Completion of Apprenticeship to the Registration Agency.
- 22.3 The JATC shall notify the IBEW Local Union of the date of each satisfactory completion, allowing the Local Union to reclassify the individual as per IBEW By-Laws, rules, and policies. The JATC will likewise notify the graduating apprentice's current Employer and the NECA Chapter.

## **23. Program Deregistration**

This Program may be deregistered upon the voluntary action of both the Local Union and the Local Chapter through their request to the Registration Agency for cancellation of the registration. The program may also be deregistered for reasonable causes by the Registration Agency, in accordance with its formal deregistration proceedings.

Upon deregistration or voluntary cancellation of the program, the JATC will inform each apprentice within 15 days of the deregistration or cancellation and the effect of such action. This notification will conform to the requirements of Title 29, Code of Federal Regulations, Part 29.8 and any applicable State or local regulations.

## **24. Maintenance of Records**

The JATC shall maintain records as required by law.

## **25. Collective Bargaining Agreement**

Nothing in these Standards or in any apprenticeship agreement will operate to invalidate:

- 25.1 Any apprenticeship provision in any collective bargaining agreement between employer and employees establishing higher apprenticeship standards; or,
- 25.2 Any special provision for veterans, minorities or women in the Standards, apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by law, Executive Order, or authorized regulation.

## **26. Conformance with Federal Law and Regulations**

No Section of these Standards of Apprenticeship shall be construed as permitting violation of any Federal Law or Regulation.

## **APPENDIX A**

### **Apprenticeship Selection Procedures**

## **27. Procedures for Processing Applications and Selecting Apprentices**

The JATC has adopted the following Selection Procedures for its Apprenticeship Program. These procedures shall be uniformly maintained and consistently applied to all individuals interested in the Apprenticeship Program.

### **27.1 Application Availability.**

27.1.1 The JATC accepts applications in the time and manner indicated below.

#### **METHOD A – Year-Round Application**

The JATC will make applications available online, year-round 24/7.

27.1.2 The JATC will notify the Registration Agency and other appropriate parties (including recognized outreach and affirmative action groups), as indicated in the JATC's EEO/AA Plan, informing them of its year-round application procedure – including the nature of apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, how to access apprenticeship applications, and the JATC's EEO/AA policies.

27.1.3 The JATC has discretion to determine how often interviews will be conducted, and this may change during the year based upon industry needs. If a fixed interview schedule is established (e.g., monthly, quarterly, or semi-annually), the JATC will notify the Registration Agency of the dates as part of its semi-annual notice. If the JATC decides to interview on an as needed basis, the Registration agency will be notified of the scheduled interviews a minimum of thirty (30) days prior to the first interview date. Interviews shall be conducted in accordance with the notification supplied to the Registration Agency.

The JATC will interview on the following basis: Monthly

### **27.2 General Rules Concerning Applications and Record Keeping**

27.2.1 The JATC will use the Application and any related forms approved by the *electrical training ALLIANCE*.

27.2.2 Application forms will be issued and accepted electronically, or in accordance with the procedure adopted by the JATC indicated in Section 1.

27.2.3 Everyone expressing an interest in making application with the JATC will be provided access to and/or issued an application form during the application period. The application must conform so no one will be denied a right to apply, even if there is a question about their ability to meet minimum qualifications.

27.2.4 The JATC shall provide reasonable accommodations during the application process to individuals with disabilities who request them. The JATC's procedures for requests for accommodation are contained in its Rules and Policies.

27.2.5 An Application Record will be maintained by the JATC to show the status of each applicant.

- 27.2.6 No member of the JATC, or any employee of the JATC, shall reveal or discuss any information pertaining to any applicant except during the applicable meetings of the JATC or to members of the JATC staff involved in the application process.
- 27.2.7 All application forms and all related information and documents pertaining to applicants, including all correspondence sent to applicants by mail or electronically, are the property of the JATC and shall be considered confidential proprietary information. Records shall be maintained as required by the Registration Agency and by law.

## **27.3 Qualifications for Applicants**

The various methods under which an applicant may qualify for entry into the ranked pool, Direct Interview or Direct Entry are detailed in the Standards. These must be summarized in the Notice of Apprenticeship Opportunity.

## **27.4 Application Process**

### **27.4.1 Application.**

- 27.4.1.1 A written description of the basic requirements shall be included in the Notice of Apprenticeship Opportunity, must be posted electronically and must be available at the JATC office.
- 27.4.1.2 The JATC shall collect and maintain information on individuals requesting access to applications. The JATC may establish procedures to follow-up with those expressing interest as part of its recruitment efforts.
- 27.4.1.3 The applicant will be provided electronic access or in paper format to an application and the voluntary self-identification forms. Applicants must submit the application; resumes or similar documents will not be accepted in lieu of the application.
- 27.4.1.4 As each application is received, the JATC shall ensure that it receives a unique serial number for that applicant. The applicant's name, date of the application, and serial number of the application will then be included in the Application Record.

### **27.4.2 Information to be Provided to and Received from Applicants.**

- 27.4.2.1 The following information must be provided to each applicant either online or within a reasonable time of not more than ten (10) days after the Application is received. If permitted by the Registration Agency, this information may be provided in paper or electronic formats, and transmitted to applicants in person, mail, by electronic means and/or by a link to the JATC's website or another online site.
  - 27.4.2.1.1 A list of the Basic Qualifications required to enter the pool of eligible applicants.
  - 27.4.2.1.2 A copy of the Standards (including the EEO/AA Plan and Selection Procedures), and the JATC's Rules and Policies.
  - 27.4.2.1.3 Specific information pertaining to the apprenticeship program, noting the geographical area of the jurisdiction, the periods of apprenticeship and the wages provided for each period. The applicant's attention will also be called

to the work processes in the Standards and the apprentice's obligations and requirements to participate in, and complete, related instruction. The JATC may, but is not required to, highlight any other key requirements from the JATC's Rules and Policies.

- 27.4.2.1.4 A list of things the applicant must do, and items they must provide, in order to qualify for an interview with the JATC. This document will inform the applicant if they are required to take the Aptitude Test to qualify for the interview, and that qualified applicants are interviewed in the order in which they complete their application by provide all required documents and transcripts.
- 27.4.2.1.5 A list of information they may have to provide as part of the application process, and post-selection requirements that they will have to meet if they are selected from the list or through Direct Entry and are given a conditional offer of indenture, as provided in the Standards. This information will be available for review when getting access to an application, and again when invited to the interview.
- 27.4.2.2 Applicants will be informed that they have 30 days to provide all transcripts, and any other documentation required by the JATC, to qualify for an interview.
- 27.4.2.3 Applicants will be informed of optional information that they are permitted to provide and information that the JATC will or may obtain and use. This list will be available for review when getting access to an application, and again when invited to the interview.
- 27.4.2.4 If the applicant indicates on the application a prior felony conviction, the JATC may choose to request that additional information be provided prior to the interview or may choose to wait until after a conditional offer is made.

#### 27.4.3 Processing Applications.

- 27.4.3.1 As applicant information is received, the JATC will record dates and other pertinent information in the Application Record. When all information and documentation is complete, the date of receipt of the last required information will be recorded in the Application Record in the completion column.
- 27.4.3.2 If an applicant fails to provide all required documentation by the cut-off date, the column indicated "Application Not Completed" will be checked in the Application Record.

## 27.5 Testing and Interview Process

### 27.5.1 Aptitude Test

The JATC will schedule all qualified applicants (other than those entitled to Direct Interview or Direct Entry) for the properly validated aptitude test required by the JATC and approved by the *electrical training ALLIANCE*. The applicant will be notified in writing as to the time, place, and date they are to complete the aptitude test. The applicant's aptitude test results will be entered into the Application Record. Aptitude Test scores will not be shared with the interview committee. The Aptitude Test scores should not be shared with the applicant, only pass/fail.

### 27.5.2 Scheduling for Interviews

- 27.5.2.1 After all transcripts, materials, and aptitude test results (if applicable) are received, the JATC will review the documents to determine if the applicant qualifies for an interview based on the qualifications outline in the Standards. If the applicant does not qualify for an interview with the JATC, the applicant will be so notified. The Application Record will note that the applicant was “Not Qualified for Apprenticeship” and the date the letter was sent.
- 27.5.2.2 The JATC will schedule interviews as indicated in Section 1. The JATC will interview all applicants who qualify for an interview and report for the interview as scheduled. The applicants will be interviewed in order based upon the date and time their application process was complete.
- 27.5.2.3 The list of applicants to be interviewed may be broken into smaller groups if more than one interview session is to be scheduled. Interview sessions will be scheduled to allow for the interviewing of all applicants who qualify for an interview.

### 27.5.3 Conduct of Interview

- 27.5.3.1 Interviews will be conducted in accordance with the interview forms and procedures developed by the *electrical training ALLIANCE*.
- 27.5.3.2 Unless an applicant is referred to the JATC due to potential disqualifying factor upon completing all scheduled interview sessions, all interviewed applicants will be notified that they shall remain on the active list, subject to selection, for a period of one (1) year from the date of their interview. This notification shall indicate that on the anniversary date, their eligibility shall expire.

## 27.6 Disqualification

Prior to, during or after the interview, and prior to registration, the JATC may learn of information that may disqualify the applicant or render them unable to meet the requirements of the program. The JATC or its designee shall discuss those issues with the applicant, provide the applicant with an opportunity to explain and, where appropriate, obtain relevant documentation. If the applicant does not voluntarily withdraw his or her application, the applicant may be referred to the JATC for a decision on whether the applicant should be disqualified and not placed on the active list or should be removed from the list.

