



Ohio Administrative Code Rule 5101:11-6-03 Program activities.

Effective: February 5, 2022

(A) Full utilization. The following provisions apply whenever an administrative review under paragraph (C) of this rule finds no need for apprenticeship program modification to ensure compliance with the equal employment opportunity (EEO) provisions of the rules in division 5101:11 of the Administrative Code, nor find any barriers to equal opportunity for female, minority, or disabled people, and a deficiency analysis under paragraph (D) of this rule reveals no under-utilization of female, minority, Hispanic, or disabled people in the program.

(1) Minimum contents. The sponsor's affirmative action plan (AAP) may be limited to describing the methods for reviews and analyses under rule 5101:11-6-02 of the Administrative Code; the community collaboration activities under paragraph (D) of the present rule; and the activities mandated under Chapter 5101:11-5 of the Administrative Code, for the purpose of meeting general EEO requirements.

(2) Other activities. As a matter of best practice, sponsors are encouraged to consider conducting the following outreach, recruitment, and retention activities, to assist sponsors in avoiding barriers to equal opportunity in apprenticeship.

(a) Targeted activities described in paragraph (C) of this rule;

(b) Exit interviews of each apprentice who leaves the sponsor's apprenticeship program prior to receiving a certificate of completion to understand better why the apprentice is leaving the program and to help shape the sponsor's retention activities.

(B) Response to an administrative review finding.

(1) When an administrative review identifies a practice, policy, or employment decision that creates a barrier to equal opportunity, the sponsor will revise such policies accordingly and describe the change both in the AAP and the standards.



(2) When an administrative review identifies an apprenticeship program modification that is needed to ensure fulfillment of the EEO and affirmative action obligations under the rules in division 5101:11 of the Administrative Code, the sponsor is to promptly implement such modification and describe it both in the AAP and the standards.

(3) Where a sponsor has determined pursuant to such a review that there are problem areas with respect to its outreach, recruitment, and retention activities for individuals with disabilities, the sponsor will undertake targeted activities as prescribed under paragraph (C) of this rule in response to a finding of under-utilization, and will provide for these activities in its AAP.

(C) Response to a deficiency finding. Targeted activities. Where a deficiency analysis finds underutilization of female, minority, and/or Hispanic individuals in apprenticeship resulting in adoption of a utilization goal, the sponsor will undertake targeted outreach, recruitment, and retention activities that are likely to increase participation by the affected group(s) in apprenticeship, and to expand the opportunity of individuals in such group(s) to become eligible for apprenticeship selection, and improve retention of apprentices from the group(s) affected. These activities are to include substantive working relationships with community organizations and leaders that have an interest in serving the target populations. In its AAP, every sponsor subject to the targeted activities requirement, will: set forth the specific targeted outreach, recruitment, and retention activities it plans to take for the upcoming program year; list the community entities with which the sponsor will collaborate; and describe the nature of this collaboration. Targeted activities are to include at a minimum:

(1) Dissemination in the following manner, of information concerning the nature and benefits of apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor.

(a) 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.



(b) This information is to be disseminated to the council office, local high schools, local community colleges, local vocational, career and technical schools, employment service offices, Ohio public workforce system local job centers, women's centers, outreach programs, and community-based organizations which can effectively reach minorities and women, and other groups serving the underutilized group.

(c) The sponsor is to advertise openings for apprenticeship opportunities by publishing advertisements in media, electronic or otherwise, which provide contact with the groups targeted for recruitment, as well as media that reach the general public in areas where the program sponsor operates and those that have wide circulation in the relevant recruitment areas.

(2) Participation in annual workshops conducted by employment service agencies for the purpose of familiarizing school, employment service, and other appropriate personnel with the apprenticeship system and current opportunities therein.

(3) Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance and support among the sponsor's various officers, supervisors, employees, and members, and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under division 5101:11 of the Administrative Code.

(4) Utilization of journey workers to assist in the implementation of the sponsor's affirmative action plan, for instance by participating in recruitment events, EEO training, related conferences, apprentice orientation, etc.

(D) Collaboration with other entities. Every AAP is to include the following provisions.

(1) The sponsor is to collaborate with other organizations (for instance, community organizations and other sponsors) in positive recruitment and preparation of female, Hispanic, and/or racial minority applicants for apprenticeship. Where appropriate and feasible, such initiatives will provide for pre-testing of experience and training. Wherever possible, such activities are to include operation of a state-recognized pre-apprenticeship program. If no such program exists in the area, the sponsor will seek to develop one, and/or to obtain financial assistance for such efforts. Any apprenticeship



program that trains for a traditionally male occupation, is to engage in one or more initiatives to prepare and encourage women to enter that training.

(2) To encourage the establishment and use of programs designed to prepare significant numbers of female and minority individuals for apprenticeship, through such activities as pre-apprenticeship and preparatory occupational training, a sponsor's affirmative action is to ensure that people served by these initiatives are afforded full and equal opportunity for admission to the apprenticeship program.

(E) Updating plans. Sponsors are to review their affirmative action plans annually and update them where necessary, including the goals. In the course of this review, the sponsor will:

(1) Evaluate and document after every selection cycle for registering apprentices the overall effectiveness of affirmative action activities;

(2) Refine its targeted outreach, recruitment, and retention activities as needed; and

(3) Maintain records of its targeted outreach, recruitment, and retention activities and records related to its evaluation of these activities.

(F) Compliance. Compliance with the requirements of this rule will be determined by whether a sponsor that has a finding of under-utilization has met its goals, or failing that, whether it has made good faith efforts to meet them. Its "good faith efforts" will be judged by whether it is following its affirmative action plan and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals. In the event of the failure of the sponsor to meet its goals, it will be given an opportunity to demonstrate that it has made every "good faith effort" to meet its commitments. All the actions of the sponsor will be reviewed and evaluated in determining whether such good faith efforts have been made.

(G) Adjustment of program standards for affirmative action. Where a sponsor, despite its good faith efforts, fails to meet its goals within a reasonable period, the council office may direct that specific changes be made in its affirmative action plan and/or standards, including where appropriate, its planned selection procedure(s), in order to obtain maximum effectiveness toward the attainment of its goals.



(H) Nondiscrimination. The commitments contained in the sponsor's AAP are not intended, and are not to be used, to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, sex, age over forty years, Hispanic ethnicity, sexual orientation, genetic information, or disability. In establishing utilization goals, the following principles apply:

(1) Utilization goals are not to be rigid and inflexible quotas for the selection of particular groups as apprentices.

(2) Utilization goals will not provide a sponsor with a justification to extend a preference to any individual, select an individual, or adversely affect an individual's status as an apprentice, on the basis of that person's race, sex, or ethnicity.

(3) Utilization goals will not create set-asides for specific groups, nor are they intended to directly achieve equality of completion rates or career success among apprentices from all demographic groups.

(4) Utilization goals are not to be used to supersede eligibility requirements for apprenticeship. Affirmative action plans prescribed by rules under division 5101:11 of the Administrative Code, do not require sponsors to select a person who lacks qualifications to participate in the apprenticeship program successfully, or select a less-qualified person in preference to a more qualified one.