



Ohio Administrative Code

Rule 5101:11-6-01 Affirmative action obligations.

Effective: October 1, 2020

(A) Affirmative action plans. With the exception of Title VII EEO cases described in paragraph (B) of this rule, the affirmative action requirements under division 5101:11 of the Administrative Code apply to a program when the size of its registered apprentice workforce reaches five or more at a time. For the ensuing twelve months and the immediately following period, if any, in which participation continues at that level, the program will adhere to a written affirmative action plan that has been approved by the council office. The plan is to make provisions for all functions described in this rule, and is to be annually reviewed and, where necessary to fulfill these functions, updated. A program that attains the designated enrollment threshold is to immediately inform the council office of this fact.

(B) Title VII EEO programs. A sponsor subject to the five-or-more apprentice criterion, will not be required to adopt an affirmative action plan under this rule, if it submits to the council office satisfactory evidence that it is in compliance with an equal employment opportunity program that meets all of the following criteria:

(1) It provides for affirmative action in the recruitment, enrollment, and treatment of apprentices; and

(2) It has been approved as meeting the requirements of either:

(a) 29 C.F.R. part 30 (as in effect on 5/1/2020) and 42 U.S.C. 2000e (as in effect on 5/1/2020), as augmented by extension of the program's protections to include individuals with disabilities; or

(b) All of the following: federal Executive Order 11246 (as in effect on 5/1/2020), section 503 of the Rehabilitation Act, 29 U.S.C. 793 (as in effect on 5/1/2020), and their implementing regulations of title 41 C.F.R., chapter 60 (as in effect on 5/1/2020); and

(3) For every underrepresented group, it includes affirmative action goals that are equal to or greater than the goals required under rule 5101:11-6-02 of the Administrative Code.



(C) Definition of affirmative action. Affirmative action is not merely passive nondiscrimination or a paperwork exercise. It requires the pursuit of specific purposes through strategically planned and affirmative steps affecting all of a registered sponsor's procedures, methods, policies, practices, and programs. The purpose is to ensure equal opportunity and prevent discrimination in apprenticeship programs, and to actively address any barriers to those objectives.