



Ohio Administrative Code Rule 5101:11-4-01 Selection of apprentices.

Effective: [October 30, 2022](#)

(A) All methods leading to the selection of applicants for apprenticeship, and all procedures for direct interview or direct entry under paragraphs (G) and (H) of this rule, are subject to approval by the council office. They must be equitable in nature and shall be applied consistently and fairly.

(B) The standards shall for each occupation course, stipulate a selection procedure conforming to one and only one of the four models described separately in paragraphs (D)(2), (D)(3), (E), and (F) of this rule. The standards shall describe the selection procedure in detail. A program, regardless of enrollment, may apply a single selection model for multiple occupation courses, provided that it uses selection criteria that are valid for each of them. The standards may provide for exceptions to the selection procedure for any specified occupation course(s), so as to allow enrollment of apprentices through one or more of the direct-interview and direct-entry provisions described in paragraphs (G) and (H) of this rule, subject to the conditions stated in paragraph (I) of this rule.

(C) All criteria for selection, as well as all assessment methods and score thresholds, are to bear a statistically significant relationship to the performance expected of apprentices in the program. The sponsor will demonstrate this relationship using the methods set forth in 41 C.F.R. 60-3 (as in effect on 8/1/2022), regarding non-discriminatory selection procedures. Every procedure for selection, direct interview, or direct entry is to meet the following requirements:

(1) The procedure is to comply with "Uniform Guidelines on Employee Selection Procedures" (UGESP), 41 C.F.R. part 60-3, including requirements to evaluate its impact on participation by race, sex, ethnicity, and disability.

(2) The procedure will not screen out or tend to screen out applicants with disabilities, unless it does so strictly on the basis of eligibility to work in the occupation(s) involved. Accordingly, the procedure will comply with the following legal codes:

(a) Title I of the ADA (as in effect on 8/1/2022); and



(b) EEOC's implementing regulations at part 1630 (as in effect on 8/1/2022).

(3) The procedure is to have neutral impact on course participation in terms of Hispanic ethnicity, race, color, religion, national origin, sex, sexual orientation, age over forty years, genetic information, and disability.

(4) The procedure is to be uniformly and consistently applied to all applicants and apprentices.

(D) Selection from an open "eligibility pool." A program may select apprentices from a pool of applicants not limited to current employees of the sponsor or its affiliate(s), provided that the pool is created in accordance with the requirements of paragraph (D)(1) of this rule, and that for each occupation course, applicants in the pool will be chosen for enrollment through one and only one of two methods: by random selection or rank, described respectively in paragraphs (D)(2) and (D)(3) of this rule.

(1) Creation of the pool:

(a) Qualifications for the pool. The standards shall state in detail the qualification criteria for admission to the pool, and the process leading to their adoption by the sponsor. The standards shall also provide an assessment system to be used in scoring applicants' conformity with these criteria, and shall state the minimal satisfactory score (i.e., threshold) relating to each criterion, such that non-attainment disqualifies an applicant from admission to the pool.

(i) Examples. Qualification criteria may, but need not, include results from one or more of the following: aptitude tests, school courses, general educational development (GED), occupationally relevant health exams, and work experience.

(ii) Oral interviews. Applicants shall not receive oral interviews before admission to an eligibility pool. However, interview results may be used as a basis for removing a candidate from the pool and/or as a factor, supplementing assessment scores, in ranking an applicant's eligibility for selection. If included in the selection procedure, interviews must be limited to objective questions and shall not relate to qualifications already assessed for admission to the pool. For each applicant,



the interviewer shall record the question(s) asked and summarize the answer(s) and any resulting conclusions about fitness for the program.

(b) Application process. A program using a pool procedure is to allow two weeks or longer for each period of accepting applications. The sponsor shall give public notice of the application period at least thirty days before it starts.

(c) Admission to the pool. Everyone who follows the required process for submitting an application during an announced application period, shall be assessed for admission to the pool in the manner described by the standards. Everyone who meets or exceeds the threshold score(s) in the assessment, shall be admitted to the pool, named on a "list of eligibles," subject to selection under paragraph (D)(2) or (D)(3) of this rule, and notified of his/her admission. Each applicant who fails to meet the threshold or is found unfit for the program based on results of an oral interview, shall receive notice of rejection from the pool, stating the reasons for this action, the requirements for admission, and the appeal rights available to the applicant.

(d) Retention in the pool. With the following exception, each applicant who is admitted to an eligibility pool, and where applicable, retained based on an interview, shall remain in the pool, subject to selection, for the next two years. The exception is that an applicant may be removed from the pool at his/her request or for failure to answer an enrollment notice that is sent by certified mail with return receipt requested. He/she may be re-admitted at the sponsor's discretion within the two-year period. Applicants selected for enrollment shall be afforded a period that is reasonable in light of industry customs and practices, to start work in the program. All applicants shall be treated equally in determining such period. The applicant shall be responsible for keeping the sponsor informed of his/her current mailing address.

(2) Random selection. If applicants in the pool are chosen at random for enrollment, the selection shall be supervised by some impartial person or persons designated by the sponsor but not associated with the administration of the program. The time and place of the selection, and the number of apprentices to be selected, shall be publicly announced. The selection proceedings shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted at the program sponsor's place of business, immediately following the selection.



(3) Selection on the basis of rank. Where pool members are chosen for enrollment based on rank, they shall be selected in descending order on the scale of eligibility, as determined by assessment scores and, where applicable, the supplementary factor of interview results. The standards of any program using this procedure shall explain the ranking formula, specifying the qualification criteri(on/a) involved and the manner in which scores will be converted to applicant rankings.