## 27.7 Re-Interview Process

- 27.7.1 If after a minimum of ninety (90) days from the date of their most recent interview with the JATC, an applicant has gained at least 450 hours of documented work experience in the electrical construction industry or has successfully completed two (2) or more post-secondary, industry related classes, the applicant is eligible to make a request to be re-interviewed by the JATC by completing the JATC’s Re-Interview Request Form. Examples of related classes include Algebra I and II, Geometry, Trigonometry, Advanced Math, Physical Sciences, Physics, Chemistry, Industrial Arts, Mechanical Drawing/Drafting, Computer Literacy/Programming, Related Vocational/Technical Courses.
- 27.7.2 The JATC is not obligated to grant a re-interview to an applicant where the factors on which the score was based would not be affected by additional experience or education. The JATC will respond to the request in a timely manner.

## **27.8 Ranking and Selection**

- 27.8.1 The JATC will place all individuals currently active on the list in ranked order. The ranked list will identify each individual's: rank, name, application number, date of interview, score to two decimal places, and eligibility expiration date. A current copy of the complete ranked list will be filed with the Registration Agency prior to selection and registration to any individual entering the apprenticeship program through the standard selection process.
- 27.8.2 When new interviews are scheduled and completed, the JATC will add the newly interviewed applicants to its existing ranked list of applicants. Whenever a new ranking list is created, a copy will be provided to the Registration Agency.
- 27.8.3 The number of new apprentices to be selected, at any time, will be determined by the JATC, based on industry needs and the JATC's ability to provide training.
- 27.8.4 Selection of individuals from the list of interviewed applicants will not be done until all pre-scheduled interview sessions are completed. The Registration Agency shall be promptly notified of all individuals entering the apprenticeship program through any means of entry.
- 27.8.5 The actual selection of individuals will be made by using the current ranked list, starting with the top score, and continuing on, in descending order, until the desired number of accepted applicants has been reached. The only individuals who may be registered ahead of those on the current ranked list are those entering through approved direct entry methods, including transfer, and organizing procedures. Selection from the current ranked list must be the highest on the list; the JATC cannot skip over individuals.
- 27.8.6 All selected applicants will be notified in writing of the JATC's offer of apprenticeship. The offer will be conditioned on completion of any required post-selection steps set out in the Standards and will note which conditions apply.
- 27.8.7 Once applicants are interviewed and placed on the ranked list, they shall remain active and subject to selection, for a period of one (1) calendar year from the date of interview, unless they decline an offer, request to be removed from the list, fail to meet post-selection requirements, or they are approved for a re-interview.
- 27.8.8 Applicants will be deemed to have requested to be removed from the ranked list and/or declined an offer if they (i) fail to notify the JATC of changes in contact information; or (ii) fail to promptly respond to communication from the JATC, including offers.
- 27.8.9 All selected applicants (including direct entry) must provide any remaining documentation required to complete their applications process and satisfy all post-selection requirements in the Standards.

## **27.9 Applicant Appeals Procedure**

Any applicant for apprenticeship who believes that he or she has been subjected to discrimination or other unfair treatment during the selection process on the basis of any protected category may file a complaint of discrimination using the JATC's internal Complaint Procedure set out in the JATC's Standards and EEO/AA Plan.



## **APPENDIX B**

### **Equal Employment Opportunity Policy and Affirmative Action Plan**

## Preface

The *electrical training ALLIANCE* and the JATC adopting this EEO/AA Plan are committed to the concept and practice of Equal Employment Opportunity and Affirmative Action in all aspects of its apprenticeship programs and services. No apprentice or applicant for apprenticeship, or any other participant in JATC programs or services, will be treated differently or otherwise discriminated against on the basis of race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age (40 or older), genetic information, disability, or other characteristics or conduct protected under applicable state or local laws.

The EEO/AA Plan is intended to comply with, and shall be interpreted consistent with, the affirmative action obligations under 29 C.F.R. Part 30, Title VII of the Civil Rights Act of 1964 (Title VII), the Age Discrimination in Employment Act (ADEA), Title I of the Americans with Disabilities Act (ADA), the Genetic Information Non-Discrimination Act (GINA), and any other federal, state, or local non-discrimination laws applicable to the JATC.

This EEO/AA Plan will remain in effect until the EEO/AA Plan is updated by the *electrical training ALLIANCE*, or until the JATC determines (based on its annual review) that there is a need for modification to ensure greater success in the recruitment, selection and retention of minorities, women, and individuals with disabilities. Any and all changes must be submitted to the *electrical training ALLIANCE* and the Registration Agency for approval before implementation.

## 28 Part I – General Provisions

### 28.1 Affirmative Action and Equal Opportunity

National data analyzed by the U.S. Department of Labor (DOL) reflects that in people of diverse race and ethnicity, women and individuals with disabilities have not shared proportionately in the rewards and opportunities within many industries and occupations. DOL determined, in revising the regulations in 29 C.F.R. Part 30, that more aggressive action is needed to attract, select, and retain qualified applicants into apprenticeship programs, including more individuals of diverse race and ethnicity, women, and individuals with disabilities.

The IBEW-NECA segment of the Electrical Construction Industry has vigorously attempted to maintain an open-door application policy regardless of race, color, ethnicity, religion, national origin, sex, age, disability, and other protected characteristics. The JATC will engage in reasonable equal opportunity and affirmative action measures intended to increase the recruitment of qualified minorities, females, and individuals with disabilities who apply for, are selected, and ultimately become Qualified Electrical Workers.

### 28.2 Responsibility for Implementation

The coordination of responsibility for implementation of the EEO/AA Plan and any related policies and practices is assigned by the Committee to the Training Director who shall serve as the JATC's EEO/AA Coordinator. The EEO/AA Coordinator has the full resources of and access to JATC, Local Union, and Local Chapter leadership to insure effective implementation. The designation of a responsible person, as required by DOL regulations, does not relieve the Committee from its obligation to ensure compliance with 29 C.F.R. Part 30 and applicable laws, or the effective implementation of this EEO/AA Plan.

The duties and responsibilities of the EEO/AA Coordinator include, but are not limited to:

- Monitoring all registered apprenticeship activity to insure compliance with the non-discrimination and affirmative action obligations;
- Developing and implementing EEO/AA policies;
- Developing and implementing internal and external communication techniques;
- Identifying potential problem areas;
- Assisting the JATC and others to arrive at solutions to identified problems;
- Serving as liaison between the JATC and enforcement agencies;
- Serving as liaison between the JATC and organizations, community action groups or other entities concerned with employment opportunities for minorities, women, and individuals with disabilities;
- Keeping the JATC, Local Union, and Local Chapter informed of the latest developments in the equal opportunity area;
- Meeting with the NECA Chapter and contractors as appropriate to make certain that the JATC's EEO/AA policies are being followed;
- Maintaining required records;
- Generating and submitting reports as required by the relevant Registration Agency; and,
- Designing and implementing auditing and reporting systems that, on an annual basis (as appropriate) will measure the effectiveness of the EEO/AA Plan, determine the degree to which the JATC's goals and objectives are being attained, and identify any need for remedial action.

### **28.3 Dissemination of EEO/AA Plan**

The JATC will inform all applicants for apprenticeship, apprentices, and individuals who operate or administer any aspect of the registered apprenticeship program, of its commitment to equal opportunity and its affirmative action obligations. At a minimum, the JATC will:

- Publish its Equal Opportunity Pledge in the Apprenticeship Standards and in other relevant publications, such as the JATC's Rules and Policies; newsletters; recruitment publications and other appropriate publications; other documents disseminated by JATC; or documents that otherwise describe the nature of the sponsorship;
- Post its Equal Opportunity Pledge on its website and bulletin boards, and through electronic media, to insure that it is accessible to all apprentices and apprenticeship applicants;
- Conduct orientation information sessions for new apprentices, and periodic information sessions for apprentices, JATC staff, instructors and the JATC;
- Provide the EEO/AA Plan to the leadership of the Local Union and NECA Chapter; and,
- Provide copies of the EEO Pledge and other information to participating employers for their employees who are connected with the administration or operation of the apprenticeship program.

### **28.4 Anti-Harassment Training**

As part of its efforts, the JATC will provide periodic anti-harassment training for all apprentices, JATC staff, instructors, and Committee members. This training must be attended in-person or be

completed via interactive online training. The training must communicate, at minimum, the following: (a) that harassing conduct will not be tolerated; (b) the definition of harassment and the types of conduct that constitute unlawful harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability; and, (c) the right to file a harassment complaint.

The JATC will also take steps, in consultation with the Local NECA Chapter, to ensure that all individuals connected with the administration or operation of the apprenticeship program will receive similar anti-harassment training, including all supervisors and Qualified Electrical Workers who work with apprentices.

## **28.5 Universal Outreach and Recruitment**

The JATC will implement measures to insure that its outreach and recruitment efforts for apprentices extend to all persons available for apprenticeship within the sponsor's relevant recruitment area without regard to race, color, religion, national origin, sex (pregnancy, gender identity), sexual orientation, age (40 or older), genetic information, or disability. These actions are identified in Part III.

