



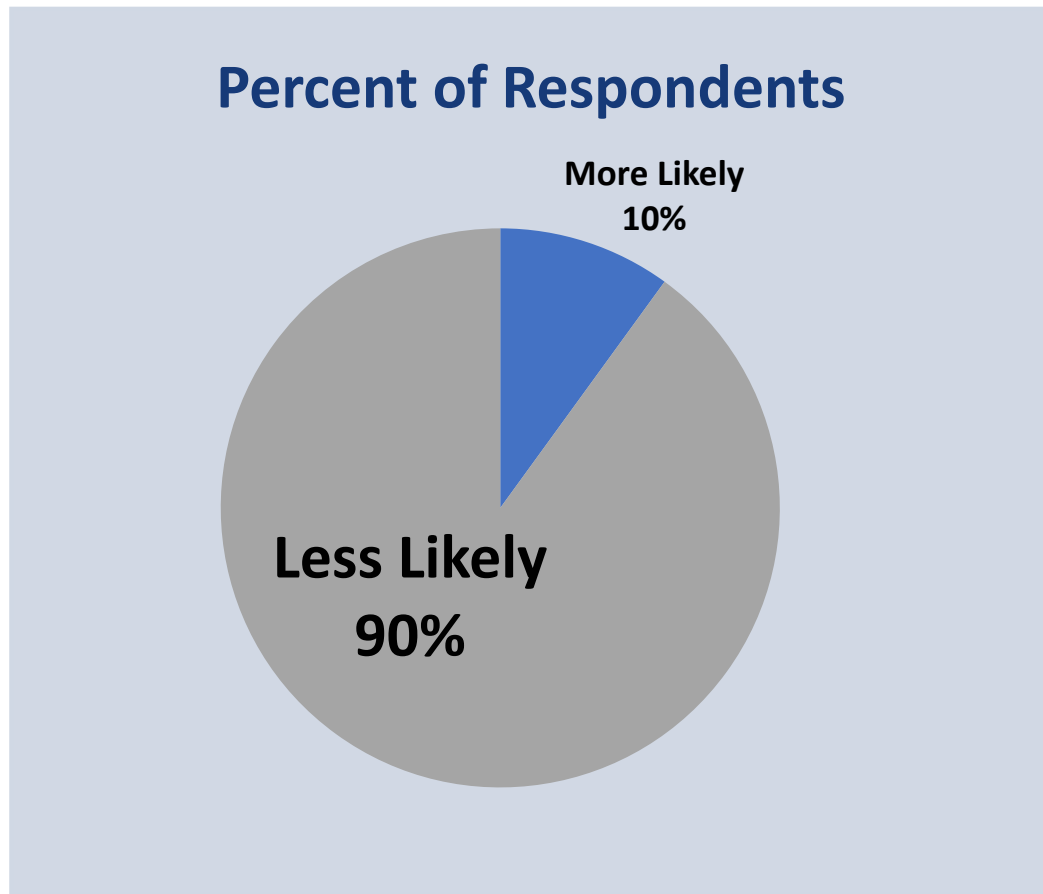
# **ABC Member Survey Results on the DOL's Apprenticeship Proposed Rule**

Survey Launched Feb. 7, 2024  
Survey Closed Feb. 22, 2024  
Findings Published Feb. 27, 2024



