



## Ohio Administrative Code Rule 5101:11-6-02 Planning requirements.

Effective: October 1, 2020

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### (A) Administrative review

(1) In every year during any part of which a program is subject to affirmative action requirements, the sponsor is to review the employment and personnel processes of the program and its employer(s), so as to:

(a) Ensure that the program is free from discrimination - i.e., that the practices, policies, and employment decisions of the sponsor and (where separate) the participating employer(s), do not create in any aspect of the program a systemic bias based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age over forty years, genetic information, Hispanic ethnicity, or disability;

(b) Identify any ways in which such practices, policies, or decisions create barriers to equal opportunity for ethnic or racial minorities, women, or persons with disabilities; and

(c) Identify any apprenticeship program modification that is needed to ensure fulfillment of all equal employment opportunity (EEO) and affirmative action obligations under rules in division 5101:11 of the Administrative Code.

(2) The review is to be careful, thorough, and systematic, and include all aspects of the apprenticeship program and of each occupation course, including but not limited to the 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 to the use of information and communication technology), and the employment and personnel policies of the program and its employer(s).



(3) In its written affirmative action plan (AAP), the sponsor is to include a description of its review methods and of any apprenticeship program modifications that the review identifies as necessary for compliance with the rules in division 5101:11 of the Administrative Code.

(B) Analysis to determine if deficiencies exist. In each year during any part of which a program is subject to affirmative action requirements, the sponsor will work with the council office to conduct a deficiency analysis. This procedure will measure the extent to which the registered apprentices in each major occupation sector in the program reflect the demographics of the persons available for apprenticeship in that sector of the recruitment area as a whole. The analysis methods are to be set forth in detail as part of the affirmative action plan.

(1) The purposes of the analysis are:

(a) To ascertain the need and scale of utilization goals concerning female, minority, and Hispanic individuals;

(b) To identify possible barriers to apprenticeship and equal opportunity for those groups and for people with disabilities; and

(c) To determine the need, type, and scale of special outreach, recruitment, and retention activities targeted toward all four groups.

(2) The deficiency analysis will include two components:

(a) Utilization analysis. The analysis for each program will measure the percentages of the apprentice workforce in each major occupation sector which comprise female, minority, Hispanic, and disabled individuals;

(b) Availability analysis. The analysis will assess the percentages of the recruitment area's population available for apprenticeship in each relevant occupation sector, that comprise female, minority, and Hispanic individuals. The result will be an availability figure for each of the three demographic groups, that serves as a benchmark for enrolling members of that group in that sector of the program. A benchmark for enrolling people with disabilities, exists in a uniform nationwide figure of seven per



cent, established by the U.S. department of labor.

(C) Identifying causes. Where a deficiency analysis finds underutilization of female, minority, Hispanic, and/or disabled individuals in apprenticeship, the sponsor will examine all aspects of its program to identify any barriers or impediments that might account for a lack of equal opportunity for those groups. The standards and the AAP are to include a thorough and up-to-date description of the methods used in this examination, and of the latest results.

(D) Data resources. The Ohio department of job and family services will make available to program sponsors data and information on Hispanic, racial minority, and female labor force characteristics for each standard metropolitan statistical area, and for other special areas as appropriate.

(E) Goals.

(1) Terms.

(a) "Analysis" as used in this paragraph means the deficiency analysis described in paragraph (B) of this rule.

(b) "Underutilization" or "deficiency" as used in this rule refers to the situation where a program's apprentice workforce in a given occupational sector includes fewer minority, female, Hispanic, and/or disabled individuals, than would reasonably be expected in view of the availability analysis described in paragraph (B) of this rule.

(2) Goal requirement.

(a) A sponsor which determines, on the basis of the analysis described in paragraph (B) of this rule, that the program underutilizes minority, female, and/or Hispanic workers in any occupation sector, will include in its affirmative action plan percentage goal for the selection of applicants from each under-utilized group, into that sector of the apprenticeship program; and, where the selection procedure includes an eligibility pool for one or more occupation sector(s), the plan will also include the corresponding percentage goal(s) for the admission of applicants into the pertinent eligibility pool(s).



(b) Where, on the basis of the analysis, it is determined that a program has no deficiencies, the sponsor need not establish selection goals. However, in that case, the affirmative action plan will include an explanation of why it contains no goals.

(c) A sponsor's determination under paragraph (B) of this rule that a utilization goal is required, constitutes neither a finding nor an admission of discrimination. 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 plan work. Utilization goals are used to measure the effectiveness of the sponsor's outreach, recruitment, and retention efforts.

(3) Establishment of goals.

(a) In establishing its goal(s), the sponsor should consider the results which could be reasonably expected from its good faith efforts to make all aspects of its affirmative action plan work.

(b) Where, pursuant to paragraph (E)(2) of this rule, a sponsor is required to establish a utilization goal for a particular group in its apprenticeship program, the sponsor will establish a percentage goal at least equal to the availability figure derived under paragraph (D)(2) of this rule.

(4) Review of goals.

(a) Sponsors are to review their goal levels annually, and adjust them as warranted by the results of periodic deficiency analyses. Goals are not to be reduced from one analysis to the next, except as warranted by a decline in the availability figure for the recruitment area..

(b) Where the council office determines that the sponsor has deficiencies within the meaning of this rule, and that its affirmative action plan contains inadequate goals or none at all, the council office will establish goals for the relevant occupation sector(s), as it deems appropriate to address the requirements of paragraph (G) of this rule. The sponsor is to make good faith efforts to attain these goals.