Equal Employment Opportunity (EEO) in Apprenticeship Webinar
July 26th, 2018
Today’s Agenda:

• Introduction to WIAAI Consortium
• Benefits of Diversity & Inclusion
• Overview of 29 CFR 30 (EEO Regulations)
  • New Regulations
  • EEO Obligations for RA Sponsors
  • Technical Assistance and further support from WIAAI
• Resources and Tools
Glossary of Terms

• **RA – Registered Apprenticeship:** A proven approach for preparing workers for jobs while meeting the needs of business for a highly-skilled workforce. It is an employer-driven, “earn while you learn” model.

• **TA – Technical Assistance:** Assistance provided by the U.S. Department of Labor (DOL) in development of new RA programs; or assistance provided by intermediaries to employers and/or sponsors in development of marketing, training, and EEO/AAP material.

• **EEO – Equal Employment Opportunity:** Federally mandated regulations that require employers to ensure freedom from discrimination on the basis of protected classes such as race, color, sex, national origin, religion, age, disability or genetic information.

• **AAP – Affirmative Action Plan:** A plan outlining the policies, practices, and procedures that a U.S. federal contractor implements to ensure that all qualified applicants and employees receive an equal opportunity for recruitment, selection, advancement, and every other term and privilege associated with employment.
Glossary of Terms (cont’d)


• **RA Sponsor** – An entity that has its own Registered Apprenticeship program. It can be an employer such as Charter (which has its own program) or an association such as WIA (which is the sponsor of TIRAP).

• **Equity Intermediaries** – Contracting organizations under the Department of Labor that work to build, expand, and diversify RA programs (NUL serves as one)

• **Industry Intermediaries** – Employers and/or trade associations that work directly with DOL to build and expand their RA programs

• **TIRAP** – Telecommunications Industry Registered Apprenticeship Program – A joint venture of telecommunications companies, the Wireless Infrastructure Association (WIA), and the Department of Labor that develops DOL-credentialed apprenticeship programs
WIAAI Introduction:

- **Wireless Infrastructure Apprenticeship Access Initiative (WIAAI Consortium):** Created in 2016 under a DOL contract, led by the National Urban League with the following members:
  - **The National Urban League (NUL)** serves as the WIAAI lead partner and cultivates apprenticeship opportunities in the areas of 30+ Regional Affiliates
  - **Multicultural Media, Telecom and Internet Council (MMTC)** develops and implements the curriculum for apprenticeship-readiness programs, provides technical assistance, and develops training and marketing materials, and conducts program evaluation
  - **Wireless Infrastructure Association (WIA)** is the principal trade association representing over 230 companies that build, own, upgrade, and maintain the U.S. wireless communications network. WIA identifies and provides access to committed employers through TIRAP
**Consortium Goals:** Create, promote, and diversify Registered Apprenticeship (RA) programs and opportunities in the Information and Communications Technology (ICT) sector and beyond.

**Two Principal Objectives:**

1) To work with industry employers and other relevant stakeholders to create Registered Apprenticeships in vocations focused on wireless and telecommunications infrastructure.

2) To build and leverage a set of regional partnerships, consisting principally of Urban League Affiliates, in order to recruit underrepresented populations for the resulting employment opportunities through Registered Apprenticeships.
Year 1 and 2 Reach and Impact – Consortium Geography

WIAAI Consortium Opportunity Partners Grew from...

1. Charlotte, NC
2. Chicago, IL
3. Houston, TX
4. Pittsburgh, PA
5. Rochester, NY
6. Seattle, WA
7. Virginia Beach, VA
8. Akron, OH
9. Atlanta, GA
10. Baltimore, MD
11. Cincinnati, OH
12. Columbia, SC
13. Columbus, OH
14. Elizabeth, NJ
15. Fort Lauderdale, FL
16. Fort Wayne, IN
17. Grand Rapids, MI
18. Greenville, SC
19. Hartford, CT

UL Affiliates

To

UL Affiliates

7

30+

20. Jacksonville, FL
21. Knoxville, TN
22. Las Vegas, NV
23. Lexington, KY
24. Los Angeles, CA
25. Madison, WI
26. Memphis, TN
27. Minneapolis, MN
28. Nashville, TN
29. New Orleans, LA
30. Newark, NJ
31. Oklahoma City, OK
32. Peoria, IL
33. Philadelphia, PA
34. San Diego, CA
35. St. Petersburg, FL
36. Stamford, CT
37. Tucson, AZ
38. Wichita, KS
Diverse Workforce: Always Helps Businesses
Diversity and Inclusion