(E) Selection from current employees. A program may select apprentices from workers already employed by the sponsor or its affiliate(s), in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's established promotion policy, provided that the selection procedure is described in the program standards and is determined by the council office to be fair, impartial, and equitable.

(F) Alternative selection procedure. A sponsor may select apprentices by means of a procedure that does not limit applications to existing employees and does not involve preliminary admission to an eligibility pool, provided that it is based on objective and specific selection criteria and meets the affirmative action plan requirements of Chapter 5101:11-6 of the Administrative Code. Acceptable selection criteria include but are not limited to the qualification measures listed in paragraph (C)(1)(a)(i) of this rule (regarding eligibility pools), as well as the results of oral interviews. If interviews are used, they shall comprise a consistent set of questions. For every interview, an adequate record shall be kept, stating conclusions about the applicant's conformity to each of these criteria and summarizing the overall discussion.

(G) A program registered by the council office may exercise an exception to its selection procedure for one or more occupation course(s), in order to directly enroll each applicant who meets a specific direct-entry criterion of a program that is registered by the United States department of labor office of apprenticeship (OA) and that is identified by the sponsor. The sponsor may, but need not be, affiliated with the organization that operates the cited OA-registered program. All direct-entry procedures are subject to the conditions defined in paragraph (I) of this rule.

(H) For one or more occupation course(s) using an eligibility pool selection procedure under paragraph (D) of this rule, a program registered by the council office may exercise an exception to the pool admission process, and proceed directly to the interview stage of selection ("direct interview"), for each applicant who meets a specific direct-interview criterion for an OA-registered



apprenticeship program that is identified by the sponsor. The sponsor may, but need not be, affiliated with the organization that operates the cited OA-registered program. All direct-interview procedures are subject to the conditions defined in paragraph (I) of this rule.

(I) All exceptional procedures under paragraph (G) and (H) of this rule, are subject to approval by the council office. A separate exceptional procedure is defined by each applicant criterion. An occupational course may employ more than one such procedure for a given occupational course. For each direct-entry and direct-interview procedure, the respective program standards will include a description specifying the respective occupation course; the methods to be used for documenting adherence to paragraph (I) of this rule; the criterion of individual eligibility for receiving the exception; the documentation that will verify eligibility; the means by which documentation will be obtained; a process for notifying the public and every applicant about the exception option; the process for applicants to request the option; and the specific OA-registered occupation course, if any, that serves as a model for the direct-entry or direct-interview procedure. The respective occupation course is subject to the following conditions:

(1) An exceptional procedure is only to be used as a remedy for under-enrollment. It may only be initiated when the regular selection procedure renders an insufficient number of enrollments to fill available openings in the respective occupation course during a period to be designated as an "application interval." This period is equal to one full selection cycle, except that for an occupation course with a continual selection cycle, the interval will be three consecutive calendar months. A shorter or longer application interval than the one so defined, may be approved by the council office. For purposes of this rule, a continual selection cycle pertains to any occupation course that plans under its program standards to accept applications at least once a month and to process them for program enrollment more often than once every three months.

(2) The regular selection procedure is not to be discontinued, nor undergo any reduction of administrative effort or resources, as a result of using one or more exceptional procedure(s). At every application interval subsequent to initiating the exception, the sponsor will determine whether the regular selection procedure has rendered enough enrollments for openings in the respective occupation course, in which case the use of all exceptional procedures will be suspended in that course until another full application interval renders insufficient enrollments for the course.



(3) The sponsor will notify the council office upon each initiation and suspension of an exceptional procedure, and for each application cycle(s) during which it is in use, will document the number of apprenticeship openings, the number of enrollments achieved through the regular selection procedure, and the number achieved through each exceptional procedure.

(4) Each person enrolled through the use of direct interview or direct entry, will be evaluated for eligibility to receive advanced credit toward on-the-job training (OJT) and related instruction, in the manner described in approved standards for the respective occupation course. Subsequent retention in the course will be conditional on eligibility for a sufficient amount of credit, lacking which the individual will be removed from the program pending re-application and enrollment through the regular selection procedure. In such cases, each re-application will be processed in the order appropriate to its filing date. Sufficient credit and the filing date of re-applications will be determined by the following provisions:

(a) For an exceptional procedure in which the applicant criterion does not include specific amounts of relevant prior experience or training, any amount of advanced credit is sufficient for retention. In the event of removal for lack of credit, the re-application date will be the same as that of the existing exception-based application.

(b) For an exceptional procedure in which the applicant criterion includes specific amounts of relevant prior experience or training, sufficient credit for retention in the occupation course will comprise an amount commensurate with those criteria. In the event of insufficiency, the re-application will be dated as of when a new application is filed.

(5) No person whose current application or re-application was processed pursuant to an exceptional procedure, will be accepted for the relevant enrollment or eligibility pool, prior to anyone who at that time had qualified for acceptance through the regular selection procedure. Individuals will be accepted in the order by which they are found to be qualified, rather than the order in which their applications are processed.

(J) The program sponsor shall give each applicant who is not selected for the program, notice of his or her non-selection, including the reason(s) for the non-selection, the requirements for selection, and the appeal rights available to the applicant.



(K) The sponsor may revise a selection and/or exceptional procedure, but may not implement the revised procedure until the council office has approved it as being compatible with the equal opportunity requirements under division 5101:11 of the Administrative Code.