## **28.6 Complaint Procedure**

### **28.6.1 Internal Complaints**

All apprentices and applicants for apprenticeship have a right to and are encouraged to report any form of alleged discrimination or harassment that they may encounter in the administration or operation of this apprenticeship program on the basis of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, disability, or other protected characteristics, or retaliation by the JATC, its staff or instructors, or other apprentices, whether in class, on-the-job or otherwise; or that occurs on-the-job by contractors, Qualified Electrical Workers, or others.

JATC instructors and staff are expected to promptly report to the EEO/AA Coordinator any incident that they observe or learn of that may involve discrimination, harassment, or retaliation in violation of this EEO/AA Plan. Instructors should also act promptly to stop and reprimand any discrimination or harassment that they may observe.

All apprentices are encouraged to report to the EEO/AA Coordinator any incident that they observe or learn of that may involve discrimination, harassment, or retaliation of fellow apprentices in violation of this EEO/AA Plan, whether occurring during related instruction or on-the-job.

All applicants for apprenticeship and all apprentices will be provided with written notice of their right to file a discrimination complaint and the procedures for doing so. Apprentices are not required to use this internal complaint procedure before filing a formal complaint with outside agencies and filing an internal complaint does not limit an apprentice's right to use other complaint procedures.

All complaints regarding discrimination or harassment should be submitted to the EEO/AA Coordinator or an individual designated by the EEO/AA Coordinator or the Training Director. Complaints may be made in writing or orally, and anonymous complaints will be accepted. A complaint of harassment may be made by someone who is not the target of harassment. Complaints should be filed as soon as possible after the alleged discrimination in order to allow

prompt investigation. Complaints that are made more than 180 days after the date of the alleged discrimination may be accepted for good cause.

Complaints of discrimination, harassment, or retaliation will be fully investigated. Complaints and information obtained in the course of an investigation will be treated as confidential to the extent consistent with the JATC's obligation under this EEO/AA Plan. The investigation process may vary based upon the nature of the complaint. For example, when alleged harassment occurs on the job, the JATC will typically notify the Employer, which will typically have the right and duty to investigate and take appropriate action. Employers are expected to notify the JATC when an incident on the job involves apprentices.

Any JATC employee or apprentice found to have committed an act of discrimination, harassment, or retaliation will be immediately disciplined. The nature of the discipline imposed will depend on the nature and severity of the misconduct and other factors, up to termination of employment or termination of apprentices from the program.

#### **28.6.2 External Complaints**

Any apprentice or applicant for apprenticeship who believes that he or she has been or is being discriminated against on the basis of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, or disability, with regard to apprenticeship, or who believes he or she has been retaliated against, may, personally or through an authorized representative, file a written complaint with the DOL, EEOC, state or local fair employment practices agency, and/or the state apprenticeship bureau. The JATC has posted and distributed the DOL Notice describing "Your Right to Equal Opportunity" and included this notice on its website. A copy is attached as Exhibit A. The details of other rights are included in the Standards and the Rules and Policies.

### **28.7 Invitation to Self-Identify**

The JATC is required under federal regulations to analyze its recruitment, selection, and retention as part of its Affirmative Action Plan (See Part III). To assist in this process, the JATC will invite applicants and apprentices to voluntarily self-identify their gender, race, ethnicity, and disability. This will be done at the time and manner permitted by 29 C.F.R. Part 30. The JATC will not compel or coerce any individual to self-identify. All information on self-identification will be kept confidential and used only for statistical analysis and reporting under the EEO/AA Plan. The JATC may also inquire whether an individual who discloses a disability requires any reasonable accommodations to participate in the apprenticeship program.

The JATC invites applicants and apprentices with disabilities to self-identify by using the appropriate forms as follows:

- When an applicant applies or is considered for apprenticeship, the JATC will provide the applicant with a voluntary form at the same time that it invites the applicant to self-identify with respect to other characteristics.
- At any time after acceptance into the apprenticeship program, but before the individual begins the program, the JATC will provide a copy of the form to each new apprentice.
- The JATC will annually notify all apprentices of their ability to voluntarily self-identify as a person with a disability.

- The JATC will post a copy of the “Voluntary Self-Identification of Disability” form on its intranet in the event the apprentice’s status changes and the apprentice would like to self-identify.

The JATC will also note in its records that an apprentice is an individual with a disability when: (i) the disability is obvious; or (ii) when an applicant or apprentice requests accommodation for a physical or mental impairment that meets the definition of a disability under the ADA. Unless the JATC receives information from an apprentice that a disability has ended, the JATC will continue to include in its records that the person has a disability.

## 28.8 Recordkeeping

As part of its EEO/AA obligations the JATC must collect and maintain records, including but not limited to records relating to:

- Selection for apprenticeship, including applications, tests and test results, interview notes, bases for selection or rejection, and any other records required to be maintained under the Uniform Requirements on Employee Selection Procedures (“UGESP”);
- The invitation to self-identify as an individual with a disability;
- Information relative to the operation of the apprenticeship program, including but not limited to job assignments in all components of the occupation, promotion, demotion, transfer, layoff, termination, rates of pay, other forms of compensation, conditions of work, hours of work, hours of training provided;
- Any other records relevant to EEO complaints filed with the Registration Agency or with other enforcement agencies;
- Compliance with the requirements of Section 30.3, Equal Opportunity Standards;
- Requests for reasonable accommodation; and,
- Any other records pertinent to a determination of compliance with 29 C.F.R. Part 30, including those required by 29 CFR §§ 30.5, 30.6, 30.7, 30.8, 30.9, and 30.11.

DOL regulations require that for any record the JATC maintains pursuant to this part, the JATC must be able to identify the race, sex, ethnicity (Hispanic or Latino/non-Hispanic or Latino) and, when known, disability status of each apprentice, and where possible, the race, sex, ethnicity, and disability status of each applicant to apprenticeship, and to supply this information upon request to the Registration Agency. Although DOL prefers voluntary self-identification as the method of collecting information regarding race, gender, ethnicity, and disability, DOL permits other methods to be used, including information provided in post-selection, employment records or visual observation, if there is a factual basis (such as visual observation of gender or obvious physical disabilities; requests for accommodations; or complaints or comments by the applicant or apprentice disclosing race, gender, ethnicity, or disability). The JATC will not guess or assume the gender, race, ethnicity, or disability of an applicant or apprentice.

All required records shall be maintained in accordance with law. The JATC will permit access to the Registration Agency during normal business hours to its places of business for the purpose of conducting EEO compliance reviews and complaint investigations and inspecting and copying such books, accounts, and records, including electronic records, and any other material the Registration Agency deems relevant to the matter under investigation and pertinent to compliance.

## **29. Part II – EEO Policies and Procedures**

### **29.1 Non-Discrimination and Equal Employment Opportunity**

The JATC does not, and will not, discriminate against an apprentice or applicant, or any other participants in JATC programs and services, on the basis of race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age (40 or older), genetic information, or disability with regard to any aspect of its apprenticeship programs, including but not limited to recruitment, outreach, and selection procedures, grading, assessment, and advancement; on-the-job opportunities and assignments; rates of pay; imposition of penalties or other disciplinary action and termination; and, any other benefit, term, condition, or privilege associated with apprenticeship.

### **29.2 Selection of Apprentices**

The JATC's procedures for selection of apprentices are included in its Standards and Selection Procedures (Appendix A).

The JATC has reviewed its apprentice selection methods and has determined that they meet the following requirements:

- Compliance with the Uniform Requirements on Employee Selection Procedures ("UGESP") and 29 CFR Part 30, including the requirements to evaluate the impact of the selection procedures on race, sex, and ethnic groups (Hispanic or Latino/non-Hispanic or Latino), and to demonstrate job-relatedness and business necessity for those procedures that may result in adverse impact in accordance with the requirements of UGESP.
- The selection procedures are uniformly and consistently applied to all applicants and apprentices.
- The selection procedures comply with Title I of the ADA and the EEOC's implementing regulations at 29 C.F.R. Part 1630.
- The selection procedures are facially neutral in terms of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability.
- The selection procedures do not screen out or tend to screen out individuals with disabilities or classes of individuals with disabilities on the basis of disability. To the extent this does occur, the standard, test, and other selection criteria, are job related for the position in question and are consistent with business necessity.

### **29.3 Prohibition of Harassment**

The JATC does not tolerate conduct, whether intentional or unintentional or verbal or physical, that results in harassment of an individual or group, or that creates an intimidating, hostile, or offensive work and training environment, on the basis of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, disability, or other protected characteristics.

The JATC has developed and implemented procedures to prevent and address harassment of apprentices, including the following activities:

- Communicate to all individuals involved with the Apprenticeship Program that harassing conduct will not be tolerated;

- Provide anti-harassment training to all apprentices, JATC staff, and Committee members, and work with participating Employers to ensure that similar training is provided to all of their employees who have dealings with or supervisor apprentices.
- Make all facilities and apprenticeship activities available without regard to any protected characteristic; and,
- Establish and implement procedures for investigating and resolving complaints of harassment.

The JATC expects its employees, apprentices, and Employers and their employees, to treat each other with respect and dignity. Discriminatory harassment not only hurts the immediate victim but can result in a general atmosphere in which the purpose of the apprenticeship and training program is undermined.

All managers, supervisors, instructors, employees, and apprentices have a responsibility to maintain an environment free of unlawful harassment. JATC employees or apprentices who engage in such conduct will be disciplined, up to and including termination of employment or from the program. Employers who engage in such conduct against apprentices, or who permit their employees to do so, may be denied access to apprentices.