- **NUL’s Role in the Equity Intermediary Contract**
  - Identify, develop, and disseminate tools and strategies that increase access, entry, and retention in Registered Apprenticeships for underrepresented populations

- **DOL-Approved Workplan for WIAAI**
  - Task 3 – Provide SMEs to increase inclusion and diversity through trainings/e-tools; Provide in-person and web-based training
  - Task 4 – Provide Technical Assistance to national and regional opportunity partners and/or sponsors; Help develop Recruitment and Selection Procedures and Affirmative Action Plans
  - Deliver training and education regarding EEO requirements under 29 CFR 30 to employers, industry intermediaries, and regional employers at the UL Affiliate level

- **Industry and Employer Focus**
  - Year 1: Focus on creating new RA programs in ICT industry
  - Year 2: Focus on increasing diversity in other industries including ICT
Why Diversity Matters for RA Programs

• In December 2016, the U.S. Department of Labor released updated 29 CFR 30 Equal Employment Opportunity (EEO) regulations for Registered Apprenticeship programs to help businesses reach a larger and more diverse pool of workers.

• As the U.S. expands apprenticeship training nationally, a diverse workplace helps businesses access all our nation's talent, improving their bottom line. Gallup links diversity with positive business metrics including productivity, profitability, quality, employee commitment, and retention.
It’s mutually beneficial!

- There is a **workforce shortage** in telecom and other growing industries as technology changes, businesses grow, and the old guard retires.
- There are communities where **unemployment is high** and filled with people ready for jobs that guarantee career growth and advancement.
- Companies have trouble finding these individuals. But **targeted outreach**, **Diversity and Inclusion** planning, and **partnerships** with local organizations bridge this gap.
- Companies find **increased value** in their workforce by recruiting from a broader pool of candidates.
Statistically speaking...

- The top 25% of companies for racial and ethnic diversity are 35% more likely to have financial returns above their respective national industry medians.
- The top 25% of companies for gender diversity are 15% more likely to have financial returns above their respective national industry medians.
- Diverse companies had 2.3 times higher cash flow per employee over a three-year period than non-diverse companies did.
- The bottom 25% of companies both for gender and for ethnicity and race lag behind in financial returns.
The U.S. Department of Labor contracts National Equity Partners to support diversity and inclusion efforts.

Prior to the 2016 update, regulations had not been updated in 40 years, despite a large shift in the nation’s overall demographics.

Updating and modernizing the rules will help employers to attract a larger and more diverse applicant pool.

Clarifying and streamlining the regulations will make it easier for sponsors to comply.

These changes will bring the regulations into accord with the current landscape of civil rights statutes and developing case law.
Why EEO matters?

• Despite many advances, even today harassment and discrimination still occur to all kinds of people at all types of businesses, with sometimes painful results.

• The apprenticeship EEO regulations focus on
  • eliminating discriminatory practices;
  • expanding sponsor’s ability to correct the problems as they arise;
  • and taking appropriate steps to avoid discrimination problems and significant liability that can come with it
29 CFR 30 Expand EEO Protections:

• The previous rule prohibited discrimination in the recruitment, selection, employment, and training of apprentices on the basis of race, color, religion, national origin, and sex.

• The updated final rule expands protected groups to include disability, age (40 or older), sexual orientation, and genetic information; it also outlines deadlines for companies to become compliant with the new requirements.
The New EEO Guidelines Provide:

- **Simplified and clarified** instructions and expectations
- **Longer deadlines** for new apprenticeship programs to develop initial Affirmative Action Plans (AAPs)
- **Additional flexibility** for all apprenticeship programs in how often they must update their plans
- **A more flexible framework** for providing technical assistance
- **Guidance to bring apprenticeship programs back into compliance** that may not be meeting their responsibilities
5 Key EEO Obligations for RA Sponsors

1. **Assign responsibility** to an individual(s) to oversee EEO efforts.

2. **Protect employees** - Keep the workplace free from discrimination, harassment, intimidation, and retaliation using anti-harassment training and complaint procedures.

3. **Conduct outreach and recruitment**, providing notice to diverse recruitment sources about openings.

4. **Distribute the EEO policy** and conduct orientation, training, and information sessions for designated EEO individual, company staff, and new hires.