# Biden DOL NPRM Will Discourage Company-Run GRAPs

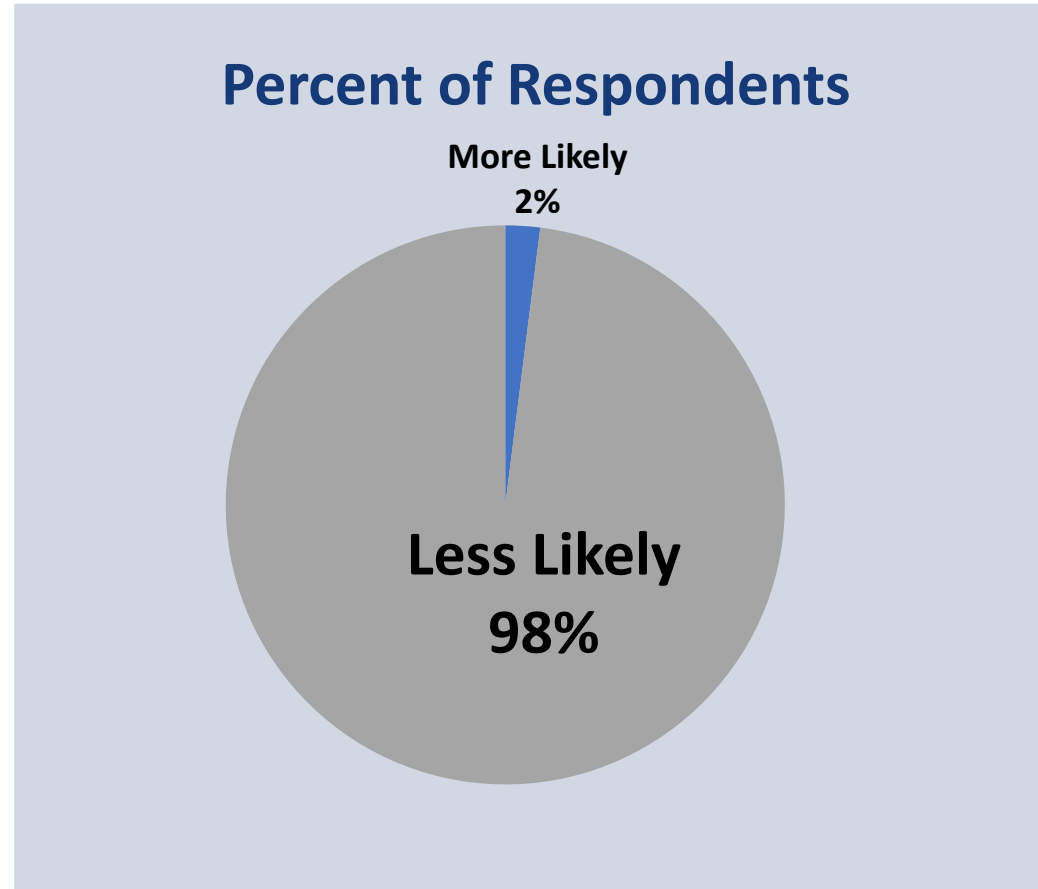
*Question:* Based on what you know about this proposed rule, would you be more likely or less likely to start your own company-run GRAP?





# NPRM Will Limit Small Business Participation in GRAPs

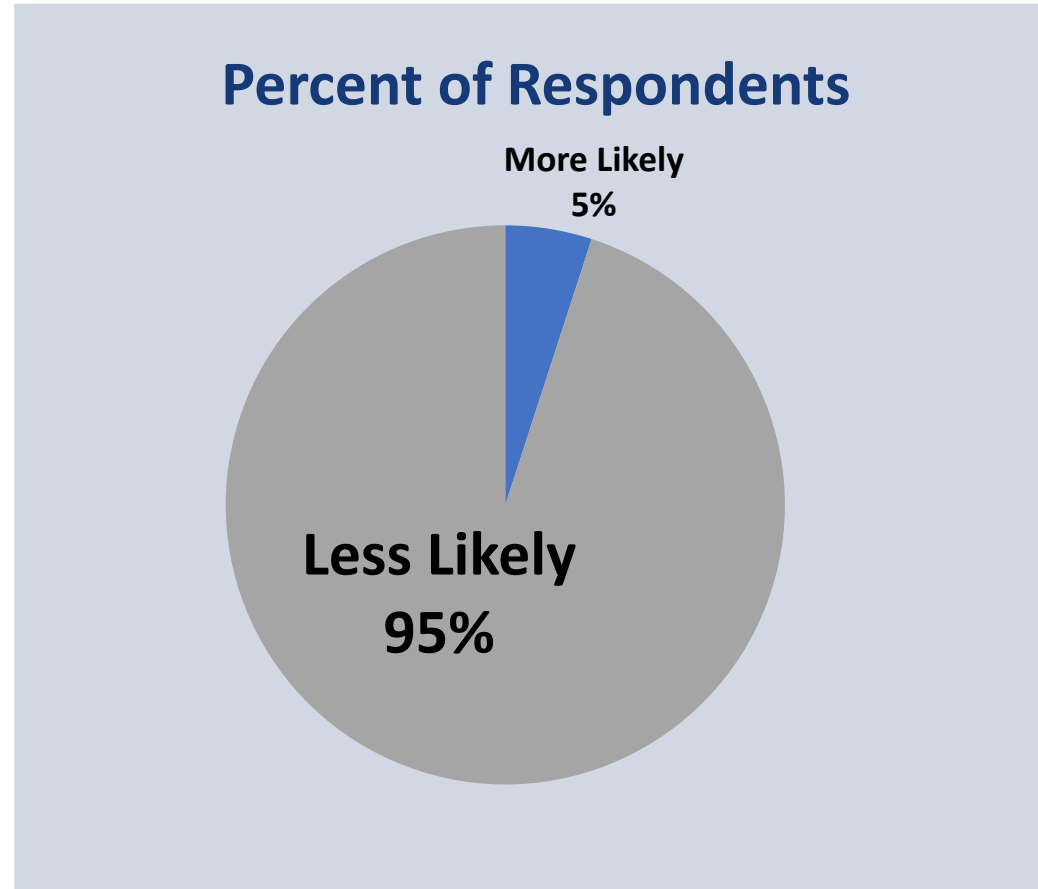
*Question:* Do you think the NPRM is more likely or less likely to keep and/or attract small businesses in GRAPs?