Unlawful discriminatory harassment is defined as unwelcome and unsolicited conduct when:

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; submission to or reject of such conduct is used as the basis for employment decisions affecting the individual; or,
- Such conduct has the purpose of effect or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of conduct that may be discriminatory harassment if based upon protected characteristics include:

- Epithets, slurs, negative stereotyping, or threatening intimidating or hostile acts that relate to an individual's characteristics;
- Graphic, abusive, degrading, intimidating, or offensive jokes, comments, remarks, or gestures directed at an individual.
- Physical contact or intimidation against an individual;
- Teasing, tricks, gossip, workplace slights;
- Display of pictures, posters, graffiti, objects, or other materials; or,
- Other conduct intended to harass, intimidate, or retaliate against an individual or group based on protected characteristics.

Complaints of harassment should be made under the Complaint Procedures in Part I 28.6.

## **29.4 Reasonable Accommodation Because of Religion**

Under Title VII, the prohibition on discrimination based upon religion includes the obligation to make reasonable accommodations for religious beliefs or practices unless the accommodation would impose an undue hardship. The definition of "undue hardship" for religious accommodations is imposing a more than a *de minimus* burden on the Employer, program, or others.

Apprentices who believe they need a modification or adjustment of any JATC Rules and Policies or other aspects of the apprenticeship because of their religious practices and beliefs should make



the request in writing to the EEO/AA Coordinator. If the request involves on-the-job training or an Employer, the request must also be made to that Employer. In some cases, documentation may be needed. Certain requests may require review and approval by the JATC. The ability to accommodate absences from mandatory classes may be limited by the JATC's absence policy and the availability of make-up classes.

## **29.5 Retaliation Prohibited**

The JATC will not tolerate any form of intimidation, coercion, threats, adverse actions, or other forms of retaliation against an applicant or apprentice who has: (i) made an internal or external complaint of discrimination or harassment on the basis of protected characteristics or other alleged violation of this EEO/AAP or applicable federal, state, or local equal opportunity law, or otherwise opposed any unlawful discriminatory practices; (ii) furnished information to, or assisted or participated in any manner, in any investigation, compliance review, proceeding, or hearing under these policies or under any federal, state, or local equal opportunity law; or, (iii) otherwise exercised any rights and privileges under this EEO/AA Plan, 29 C.F.R. Part 30 or any federal, state, or local equal opportunity law. These are collectively "protected activities".

All persons contacted in the course of an investigation will be advised that they and other individuals involved in a complaint are entitled to be treated in a professional and respectful manner, and that any retaliation or reprisal against an individual based upon protected activities is prohibited and could result in discipline up to, and including, termination of employment or discharge from the program.

Complaints of retaliation should be made under the Complaint Procedures in Part I 28.6.

## **29.6 Employer Responsibilities**

Employers who provide on-the-job training to apprentices in this program are expected to work cooperatively with the JATC on EEO matters and this EEO/AA Plan. IBEW-NECA apprenticeship programs have always worked cooperatively with contractors and the Local Union to prevent and address discrimination and harassment of apprentices on the job. DOL regulations under 29 C.F.R. Part 30 impose obligations on JATCs concerning on-the-job discrimination and harassment. The JATC will develop new processes, in consultation with the Local NECA Chapter and the Local Union, to address these issues.

Employers are expected to establish their own policies against discrimination, harassment, and retaliation, including procedures for the filing, investigating, and resolving of complaints. Employers should understand that under federal, state, and local anti-discrimination laws, they may be responsible for harassment of apprentices by their supervisory employees and under some circumstances, by co-workers. The failure of an Employer to take appropriate action regarding an apprentice's complaint of discrimination, harassment, or retaliation on the job may result in the contractor being denied access to apprentices in the program.

## **29.7 Americans with Disabilities Act Compliance**

The JATC is committed to compliance with the requirements of the ADA and other laws protecting persons with disabilities. The JATC will not discriminate against qualified applicants or persons with disabilities in its application, testing, selection, or training opportunities. Reasonable accommodations will be provided unless they would impose an undue hardship or result in a fundamental alteration of the program.

The JATC is also committed to helping apprentices with disabilities in dealing with Employers that provide on-the-job training. Apprentices who believe they have been subjected to discrimination or denied reasonable accommodation by an Employer should bring the matter to the attention of the EEO/AA Coordinator.

## **29.8 Mentoring and Other Support for Apprentices**

The JATC acknowledges DOL's concerns that in many industries, including the construction industry, women, minorities, and individuals with disabilities have a higher drop-out or termination rate than others. The JATC recognizes that these traditionally underrepresented groups, as well as others who lack experience with unionized apprenticeship, the building trades, or the electrical construction industry; often struggle in their first year. The JATC will seek to address these concerns through the following activities:

- Tracking and monitoring retention rates for women, minorities, and individuals with disabilities, as well as those without prior experience with unionized apprenticeship, the building trades, or the electrical industry;
- Establishing pre-apprenticeship programs for underrepresented or non-traditional applicants;
- Mentoring programs involving instructors, senior apprentices, journeymen, and/or other apprentices;
- Consideration of other best practices for retention in the unionized electrical industry and building trades; and,
- Other actions described in the EEO/AA Plan, Part III.

## **29.9 Other Participants in JATC Programs**

The JATC is committed to the principles of non-discrimination in all programs and activities of the JATC. The JATC may, consistent with DOL OA and ERISA requirements, engage in certain activities where there are participants other than apprentices or applicants for apprenticeship. Examples may include training programs that are open to Qualified Electrical Workers, Employers and their employees involved in apprenticeship, and Pre-Apprenticeship programs. When the JATC directly conducts or oversees any such programs or activities, it will not discriminate on the basis of Protected Characteristics and follow where applicable the following provisions of this EEO/AA Plan: Part I 28.6.1 internal complaint procedures; Part II 29.1 Non-discrimination; 29.3 Harassment; 29.4 Reasonable accommodation; and 29.5 Retaliation.

Participants in these programs and activities may or may not be protected under federal or state EEO laws. Nothing in this EEO/AA Plan should be interpreted as waiving any rights of the JATC or creating any enforceable obligations not imposed by law.

## **30. Part III – Affirmative Action Plan**

### **30.1 Definitions and Terminology**

In developing this Affirmative Action Plan, terminology of 29 C.F.R. Part 30 has been used as a guide. The use of such terms as “availability”, “utilization”, or “utilization goal”, have the terms and meanings in those regulations and the criteria used in relation to these terms are those specified in the regulations.

DOL regulations require a utilization analysis to be performed as to race, sex, ethnicity, and individuals with disabilities. This utilization analysis must be based on certain statistical comparisons, geographical areas, and sources of statistics. The JATC’s use of such data does not indicate that it agrees that the data is appropriate, that the sources of statistics are the most relevant, or that the resulting statistical comparisons are probative. This analysis should not be construed as an acknowledgement or admission on the part of the JATC that, in fact, either minorities, females, or individuals with disabilities have been or presently are being underutilized or discriminated against in any way in violation of federal, state, or local law. The utilization analysis and other statistical comparisons are intended to have no significance outside the context of the EEO/AA Plan.

### **30.2 Internal Review of Program Processes and Effectiveness**

The JATC engages in an annual review to ensure that it is operating the apprenticeship program free from discrimination based on race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability. This is a careful, thorough, and systematic review of all aspects of the apprenticeship program at the program industry and occupation level, including, but not limited to:

- Qualifications for apprenticeship
- Application and selection procedures
- Wages
- Outreach and recruitment activities
- Advancement opportunities
- Promotions
- Work assignments
- Job performance
- Rotations among all work processes of the occupation
- Disciplinary actions
- Handling of requests for reasonable accommodations
- The program’s accessibility to individuals with disabilities, including access to the use of information and communication techniques

Following this review, the JATC will include a description of its review as part of this EEO/AA Plan and identify any modifications made, or to be made, to the program as a result of its review.

A copy of the current analysis is attached as Exhibit B-1. Under revised 29 C.F.R. Part 30.9(a), the review and analysis must be done annually.

### **30.3 Targeted Outreach, Recruitment and Retention**

The JATC will undertake action-oriented programs, including targeted outreach, recruitment, and retention activities, designed to correct any problem areas it may identify as a result of review of its processes in Part III, 30.1, and any finding of underutilization of minorities, women, Hispanics or Latinos, and individuals with disabilities, as a result of the analysis in Part III 30.3.

#### **30.3.1 Specific Activities for Affirmative Action**

The JATC makes a good faith effort to increase each year the recruitment, selection, and retention of individuals who are minorities, females, Hispanic or Latino, or individuals with disabilities, until its Affirmative Action goals are met. The JATC will engage in the following affirmative action activities in addition to those actions described in Parts I and II above.

