



Ohio Administrative Code

Rule 5101:11-5-02 Steps to ensure equal opportunity.

Effective: October 1, 2020

(A) Administrative responsibility for equal opportunity. Each registered apprenticeship program is required to provide equal opportunity in apprenticeship, regardless of race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age over forty years, genetic information, Hispanic ethnicity, or disability. The program's authorized representative is responsible and accountable for ensuring equal opportunity in registered apprenticeship, and for developing and implementing the affirmative action plan prescribed in rules in Chapter 5101:11-6 of the Administrative Code in the case of a program with five or more apprentices. This individual will have the resources, support of, and access to the sponsor leadership to ensure effective implementation. This individual is responsible for:

- (1) Monitoring all registered apprenticeship activity to ensure compliance with the nondiscrimination and affirmative action obligations required by rules under division 5101:11 of the Administrative Code;
- (2) Working with program personnel and all appropriate personnel of the employer(s) participating in the program, to ensure their full cooperation in achieving compliance with rules under division 5101:11 of the Administrative Code;
- (3) Maintaining records required by rules under division 5101:11 of the Administrative Code; and
- (4) Generating and submitting reports as may be required by the council office.

(B) Program activity. In compliance with equal opportunity requirements under rules in division 5101:11 of the Administrative Code, each program is to take at minimum the following steps:

- (1) Internal dissemination of equal opportunity policy. The program will inform each of its apprentices and apprenticeship applicants, as well as the appropriate personnel of the participating employer(s), and all personnel of the sponsor organization, about the program's obligations



concerning equal opportunity and affirmative action. In addition, the sponsor will have all individuals connected with the administration or operation of the program, to take the necessary action to help meet these obligations. A sponsor, at a minimum, is required to:

(a) Publish the equal opportunity pledge required under rule 5101:11-5-01 of the Administrative Code, through all appropriate communications outlets of the program and of its participating employer(s), such that it is accessible to all apprentices and applicants for apprenticeship. These outlets include but aren't limited to apprentice and employee handbooks, policy manuals, newsletters, and other appropriate publications; apprenticeship opportunity announcements; bulletin boards; and various electronic media.

(b) Conduct orientation and periodic information sessions for its apprentices, journeyworkers involved in the program, all program personnel, appropriate personnel of the participating employer(s), and other individuals connected with the administration or operation of the program, to ensure that they understand the requirements under this chapter of the Administrative Code and all the ways in which they are expected to contribute to compliance.

(2) Universal outreach and recruitment. The sponsor will implement measures to ensure that its outreach and recruitment efforts extend to all persons available for apprenticeship who live within the sponsor's recruitment area, without regard to race, sex, Hispanic ethnicity, disability, color, religion, national origin, sexual orientation, age over forty years, or genetic information. In furtherance of this requirement, the sponsor will:

(a) Develop and update annually a list of current recruitment sources that will generate referrals from all demographic groups within the relevant recruitment area. Examples of relevant recruitment sources include, but aren't limited to: the public workforce system's local job centers and local workforce development boards; community-based organizations; community colleges; vocational, career and technical schools; pre-apprenticeship programs; and federally funded youth job-training programs such as "YouthBuild" and "Job Corps" or their successors;

(b) Identify a contact person, mailing address, telephone number, and email address for each recruitment source; and



(c) Provide recruitment sources advance notice of apprenticeship openings so that the recruitment sources can notify and refer candidates. Such notification is to include documentation of the sponsor's equal opportunity pledge specified in this paragraph. Programs that accept applications only at specified intervals will disseminate such information at least thirty days in advance of the earliest date for application at each interval. Programs that adopt this strategy and that customarily take applications throughout the year, will disseminate the information regularly, but not less than semiannually.

(3) Maintaining workplace free from harassment, intimidation, and retaliation. The sponsor will develop and implement procedures to ensure that its apprentices are not harassed because of their race, color, religion, national origin, sex, sexual orientation, age over forty years, genetic information, Hispanic ethnicity, or disability and to ensure that its workplace is free from intimidation and retaliation as prohibited by paragraph (E) of rule 5101:11-8-01 of the Administrative Code. To ensure an environment in which all apprentices feel safe, welcomed, and treated fairly, the sponsor will:

(a) Communicate to all personnel that harassing conduct will not be tolerated;

(b) Provide anti-harassment training to all individuals connected with the administration or operation of the apprenticeship program, including all apprentices and journeyworkers who regularly work with apprentices. This training will not be a mere transmittal of information, but will require meaningful participation by trainees, such as attending a training session in person or completing an interactive training online. The training content is to include, at a minimum, communication of the following:

(i) That harassing conduct will not be tolerated;

(ii) 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 over forty years, genetic information, disability or Hispanic ethnicity; and

(iii) The right to file a harassment complaint under rule 5101:11-7-02 of the Administrative Code.

(c) Make all facilities and apprenticeship activities available without regard to Hispanic ethnicity,



race, color, religion, national origin, sex, sexual orientation, age over forty years, genetic information, or disability; except that if the sponsor provides restrooms or changing facilities, they will, if so requested by the user(s), be separated in such a way as to ensure privacy between the sexes;

(d) Ensure that the program's complaint procedure under rule 5101:11-7-02 of the Administrative Code adequately addresses complaints of harassment, intimidation, and retaliation.