5. **Keep detailed records** related to apprenticeship selection, program operations, AAP steps to increase diversity, for state or federal apprenticeship registration agency; retain records for at least 5 years.
1) Assign EEO Responsibility

• Each sponsor must designate an individual(s) to oversee the sponsor’s commitment to equal opportunity in its apprenticeship program

• The person will be responsible for
  • Monitoring activity to ensure compliance
  • Maintaining records
  • Generating and submitting reports to OA or SAA
  • Developing and implementing an AAP
2) Ensuring a workplace free of discrimination

- Previous regulation - prohibited discrimination in the recruitment, selection, employment, and training of apprentices on the basis of race, color, religion, national origin, and sex.

- The updated final rule expands protected groups to include disability, age (40 or older), sexual orientation, and genetic information.

- Discrimination is prohibited – some examples
  - Recruitment, outreach, selection procedures, Imposition of penalties or other disciplinary actions, rates of pay, condition of work, job assignment, leaves of absence, sick leave, benefits
2) Ensuring a workplace free of discrimination

• And Harassment

1) Provide interactive anti-harassment training (online or in-person)
   a. OA EEO website has resources available
2) Make facilities and activities available to all
3) Establish and implement procedures for handling and resolving complaints of harassment and retaliation
3) Outreach and Recruitment Resources

• Effective July 17, 2017, the apprenticeship Equal Employment Opportunity (EEO) regulations require Registered Apprenticeship program sponsors registered with the federal Office of Apprenticeship to ensure that their outreach to, and recruitment of, apprentices extends to all persons available for apprenticeship within their relevant recruitment area without regard to race, sex, ethnicity, or disability.

• Apprenticeship programs registered with State Apprenticeship Agencies (SAAs) will be subject to the same requirements after their revised State EEO Plans are approved by the Office of Apprenticeship (OA).
3 Outreach Steps - All RA sponsors are required to:

1. Develop, and update annually, a **current list of recruitment sources** that will generate referrals from all demographic groups within the relevant recruitment area.
   - Examples - Career Centers, Community based organizations, Community Colleges, Vocational schools etc.

2. **Maintain contact records**: Identify a contact person, mailing address, telephone number, and e-mail address for each recruitment source.

3. **Provide recruitment sources with advance notice** (preferably 30 days) of apprenticeship openings, to give them time to identify and refer candidates.
3) Outreach and Recruitment Resources

Women
- Chicago Women in Trades [free postings of apprenticeship program openings]
- National Center for Women's Equity in Apprenticeship and Employment, Gender Equity Partners
- National Association of Women in Construction (NAWIC)
- 9to5, National Association of Working Women [click on State Chapters list]
- Oregon Tradeswomen, Inc.
- Sisters in the Brotherhood [click on Contact Us tab to Locate Regional Council]
- YWCA

Persons of Color

African Americans
- National Association for the Advancement of Colored People (NAACP), Find Your Local Unit
- National Black Worker Center Project, Affiliates
- National Urban League
- The National Council of Negro Women (NCNW)

How to Use the Directory of Outreach and Recruitment Resources

This directory will help you identify organizations in your recruitment area that may generate referrals of potential apprentices from a diverse population. Some of these organizations focus on specific populations, such as women, persons of color, or individuals with disabilities, and others serve the general public.

You are encouraged to visit the websites of the organizations in the directory, find out if the national organizations have any affiliates that serve your area, and determine if those affiliates are likely to generate referrals of potential apprentices. You may need to contact the local organizations to get information about whether they are likely to generate such referrals. For example, a local affiliate that focuses on providing health care is less likely to be able to identify individuals who are seeking employment than a local affiliate that provides workforce training. You will also want to confirm the local organization’s contact person, mailing address, telephone number, and e-mail address, as you will need to include this information on the outreach and recruitment list that you are developing.

https://doleta.gov/oa/eeo/outreach_recruitment/outreach-directory.cfm
4) Communicating EEO: Compliance Pledge

• Registered Apprenticeship program sponsors are required to **publish and post an Equal Employment Opportunity (EEO) Pledge** and information regarding the right of apprentices to file discrimination complaints.

• WIAAI provides a link to a **customizable poster free for download** on its website.

Use of this particular poster is **optional**. However, if a sponsor prefers not to use it, the sponsor still must comply with the requirements to communicate its EEO Compliance in accordance with 29 C.F.R. § 30.3(b)(2) (EEO Pledge dissemination) and § 30.14(b) (complaints notice).
4) Communicating EEO: Complaint Notice

- The EEO Compliance Pledge poster includes information for employees on their rights and how to file complaints.
- Conduct orientation and periodic info. sessions; keep records

YOUR RIGHT TO EQUAL OPPORTUNITY

It is against the law for a sponsor of an apprenticeship program registered for Federal purposes to discriminate against an apprentice based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age (40 years or older), genetic information, or disability. The sponsor must ensure equal opportunity with regard to all terms, conditions, and privileges associated with apprenticeship.