# NPRM Will Limit Apprenticeship Participation/Completion in GRAPs

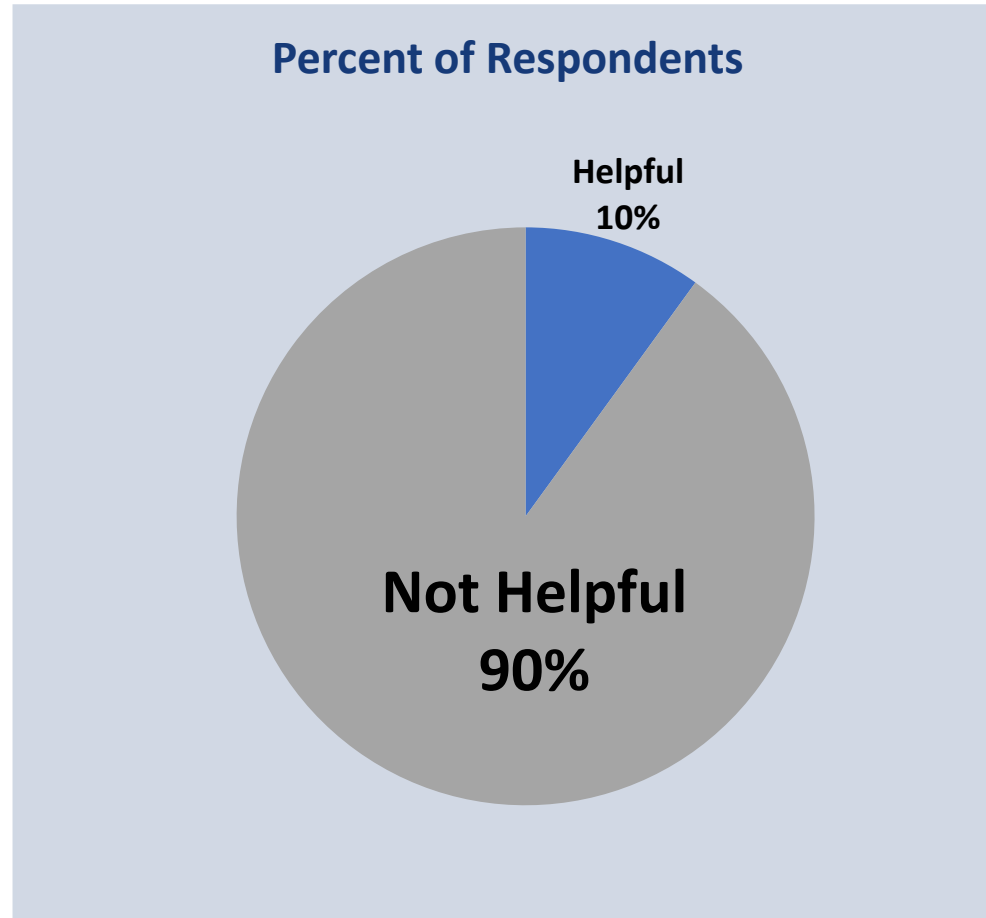
*Question:* Do you think the NPRM will make apprenticeship participation and completion of GRAPs more likely or less likely?