##### *30.3.1.1 Recruitment Activities*

- Disseminate information to organizations serving the underutilized group regarding the nature of the apprenticeship, requirements for selection for apprenticeship, availability of apprenticeship opportunities, and the equal opportunity pledge of the JATC. These organizations may include community-based organizations; local high schools; local community colleges; local vocational, career and technical schools; and local workforce system partners including One Stop Career Centers.
- Advertise openings for apprenticeship opportunities by publishing advertisements in appropriate media which have wide circulation in the relevant recruitment areas.
- Cooperate with local school boards and vocational education systems to develop and/or establish relationships with pre-apprenticeship programs targeting students from underutilized group to prepare them to meet the standards and criteria required to qualify for entry into apprenticeship programs.
- Establish linkage agreements or partnerships enlisting the assistance and support of pre-apprenticeship programs, community-based organizations, advocacy organizations, or other appropriate organizations, in recruiting qualified individuals for apprenticeship.
- Participate in *electrical training ALLIANCE*, DOL Office of Apprenticeship and/or State Apprenticeship Agency workshops and seminars to learn and discuss more about the need, ways and means of promoting and advertising for apprenticeship, and recruiting and retaining minorities, females, ethnically diverse individuals, and individuals with disabilities.
- Dedicate staff time for EEO/AA compliance (Note: Describe, e.g., new full-time position; make this a percentage of the job of a designated individual or title.).
- Develop and annually update a list of current recruitment sources that will generate referrals from all demographic groups within the relevant recruitment area.
- Relevant recruitment sources may include:
  - Vocational, career, and technical schools;
  - Pre-apprenticeship programs;

- Federally funded, youth-job training programs such as YouthBuild and Job Corps or their successors;
- Community based organizations; or
- Community based colleges;
- Identification of contact persons, mailing addresses, telephone numbers, and email addresses for all recruitment sources.
- Provide recruitment sources with advance notice of at least 30 days of apprenticeship openings so that they can notify and refer candidates. Such notification will include a copy of the Equal Opportunity Pledge.
- Include in its list of referral sources groups within the JATC's jurisdictional area whose membership is focused on minorities, females, Hispanics or Latinos, and individuals with disabilities. Notify those groups when applications for apprenticeship are available.
- Contact and seek to build position relationships with groups established or the purpose of assisting and preparing minorities, females, Hispanics or Latinos, and individuals with disabilities for careers.
- Make all participating Employers and Local Union Members aware of the need to recruit qualified applicants who are minorities, females, Hispanic or Latino, or have disabilities, and encouraging them to refer any potential candidates to the JATC.
- Notice of Apprenticeship Opportunities and other application information will be disseminated in the media that is most likely to reach the minority, female, ethnic, and disabled communities, and will include information concerning the nature of apprenticeship, requirements for admission, availability of apprenticeship opportunities, sources of applications, and the JATC's EEO/AA Plan. The availability of trust funds and the effectiveness of such media advertising will be included in the annual review.
- Develop a social media campaign as part of the JATC's outreach.
- Participate in local secondary and post-secondary school programs and communicate with local Guidance Counselors and Placement Coordinators to make apprenticeship opportunities known, with emphasis on the need for minority, female, ethnically diverse, and disable applicants who meet the minimum qualifications. The JATC will also provide written notice of apprenticeship opportunities to all secondary and post-secondary schools within the sponsor's jurisdiction.
- Sponsor outreach information activities with area guidance counselors, identifying requirements for entrance into apprenticeship and successful completion and/or program.
- Post public announcements of the Apprenticeship Opportunity in commercial establishments and public facilities normally frequented by minorities and/or females.

#### *30.3.1.2 Preparation of Potential Applicants*

- Identify those individuals who meet all minimum requirements except for the mathematics component and develop options or strategies to assist them in meeting this requirement. (If the applicant's original application response time has expired, she/he will need to reapply.)

- The JATC will create or identify partnerships with pre-apprenticeship programs designed for or having significant participation by underrepresented groups. Depending upon the curriculum in that program, individuals successfully completing those programs will be offered direct interview or direct entry, subject to other requirements in the Standards and Selection Procedures.
- The JATC will create or identify partnerships with programs designed for or having significant participation by underrepresented groups that provide curriculum similar to the Apprentice Program First Year curriculum. Individuals successfully completing those programs will be offered direct interview or direct entry, and advanced standing, subject to other requirements in the Standards and Selection Procedures.
- The JATC will publicize to all referral sources, especially to those whose membership is focused on minorities, females, Hispanics or Latinos, and individuals with disabilities, the availability of any “hybrid” options of selection or to gain relevant job experience through the CW/CE classifications.

#### *30.3.1.3 Equal Opportunity Awareness*

- Conduct annual informational classes or similar training for all apprentices, clearly and concisely explaining the JATC’s Rules and Policies, including Equal Opportunity policies and Complaint Procedure.
- Internally communicate its Equal Opportunity Policy in such a manner as to foster understanding, acceptance, and support among the sponsoring parties’ various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the JATC in meeting its obligation in this area.

#### *30.3.1.4 Mentoring and Retention Activities*

- Inform all classroom instructors to promptly report to the JATC any major signs of weakness in study habits or any detectable learning deficiencies, and identify strategies, assistance or referrals that can be offered to those apprentices.
- The JATC recognizes that some selected applicants have been away from any formal education for some time, resulting in weakened study habits and math skills. The JATC will refer to programs to better prepare them for their related studies in the apprenticeship program.
- Establish a committee of minority members who have reached Qualified Electrical Worker status (when Qualified Electrical Workers are available and willing to serve in such a capacity) for the purpose of recruiting more qualified minority applicants and to aid in the retention of minority apprentices. This special committee will be appointed by, and serve at the pleasure of, the JATC.
- Establish a committee of female members who have reached Qualified Electrical Worker status (when Qualified Electrical Workers are available and willing to serve in such a capacity) for the purpose of recruiting more qualified female applicants and to aid in the retention of female apprentices. This special committee will be appointed by, and serve at the pleasure of, the JATC.
- Establish a committee of ethnically diverse members who have reached Qualified Electrical Worker status (when Qualified Electrical Workers are available and willing to serve in such a capacity) for the purpose of recruiting more qualified ethnically

diverse applicants and to aid in the retention of ethnically diverse apprentices. This special committee will be appointed by, and serve at the pleasure of, the JATC.

- Establish a committee of members with disabilities who have reached Qualified Electrical Worker status (when Qualified Electrical Workers are available and willing to serve in such a capacity) for the purpose of recruiting more qualified individuals with disabilities as applicants and to aid in the retention of apprentices with disabilities. This special committee will be appointed by, and serve at the pleasure of, the JATC.
- Conduct exit interviews with individuals leaving the apprenticeship program in an effort to identify reasons for dissatisfaction and meaningful efforts designed to improve retention.
- Offer special classes for the purpose of tutoring apprentices.

### **30.4 Utilization Analysis for Race, Sex and Ethnicity**

As part of its EEO/AA Plan, the JATC will perform a utilization analysis of the racial, sex, and ethnic composition of its apprenticeship program workforce by determining whether the race, sex, and ethnicity of apprentices reflects persons available for apprenticeship by race, sex, and ethnicity in the relevant recruitment area. The purpose of the utilization analysis is to provide a method for assessing whether possible barriers to apprenticeship exist for particular groups of individuals. Where significant disparity exists between availability in the relevant recruitment area and representation in the apprenticeship program, a utilization goal will be established. This evaluation will be performed on an annual basis pursuant to 29 C.F.R. 30.9.

The utilization analysis consists of several steps, including an analysis of the apprenticeship program workforce, an analysis of the availability of qualified individuals in the relevant recruitment areas, a determination of the rate of utilization, and a determination of whether any utilization goals must be established.

#### **30.4.1 Apprenticeship Program Workforce Analysis**

The JATC will analyze the racial, sex, and ethnic composition of the apprenticeship program workforce. This entails grouping all occupational titles represented in the program by industry, and then identifying the race, sex, and ethnicity of the apprentices within each of the industry designations.

#### **30.4.2 Apprentice Availability Analysis**

Once the apprenticeship program workforce has been analyzed, the JATC will perform an availability analysis to establish a benchmark against which the demographic composition of the apprenticeship program can be compared as part of determining whether barriers to equal opportunity exist. “Availability” is an estimate of the number of qualified individuals available for apprenticeship by race, sex, and ethnicity expressed as a percentage of all qualified persons available for apprenticeship in the JATC’s relevant recruitment area.

To determine availability, the JATC considers the percentage of individuals available with the current or potential capacity for apprenticeship in the JATC’s relevant recruitment area broken down by race, sex, and ethnicity. Statistical information is used to derive availability figures. The JATC will typically use statistical information from census data unless other sources have been approved by the Registration Agency.

The “relevant recruitment area” is the geographic area from which the JATC usually seeks or reasonably could seek apprentices. This JATC’s recruitment area is the jurisdictional area of IBEW Local Union 602.

### 30.4.3 Utilization Rate

Based on the apprenticeship program workforce analysis and the availability analysis, the JATC will measure whether utilization in its program of women, Hispanics or Latinos, or any race (Black/African American, Asian, American Indian or Alaska Native, Native Hawaiian and Other Pacific Islander, and White) is less than what would reasonably be expected given the availability of such individuals for apprenticeship in the reasonable recruitment area.

### 30.4.4 Establishing Utilization Goals for Race, Sex and Ethnicity

If there is a disparity in the utilization rates versus the availability rates, the JATC will establish a utilization goal for any “underutilized” group. No goals are required if there is no significant disparity (at least two standard deviations) between the availability and utilization rates. If the JATC sets a goal for a particular group, the percentage goal established will be at least equal to the availability figure for that group. The determination that a goal is required in neither a finding nor an admission of discrimination; rather, utilization goals serve as objectives or targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work. Utilization goals are used to measure the effectiveness of the JATC’s outreach, recruitment, and retention efforts.