FILING A DISCRIMINATION COMPLAINT

If you think that you have been subjected to discrimination, you may file a complaint within 300 days from the date of the alleged discrimination or failure to follow the equal opportunity standards with:

U.S. Department of Labor
Office of Apprenticeship
200 Constitution Ave., NW
Washington, DC 20210
Attn: Apprenticeship EEO Complaints

Jose Velazquez, 202-693-2909
ApprenticeshipEEOcomplaints@dol.gov

EACH COMPLAINT FILED MUST BE MADE IN WRITING AND INCLUDE THE FOLLOWING INFORMATION:

1. Complainant’s name, address, and telephone number, or other means of contact, for contacting the complainant.
2. The identity of the respondent (i.e. the name, address, and telephone number of the individual or entity that the complainant alleges is responsible for the discrimination).
3. A short description of the events that the complainant believes were discriminatory, including but not limited to when the events took place, what occurred, and why the complainant believes the actions were discriminatory (for example, because of his/her race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, age (40 or older), genetic information, or disability).
4. The complainant’s signature or the signature of the complainant’s authorized representative.
5) Record Keeping

• Sponsors must maintain records necessary for the Registration Agency to determine if the sponsor is complying with the regulations

• Keep the records for five years

• Examples –
  • Apprentice Selection
  • Invitation to self-identify as an individual with a disability
  • Information about program orientation
  • Affirmative Action steps taken to increase opportunities for women, minorities and individuals with disabilities
EEO Obligations for RA Sponsors (AAP)

• Similar to the previous rule, larger sponsors work with state and federal registration agencies to develop Affirmative Action Plans (AAPs) to ensure equal opportunity in recruitment, selection, employment, and training of apprentices.

What Affirmative Action Plans Are:

• Reports on the affirmative steps your company is already taking to attract diverse candidates, such as online outreach and recruitment through local organizations
• A look at where your company stands and how it can grow

What Affirmative Action Plans Are Not:

• Quotas
• Requirements to hire unqualified candidates
EEO Obligations for RA Sponsors (Timing)

• Existing sponsors have 2 years from the effective date (January 18, 2017) to develop an AAP in line with the new rule (January 18, 2019 – additional requirements under new regulation will go into effect after this date)

• New program sponsors have up to 2 years from the date they became a sponsor to establish initial AAPs.

• The WIAAI Consortium offers Technical Assistance to employers to comply with EEO guidelines and develop Affirmative Action Plans.
EEO Technical Assistance from WIAAI

**Phase 1**
- Conduct Webinars for Employers
- Update Fact Sheets and Develop New Promotional Materials

**Phase 2**
- Identify New Employers and Sponsors
- Connect Employers with SMEs at UL Affiliate Levels
- Evaluate Companies’ Internal EEO Targets
- Conduct Trainings for Employers’ EEO Designees

**Phase 3**
- Deliver Specialized Technical Assistance & Support
- Continue Webinars, Trainings, and AAP Assistance
- Continue One-on-One Consultations
Appendix C

AFFIRMATIVE ACTION PLAN

ADOPTED BY

Wireless Infrastructure Association, Inc.

AS REQUIRED UNDER TITLE 29, CODE OF FEDERAL REGULATIONS, PART 30

DEVELOPED IN COOPERATION WITH THE
U.S. DEPARTMENT OF LABOR
OFFICE OF APPRENTICESHIP
SECTION I - INTRODUCTION

The sponsor enters this affirmative action plan (AAP) in good faith to promote equality of opportunity in its registered apprenticeship program. If women and/or minorities are underutilized in the apprenticeship program, the sponsor seeks to increase the recruitment of qualified women and/or minorities for possible selection into the apprenticeship program. The sponsor hereby adopts the equal opportunity pledge located in Section II and the AAP.

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E. ADDITIONAL RESOURCE DATA FOR CONSIDERATION IN ESTABLISHING GOALS

<table>
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<tr>
<th>Industry Source Data</th>
<th>Minority rate of participation</th>
<th>Female rate of participation</th>
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<tr>
<td>E.1. Registered Apprenticeship Partners Information Data System (RAPIDS)***</td>
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<tr>
<td>E.2. EEOC Occupational Employment Data****</td>
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F. DETERMINATION OF UTILIZATION

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<tr>
<td>Minority underutilization:</td>
<td></td>
<td></td>
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<tr>
<td>Female underutilization:</td>
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G. SPONSOR'S GOALS

The program sponsor proposes and agrees to make a good-faith effort to attain the goal of selecting _____% minorities and/or _____% women during the next EEO review cycle. These goals will not be used to discriminate against any qualified applicant based on race, color, religion, national origin, or sex.