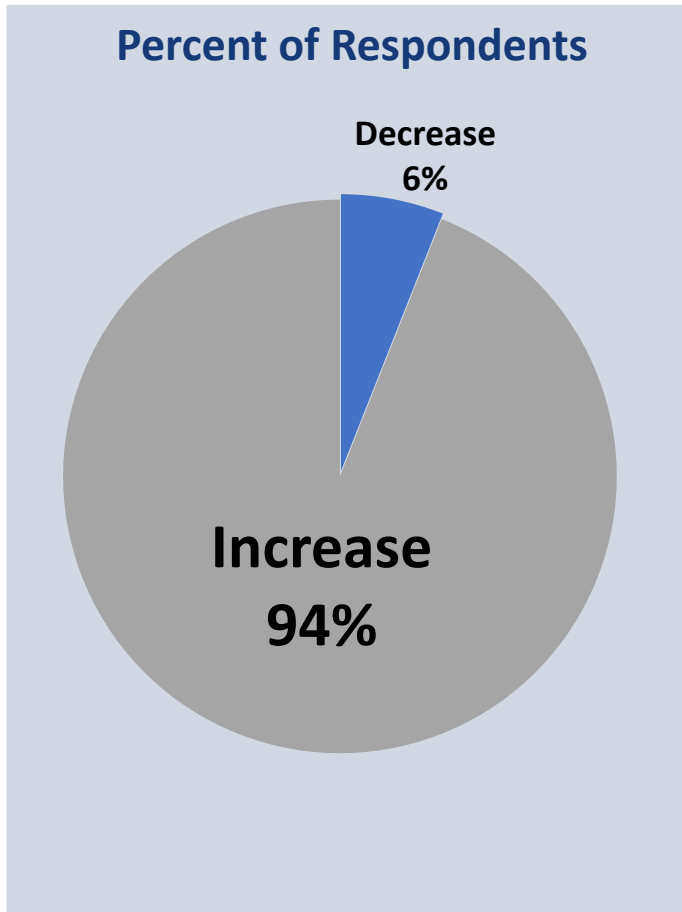
# NPRM Will Limit State Flexibility in Expanding GRAPs

*Question:* Do you think government officials in states where you perform work will find this NPRM helpful or not helpful to expanding GRAP programs and retaining and enrolling new apprentices?



# NPRM Will Increase the Cost of GRAP Participation

*Question:* Based on what you know about the DOL proposed rule, will it increase or decrease the cost of participating in and starting a GRAP?



“

The rule will require at least one more trained GRAP administrator at a salary of \$100K per year with all benefits for my company.”

“This will add costs to labor in the field as it will take journeymen time away from production to comply with new excessive recordkeeping/regulations.”

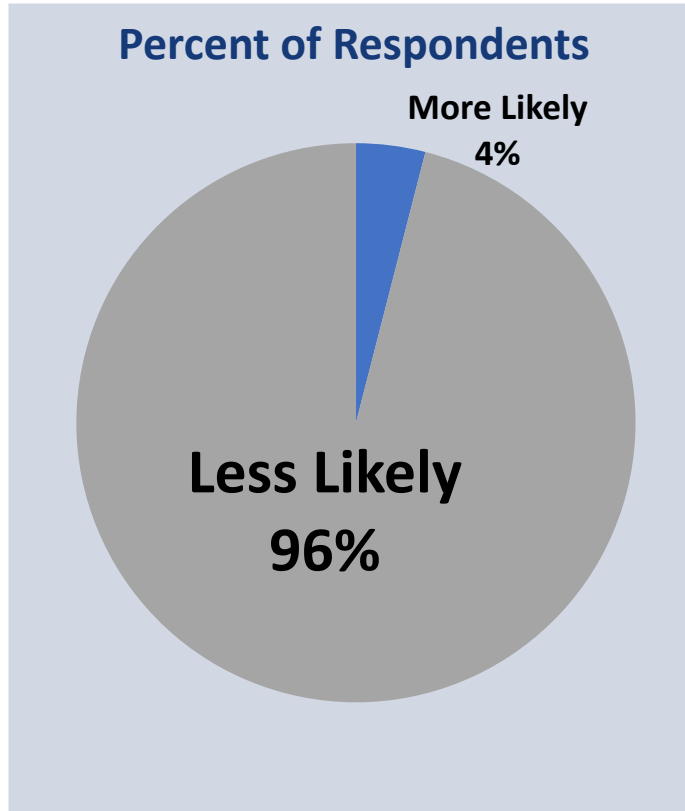
“I’d expect this to increase the cost of GRAP providers, so the cost of enrolling each of my company’s apprentices in their programs will increase significantly.”