In establishing utilization goals, the JATC applies the following principles:

- Utilization goals are not rigid and inflexible quotas, which must be met.
- Utilization goals are neither a ceiling nor a floor for selection of particular groups as apprentices.
- Utilization goals do not require or provide the JATC with a justification to extend a preference to any individual, select an individual, or adversely, affect an individual’s status as an apprentice, on the basis of that person’s race, sex, or ethnicity.
- Utilization goals do not create set-asides for specific groups.
- Utilization goals are not intended to achieve proportional representation or equal results.
- Utilization goals are intended to assist with identifying the existence of barriers to equal opportunity.
- Utilization goals may not be used to supersede eligibility requirements for apprenticeship.
- JATCs are not required to select a person who lacks qualifications to participate in the apprenticeship program successfully.
- JATCs are not required to select a less-qualified person in preference for a more qualified one.



#### 30.4.5 Current Utilization Goal

The JATC will maintain records and worksheets used during this analysis. The JATC's review and determination of the steps to take to meet those goals are included in its analysis (Exhibit B-2). The results of the most recent utilization analysis and goals are also contained in Exhibit B-2.

### **30.5 Utilization Analysis for Individuals with Disabilities**

The JATC will conduct a similar analysis of its apprenticeship program for representation of Individuals with Disabilities (IWDs) in each occupational title by individual industry and then identify the number of apprentices with disabilities in each title.

DOL has set a current utilization goal of 7% for qualified IWDs. The JATC will use 7% as its goal for IWD representation in each occupational title in its apprenticeship program until that goal is changed by DOL. If the percentage of IWDs in an occupational title is less than 7%, the Title will be considered under-utilized as to IWDs and a goal of 7% will be set.

The results of the most recent utilization analysis and goals for individuals with disabilities are contained in Exhibit B-1. The JATC will maintain all records and worksheets used during the analysis. The JATC's review and determination of the steps to take to meet those goals are included in its analysis (Exhibit B-1). This evaluation will be performed on an annual basis pursuant to 29 C.F.R. 30.9.

## APPROVAL OF STANDARDS

The forgoing Standards, with Selection Procedures and EEO/AA Plan, have been adopted by West Texas Electrical JATC on this 13th day of August, 2021.

  
\_\_\_\_\_  
Signature of JATC Chairman

\_\_\_\_\_  
August 13, 2021  
Date

  
\_\_\_\_\_  
Signature of JATC Secretary

\_\_\_\_\_  
August 13, 2021  
Date

DOL Program Number: TX012460003  
FEIN:75-1089308

**Registered With and Approved By the *electrical training ALLIANCE*:**

  
\_\_\_\_\_  
Todd Stafford  
Executive Director

\_\_\_\_\_  
August 17, 2021  
Date

**Registered With and Approved by:**

  
\_\_\_\_\_  
Registration Agency

\_\_\_\_\_  
8/27/2021  
Date

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An Electrical Training Alliance Member

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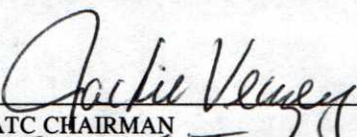
### **EQUAL OPPORTUNITY IN APPRENTICESHIP TRAINING**


The undersigned are committed to the following Equal Opportunity Pledge for apprenticeship positions in the West Texas Electrical Apprenticeship Program. The sponsors of the apprenticeship program are dedicated to this Equal Opportunity Pledge. The undersigned are resolved to the communication of this Equal Opportunity policy in such a manner as to foster understanding, acceptance and support among the industry's various officers, supervisors, employers and employees and encourages such persons to take all necessary action to aid the apprenticeship sponsor in preserving this commitment to equal opportunity. The spirit of equal opportunity will be carried forth in the uniform application of rules and regulations concerning apprentices including but not limited to, equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among work processes, imposition of penalties and other disciplinary action, and all other aspects of the apprenticeship program.

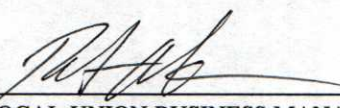
### **EQUAL OPPORTUNITY PLEDGE**


*The undersigned will not discriminate against apprenticeship applicants or apprentices based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, genetic information, or because they are an individual with a disability or a person 40 years old or older.*

*The undersigned will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30, as amended.*

  
\_\_\_\_\_  
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Substance Abuse Policy and Program  
for the  
West Texas Electrical  
Joint Apprenticeship and Training  
Committee

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## **PART ONE: PREAMBLE BY THE ELECTRICAL TRAINING *ALLIANCE***

### **A. Purpose**

The IBEW-NECA *electrical training ALLIANCE* (“*ALLIANCE*”) recognizes that employment in the electrical contracting industry is potentially hazardous. Although employers bear the exclusive responsibility for the safety and health of their employees (including apprentices) on the job, the *ALLIANCE* realizes that workplace safety is threatened by the use of illegal drugs and alcohol. Accordingly, the *ALLIANCE* understands the necessity of having rules in place which, under some circumstances, may include drug and alcohol testing of apprentices. The purpose of such rules should be limited to maintaining the safety of all jobsite personnel, the preservation of property belonging to the construction owner and of employers and employees on the project, the enhancement of the jobsite learning experiences of apprentices, and the assurance of quality work performed by apprentices on construction projects.

### **B. Fairness in Application**

However, the *ALLIANCE* also stands for fair rules of employment, the dignity of workers, and the importance of providing a substance-impaired worker, who seeks help, with an opportunity for rehabilitation. This Substance Abuse Policy and Program (Policy) is intended to be applied in full compliance with these principles, and with all laws, regulations and court decisions which secure these fundamental rights in connection with any chemical testing to which employees, including apprentices, may be subjected.

### **C. Conditions of Applicability**

This Policy is based on the fact that JATCs in the electrical contracting industry engage in the selection of apprentices, and the assignment of those apprentices to employers to obtain on-the-job training (“OJT”). It is, therefore, recommended that this substance abuse Policy be implemented by JATCs in two situations: 1) with respect to applicants for an apprenticeship program – after notice of testing and after a conditional offer of selection has been made to an individual by the JATC, but prior to indenture; and 2) with respect to incumbent apprentices where: (a) the JATC, based on all the facts at its disposal, believes there is reasonable cause to believe that unlawful use of drugs, or impairment from alcohol, exists; and (b) the apprentice in question denies such use or impairment.

#### **D. Americans with Disabilities Act**

Joint apprenticeship and training committees should also bear in mind that they must comply with the Americans with Disabilities Act (“ADA”), and other state and local laws and regulations which prohibit employment discrimination against disabled individuals who are capable of performing the essential functions of their jobs with reasonable accommodation. This Policy is intended to be applied strictly in accordance with those laws and regulations.

#### **E. Testing as a Mandatory Subject of Bargaining**

The *ALLIANCE* cautions that substance abuse programs maintained by employers typically affect their workers’ terms and conditions of employment, and therefore, are mandatory subjects of collective bargaining under the National Labor Relations Act (“Act”). This Policy is not intended to interfere with the rights of IBEW local unions to negotiate with employers the contents of substance abuse programs to which an employer’s employees are subject. The *ALLIANCE* acknowledges that, frequently, construction owners and/or general contractors impose their own substance abuse policies and programs on electrical contractors working at their construction projects.

While this Policy is not intended to prevent electrical contractors from complying with those requirements, the *ALLIANCE* should not be understood to be endorsing any independent substance abuse programs or policies which may be negotiated by local unions or established by owners, general contractors, or electrical contractors.

#### **F. Notice and Disclaimer**

By publication of this Policy, the *ALLIANCE* does not intend to urge action that is not in compliance with applicable laws, and nothing herein should be construed as doing so.

The legal status of substance-abuse prevention in the workplace is in a continuing state of transition. The courts and the legislatures – at the federal, state, and local levels – are all playing a part in shaping the law. Substance abuse prevention and drug/alcohol-testing programs involve the risk of substantial legal liability when conducted improperly or in violation of governing law. Moreover, a policy that complies with the law of one jurisdiction may not comply with the laws of another.



Therefore, before implementing this, or any other alcohol and substance abuse policy, Local JATCs must consult local legal counsel to ensure compliance with applicable federal, state and local laws and regulations.

Moreover, the *ALLIANCE* does not assume responsibility for ascertaining or monitoring the drug-free or alcohol-free status of any apprentice or applicant for apprenticeship, and recommends that joint apprenticeship and training committees (“JATCs”) for the electrical construction industry similarly disclaim such responsibility.

## **PART TWO: SUBSTANCE ABUSE POLICY AND PROGRAM FOR JATC**

### **I. INTRODUCTION**

#### **A. Purpose**

The purposes of this Substance Abuse Policy and Program (Policy) are 1) to maintain the safety of all jobsite personnel, 2) to preserve property belonging to the construction owner, other employers and employees on the jobsite, 3) to enhance the jobsite and classroom learning experiences of apprentices, and 4) to assure that apprentices perform quality work on construction projects.

#### **B. Fairness in Application**

The JATC also stands for fair rules of employment, the dignity of workers, and the importance of providing a substance-impaired worker, who seeks help, with an opportunity for rehabilitation. Accordingly, this Policy will be applied in full compliance with these principles, and with all laws, regulations and court decisions which secure these fundamental rights in connection with any chemical testing to which employees, including apprentices, may be subjected.