The number of new apprentices to be hired during the next year (or selection period) is estimated to be ______.
Simply put -

• Use the regulations to document your good faith best efforts to recruit broadly
• Set some goals for diverse recruiting efforts to comply with the regulations
• Utilize WIAAI’s strength, partnerships, and network to fulfill your recruitment and compliance needs
• AAP – you are doing your part in maintaining the diversity, AAP allows you to document your efforts
  • E.g. increase number of women from 1% to 5% OR, if you are already at 5%, increase the goal from 5% to 7% for Tower Technician positions
Technical Assistance to Sponsors

• U.S. DoL commits to meeting the technical assistance needs of employers and sponsors to promote equal opportunity
  1) A sample written affirmative action plan
  2) Identification of relevant recruitment sources
  3) Assistance and guidance for anti-harassment training
  4) Assistance in deriving appropriate availability figures
  5) Model language for sponsors – voluntarily self-identification for individuals with disabilities
WIAAI EEO Technical Assistance and Support Resources
EEO Tools and Resources at DOL Website:

Website - https://www.doleta.gov/oa/eeo/

Website features:
- FAQs: Apprenticeship EEO Final Rule
- EEO Overview and Fact Sheet
- Sponsor Quick Guide to EEO Regulations
EEO Tools and Resources at DOL Website:

Website - [https://www.doleta.gov/oaa/eeo/](https://www.doleta.gov/oaa/eeo/)

Links to additional resources:

- DOL EEO Webinar - [https://mahernet.adobeconnect.com/_a14339732/p96txksu3gn/](https://mahernet.adobeconnect.com/_a14339732/p96txksu3gn/)
- Main Webpage on EEO from DOL - [https://doleta.gov/oaa/eeo/](https://doleta.gov/oaa/eeo/)
- Details about the EEO Compliance Pledge Poster - [https://doleta.gov/oaa/eeo/pledge_poster/](https://doleta.gov/oaa/eeo/pledge_poster/)
- Outreach and Recruitment Resources - [https://doleta.gov/oaa/eeo/outreach_recruitment](https://doleta.gov/oaa/eeo/outreach_recruitment)
- Anti-harassment Resources - [https://doleta.gov/oaa/eeo/anti_harassment_resources](https://doleta.gov/oaa/eeo/anti_harassment_resources)
WIAAI Resources and Tools

- Website – [www.nulapprenticeships.org](http://www.nulapprenticeships.org)
- Case Studies
- Flyers, Brochures
- Affirmative Action Plan Guidelines
- Social Media Outreach Tools
- Telecom Landing Page on OA’s website
WIAAI Resources and Tools – Case Studies

WIAAI Consortium Case Study
- High level vision from WIAAI Consortium partners and CEOs
- Highlights best practices learned and successful strategies used to build, expand, and diversify RA Programs

WIA and Supplier Diversity Summit Case Study
- Documents the relevant role WIA plays in promoting diversity and inclusion
- Highlights success of Supplier Diversity Summit at WIA’s 2017 Wireless Infrastructure Show

UL Affiliate Case Study
- Highlights wireless jobs and skills gaps
- Outlines goals of DOL and WIAAI
- Reviews ULCC Fiber Optics Training Program
- Captures employer and apprenticeship success stories

Employer Case Study
- Vertical Limit:
  - Early adopter of TIRAP RA Program
  - Follows National Sponsor’s onboarding plan
  - Beneficiary of expanded NUL opportunity partnerships
Summary and Conclusion

Revised EEO Guidelines under 29 CFR 30:

- **Extends protections** against discrimination
- **Improves and clarifies** affirmative steps to ensure equal opportunity in apprenticeship
- **Provides flexibility** – new programs will have up to two years to develop initial AAPs; existing programs have 2 years to comply with many of the AAP obligations
- **Better defines the process** for analyzing the talent available and for achieving diversity goals
- **Introduces affirmative steps** for employing people with disabilities in apprenticeship
- **Clarifies** the outreach, recruitment, and retention activities expected of sponsors

**WIAAI and UL Affiliates provide Technical Assistance and support to employers as they implement their AAPs and work toward diversity and inclusion goals.**
Questions/Contacts

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Questions