#### **C. Conditions of Applicability**

This Policy provides for drug and alcohol testing in two situations: 1) with respect to applicants for the apprenticeship program – after notice of testing and after a conditional offer of selection has been made to an individual by the JATC, but prior to indenture; and 2) with respect to incumbent apprentices, where: (a) the JATC, based on all the facts at its disposal, believes there is reasonable cause to believe that unlawful use of drugs, or impairment from alcohol, exists; and (b) the apprentice in question denies such use or impairment.

This Policy also sets forth the consequences to applicants and apprentices of reporting failing drug or alcohol tests. The JATC recognizes that drugs and alcohol present a serious health problem and encourages all apprentices to seek assistance for such problems.

## **D. Notice**

The JATC will make this Policy available to all current and future apprentices. The JATC will also make the Policy available to applicants for apprenticeship, after a conditional offer of selection has been made to the individual by the JATC, and prior to indenture.

## **E. Disclaimer**

The JATC also recognizes that, frequently, construction owners and/or general contractors impose their own substance abuse policies and programs on electrical contractors working at their construction projects. In addition, electrical contractors may have their own substance abuse programs. While this Policy is not intended to prevent electrical contractors from complying with those policies and programs, the JATC is not endorsing any independent substance abuse programs or policies which may be negotiated by the local union(s) or established by owners, general contractors, or electrical contractors. Nor by implementation of this Policy does the JATC assume responsibility for ascertaining or monitoring the drug-free or alcohol-free status of any apprentice or applicant for apprenticeship.

# **II. CONFIDENTIALITY**

## **A. Information Kept Confidential**

All information obtained by the JATC regarding drug and alcohol testing of apprentices or applicants for the apprenticeship program shall be maintained in separate files, and shall be treated in all respects as confidential medical records.

## **B. Communication on a Need-to-Know Basis Only**

Information on test results shall be communicated only to those who need to know in order to implement the Policy and ensure safety and proper treatment of tested apprentices or applicants. Information regarding an apprentice's or applicant's drug test results or rehabilitation status may be released only upon written consent by the apprentice or applicant, except that, regardless of consent, such information may be released where permitted by law:

1. To the representative of a state agency upon request as part of an accident investigation.

2. If the Medical Review Officer (MRO) believes that continued performance by the apprentice or applicant of his/her safety-sensitive function could pose a significant safety risk to the apprentice or applicant or to others.

### **III. TESTING**

Refusal to submit to testing as required and/or permitted under this Policy, or falsification of a test, will be regarded as a positive test result, rendering the apprentice or applicant subject to the attendant consequences set forth herein. Failure to appear for testing without a deferral will be considered refusal to submit to testing.

#### **A. Testing of Applicants**

##### **1. In general**

Applicants for an apprenticeship program shall not be asked about drug or alcohol dependence or use until a conditional offer of selection has been made.

Once a conditional offer of selection has been made to an applicant, however, the applicant shall, prior to being indentured in the apprenticeship program, be tested for alcohol impairment and illegal drug use. An applicant testing positive for alcohol impairment or illegal drug use, pursuant to the provisions otherwise set forth in this Policy, shall be denied selection.

##### **2. Alcohol dependence**

If, however, an applicant for an apprenticeship program discloses in the course of the application process, and prior to being selected and subjected to alcohol impairment testing, that he or she suffers from alcohol dependence, the applicant shall be tested to determine whether he or she is presently alcohol-impaired.

a. If the test result is “positive,” the applicant shall not be selected.

b. If the test result shows that the applicant was not then impaired, the applicant shall proceed with the application process, shall not be denied selection on the basis of his or her alcohol dependence, and shall be told that the use of alcohol at the workplace will subject the applicant to immediate discharge from the program.

(1) Except as provided in paragraph (2), if the applicant is selected, he or she shall be instructed to enroll in an appropriate alcohol treatment and counseling program as a condition for being indentured in the apprenticeship program. If the applicant is indentured on this basis, and is enrolled in such a program, then, until such time as the apprentice provides the JATC with a certified statement from the rehabilitation program that the apprentice has successfully completed the program, the apprentice may be tested for alcohol impairment, at no cost to the apprentice, prior to each new assignment by the JATC for on-the-job training. If such an apprentice tests “positive” for alcohol impairment prior to receiving such a certificate, the apprentice shall immediately be terminated from the apprenticeship program.

(2) If the applicant is selected and has already completed an alcohol treatment and counseling program, the applicant shall provide the JATC with a certified statement from the rehabilitation program that he or she has successfully completed the program.

## **B. Testing of Incumbent Apprentices**

### **1. Reasonable cause testing**

Incumbent apprentices shall be tested if the JATC, based on all the facts at its disposal, determines there is reasonable cause to believe that unlawful use of drugs, or impairment from alcohol, exists; and the apprentice in question denies such use or impairment. For purposes of this Policy “reasonable cause” may be based on, among other things:

a. Information provided by an employer to whom an apprentice has been assigned that the apprentice has been administered a test revealing the presence of alcohol or prohibited drugs; unless the apprentice provides the JATC with:

(1) Documentation from a physician stating that the positive result from the test may have been caused by the use of a properly prescribed medication; or

(2) “Negative” test results from a certified laboratory’s independent test of the secured portion of the same sample;

b. Failure of an apprentice, when asked to do so by the JATC, to make a written request for, and use his or her best efforts to obtain, the results

of an employer-administered drug or alcohol test, and to provide a copy of the written request and any results obtained to the JATC or its authorized agents;

c. Information provided by reliable and credible sources, or independently corroborated, that the apprentice is or may be using illegal drugs or is currently impaired by the use of alcohol;

d. Newly discovered evidence that an apprentice has tampered with a previous drug or alcohol test;

e. Sudden changes in work or classroom performance;

f. Repeated failure to follow instructions or procedures;

g. Violation of safety practices;

h. Involvement in a near accident;

i. Odor of alcohol or residual odor peculiar to an illegal drug emanating from an apprentice or near an apprentice's work or study area;

j. Unexplained or frequent absenteeism;

k. Unexplained or frequent rejection for employment;

l. Unexplained drowsiness, disorientation, erratic behavior or mood changes;

m. Arrest or conviction for violation of criminal drug statutes.

## **2. Possession is the equivalent of a positive test**

When an apprentice is found at the jobsite or classroom in possession of illegal drugs, drug paraphernalia, or alcohol, there is no need to engage in drug or alcohol testing of the apprentice. The apprentice will be regarded as having tested positive for purposes of this Policy.

### **3. No testing if necessary medical attention is jeopardized**

Testing of an injured apprentice will take place only if it will not jeopardize necessary medical attention for the apprentice.

#### **C. Testing of Other Individuals**

The JATC may also test other individuals who receive training from the JATC, but who are neither registered apprentices nor journeypersons. Such persons will be given a copy of this Policy prior to JATC training, and the JATC will apply the standards set forth herein for incumbent apprentices to such individuals.

## **IV. TESTING PROCEDURES FOR DRUGS**

The following procedures will be followed when substance abuse testing is conducted:

#### **A. Methods of Testing**

All drug testing shall be conducted in accordance with the U.S. Department of Health and Human Resource Services' "Mandatory Guidelines for Federal Workplace Drug Testing Programs," as set forth in the Federal Register.

All drug testing shall be by urinalysis or other method which may subsequently be recognized by the U.S. Government as state-of-the-art for validity and accuracy of drug testing results. Effective October 1, 2017, HHS will permit oral fluids testing instead of urinalysis, but only if the donor is unable to provide a urine sample.

Testing shall be performed only by laboratories certified by HHS and published monthly in the Federal Register.

In addition, testing samples shall be separated into two containers at the time of donation of the sample (Bottle A and Bottle B). Initial and confirmatory tests (if necessary) shall be performed on the sample in Bottle A. Bottle B of the original sample shall be kept secure and chemically stable and made available for verification of laboratory testing results as provided in paragraph D.3, below.

## **B. Substances Tested For**

HHS authorizes testing for a five-panel drug profile. The five drugs are: marijuana, cocaine, opiates, phencyclidine, and amphetamines. Beginning on October 1, 2017, HHS also authorizes testing for: oxycodone, hydrocodone, oxymorphone, and hydromorphone.

## **C. Privacy and Chain of Custody**

Collection of urine specimens must be completed in a private setting. For urine and oral fluids, HHS protocol regarding chain of custody and marking of samples must be followed. A copy of the chain of custody paperwork and labeling information will be made available to the apprentice or applicant upon request.

## **D. Positive Test Results**

All initial tests which show a positive result for drugs must be confirmed by more rigorous standards, using HHS protocols.

A confirmed positive test result shall mean test levels on both the screening test and the confirmatory test that are recognized as positive by the HHS Mandatory Guidelines, in their current form or in any subsequent rule or regulation issued by that Agency, for any of the illegal drugs listed in such Guidelines.

## **E. Oversight by Medical Review Officer (MRO)**

All drug testing shall come under the control and supervision of a licensed physician, with knowledge of substance abuse disorders. This physician, called a Medical Review Officer (MRO), will protect apprentice or applicant confidentiality and otherwise abide by the Medical Review Officer Manual, as published on the HHS/Substance Abuse and Mental Health Services Administration (SAMHSA) website: <http://beta.samhsa.gov/workplace>.



The role of the MRO in drug testing includes the following:

**1. Procedures for confirmed positive tests**

If a positive test is confirmed, the MRO will contact the apprentice or applicant as soon as possible.

(a) An apprentice or applicant whose test results are “positive” shall be advised of the right to provide an alternative explanation and/or to have the secured portion of his/her urine sample independently retested by a HHS certified laboratory of his/her choice and at his/her expense, as provided in paragraphs 2 and 3, below.

(b) The apprentice or applicant shall also receive copies of the following:

(i) Test results;

(ii) A copy of this Policy, which includes notice of the possible adverse actions the JATC may take.

**2. Right to provide alternative explanation**

After submitting to a test, or after being notified of a positive test, an apprentice or applicant may voluntarily provide the MRO with evidence indicating that a positive result from the test may be caused by the apprentice or applicant’s use of properly prescribed medication. If the evidence is satisfactory to the MRO, a positive test result will not result in adverse action.

**3. Right to have secured portion of split sample independently tested**

An apprentice or applicant who tests positive shall have the right to have the secured portion of his/her urine (or oral fluids) sample independently tested by a HHS-certified laboratory of his/her choice and at his/her expense.

The apprentice or applicant must notify the JATC or the MRO within two working days of notification of a positive test result that the apprentice or applicant wishes to have the secured portion of the split specimen tested.

The proper chain of custody and documentation must be adhered to by the second lab, which also must be a lab certified by HHS to perform urine drug testing.

If the independent test is “negative” the apprentice/applicant shall be reassigned to on-the-job training immediately.

#### **4. Reporting test results**

If the MRO deems an alternative explanation satisfactory, or, if the test on the Secured Sample comes back negative, the MRO shall report a negative result to the JATC.

Otherwise, the MRO reports a positive result to the JATC. The MRO reports only that the sample was positive: he/she does not identify the drug or the levels detected. The positive result report shall result in withdrawal of the conditional offer for an applicant, and an incumbent shall be subject to the procedures set forth in Section VI, below.

#### **5. Failure to respond to the MRO or JATC**

If the MRO cannot contact the apprentice or applicant within three days, and after making three attempts, the JATC representative will be notified to contact the apprentice or applicant and advise him or her to contact the MRO. At this time, no test results will be given to the JATC.

If, after 24 hours of being notified by the JATC to do so, the apprentice or applicant does not contact the MRO, the MRO will verify the positive test result to the JATC. The MRO may notify the authorized JATC representative of results by telephone, computer interface, fax, or in writing.

If the JATC cannot contact the apprentice or applicant within three working days, the apprentice or applicant may be subject to termination from the apprenticeship program.

#### **F. No Waiver of Liability for Testing**

No apprentice or applicant for an apprenticeship program shall be required to sign any waiver limiting the liability of any firm, laboratory, or person involved in the decision to test or the testing process.

## **V. TESTING PROCEDURES FOR ALCOHOL**

### **A. Methods of Testing**

Because HHS does not provide standards for alcohol testing, all alcohol testing shall be conducted in accordance with the protocols and procedures contained in the Nuclear Regulatory Commission's (NRC's) regulations for alcohol testing, which are part of the NRC's rules governing fitness for duty (10 CFR Part 26).

Initial testing shall be done by breathalyzer, or, in the alternative, by oral fluids testing. Such initial testing must be done, at a minimum, by alcohol screening devices (ASDs) approved by the National Highway Traffic Safety Administration (NHTSA). No adverse action shall be taken against any apprentice or apprentice applicant by the JATC on the basis of an unconfirmed "positive" result of an initial alcohol test.

The confirmatory test must be done on a breath sample, regardless whether the initial test was by breathalyzer or oral fluids screening. Such confirmatory testing must be done by "evidential-grade breath alcohol analysis devices" (EBTs).

### **B. Chain of Custody**

Chain of custody must also be established for alcohol tests. As HHS has stated, the provisions of 29 CFR 26.91(c) regarding evidential-grade breath alcohol analysis devices (EBTs) are "necessary to establish an unimpeachable chain of custody for confirmatory alcohol test results..." *See* 73 Fed. Reg. at 17059 (March 31, 2008).

### **C. Positive Test Results**

A positive alcohol test result shall mean test levels on both the initial test and the confirmatory test that meet the levels set forth in the NRC's regulations for alcohol testing, or other tests that are officially recognized as showing impairment by the applicable federal, state, or local governmental authority.

If the results of the confirmatory tests are negative, no further action is taken. If the results are positive, adverse action may be taken.

#### **D. No MRO Review or Independent Testing**

No MRO review is required for a confirmed positive alcohol test result under the NRC regulations. (10 CFR 26.5)

The NRC has permitted the donor to provide a blood sample for independent testing at his or her own expense. This option is no longer available under the NRC regulations.

#### **E. No Waiver of Liability for Testing**

No apprentice or applicant for an apprenticeship program shall be required to sign any waiver limiting the liability of any firm, laboratory, or person involved in the decision to test or the testing process.

### **VI. CONSEQUENCES OF TESTING POSITIVE FOR DRUG OR ALCOHOL**

#### **A. Applicants**

An applicant for apprenticeship who tests positive on a drug or alcohol test shall have his or her conditional offer of selection withdrawn.

#### **B. Incumbent Apprentices**

An incumbent apprentice testing positive on any drug or alcohol test, shall, on first occurrence, be offered the opportunity to enter a rehabilitation or counseling program. The JATC shall provide information to the apprentice concerning the existence of public and private drug counseling, assistance, rehabilitation and other drug and alcohol abuse treatment programs of which the JATC is aware.

If the apprentice enters such a program, his or her status as an apprentice will not be affected, except that pending certification of satisfactory completion of the program, the apprentice's on-the-job training (OJT) shall be suspended without pay. The JATC shall endeavor to accommodate the times during which the apprentice must be absent to participate in such program, in order to allow the apprentice to continue to receive classroom training.

## VII. EFFECTIVE DATE/AMENDMENTS

The effective date of this Policy is December 5<sup>th</sup>, 2017, and shall not apply to apprentices indentured prior to the effective date.

Changes in the law and technology governing substance abuse testing may require modification or revision of this Policy from time to time. Apprentices shall be provided with notice of such modifications or revisions, when adopted by the JATC, at least 30 days prior to their effective date.

For IBEW 602

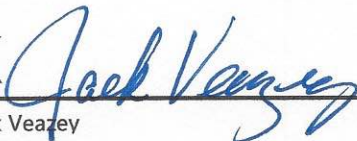
For West Texas Chapter NECA

X



Drew Downs  
Committee Secretary

X



Jack Veazey  
Committee Chairman

X



Alan Southern  
Committee member

X



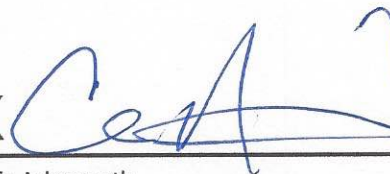
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### **CONSENT FORM**

1. I have been given a copy of the Joint Apprenticeship and Training Committee's Alcohol and Substance Abuse Policy and Program (Policy). I have read the Policy and understand its contents.

2. As a condition of participation in the apprenticeship program, I applicant/apprentice (circle one), hereby consent to submit to such urinalysis, oral fluids, breathalyzer and/or other tests as shall be determined by the JATC for the purposes of determining the presence of prohibited drugs or alcohol. I agree that any specimens collected for these purposes may be forwarded by the JATC to a certified testing laboratory for analysis. I further agree to and hereby authorize the release of the results of said tests to the JATC or its authorized agents.

I hereby authorize any physician, addictionologist, counselor, or other rehabilitation professional to discuss my compliance with the Policy with the JATC, or its authorized agents.

I understand that my refusal to submit to testing as required and/or permitted under the Policy, or falsification of a test, will be regarded as a positive test result, rendering me subject to the attendant consequences set forth in the Policy.

3. I further understand that on-the-job training (OJT) is a critical part of my apprenticeship, and that as a condition of receiving OJT I may be required by my employers to submit to urinalysis, oral fluids, breathalyzer and/or other tests for the purposes of determining the presence of prohibited drugs or alcohol. I agree to and hereby authorize the release of the results of any such tests and/or examinations to the JATC or its authorized agents.

If the JATC asks me to do so, I will make a written request for, and use my best efforts to obtain, the results of any such tests and/or examinations from my employers. I further agree to provide a copy of the written request and any results I obtain to the JATC or its authorized agents. I understand that my failure to take any of these actions will be regarded as reasonable cause for testing under the terms of the Policy.

I further understand that an employer-administered test revealing the presence of alcohol or prohibited drugs may be regarded as reasonable cause for testing under the terms of the Policy, unless I provide the JATC with: (1) documentation from a physician stating that the positive result from the test may have been caused by the use of a properly prescribed medication; or (2) "negative" test results from a certified laboratory's independent test of the secured portion of the same sample.

# **SAMPLE**

I hereby authorize any employer, physician, addictionologist, counselor, other rehabilitation professional to discuss with the JATC or its authorized agents, the results of any employer-administered urinalysis, oral fluids, breathalyzer and/or other tests administered for the purposes of determining the presence of prohibited drugs or alcohol.

4. I understand that changes in the law and technology governing substance abuse testing may require that the JATC modify or revise this Policy from time to time, and that I will be provided with notice of such modifications or revisions, when adopted by the JATC, at least 30 days prior to their effective date.

I have carefully read the foregoing Consent Form and fully understand its contents. I acknowledge that my signing this form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

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Printed Name

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Social Security Number  
(Last 4 nos. only)

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Signature

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Date

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Printed Name of Witness

---

Signature of Witness

---

Date

SAMPLE