“As a multiemployer GRAP provider, we’d likely need to hire more staff and spend a significant amount of money on annual compliance training for our staff and employer participants. I would be hesitant to add more GRAPs until I had certainty about the new costs and requirements.”



# New Recordkeeping and Reporting Requirements Disincentivize Participation in GRAPS

*Question:* The proposed rule implements new recordkeeping and reporting requirements. New records required include employment decisions, performance records, hours of training for all apprentices and journeyworker/instructor training qualifications. New reporting requirements include annual and cohort completion rates, employment retention rate at exit, wage rates following program completion and median program completion time. Will these requirements make you more likely or less likely to participate in a GRAP, start your own GRAP or continue serving as a GRAP sponsor?

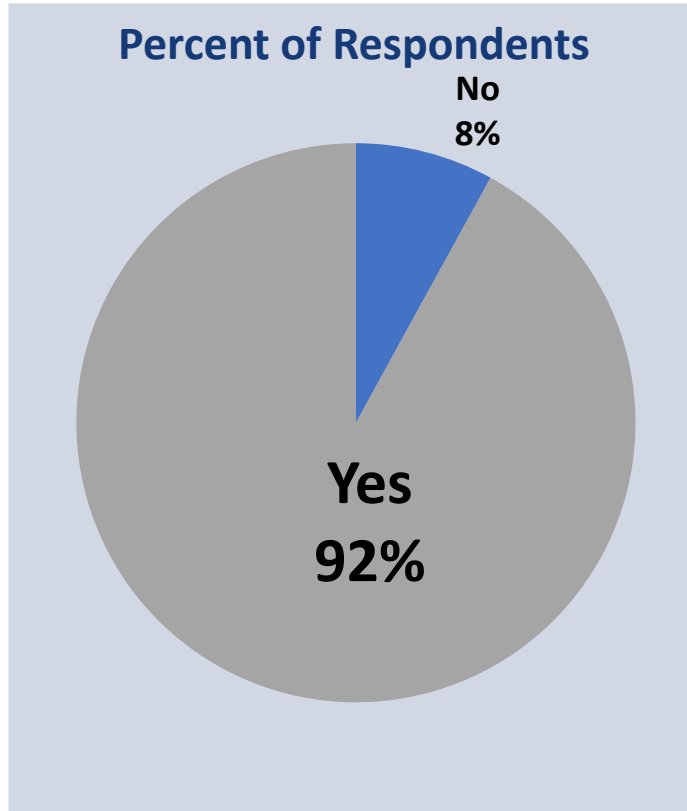


“Continually adding burdensome requirements to GRAPs will run up costs and deter GRAPs from operating efficiently. These burdens are also requiring information disclosure that should be maintained confidentially for the employee's privacy, in some cases.”



# New Increased Paperwork for OTJ Development of Apprentices Will Make GRAP Expansion More Difficult

*Question:* The NPRM proposes that GRAP sponsors and participating employers must ensure journeyworkers who provide on-the job training possess certain minimum qualifications, including “up-to-date knowledge of the latest advances in technical knowledge” and “ability to relate the conceptual and theoretical knowledge acquired by apprentices in their related instruction to the successful performance of job-related tasks.” Will verifying and tracking these qualifications for all journeyworkers’ training apprentices make GRAP implementation more difficult?



“This subjective requirement will further cause GRAP-related paperwork burdens and an artificial scarcity of on-the-job training experts for apprentices where there otherwise would not be a problem.”





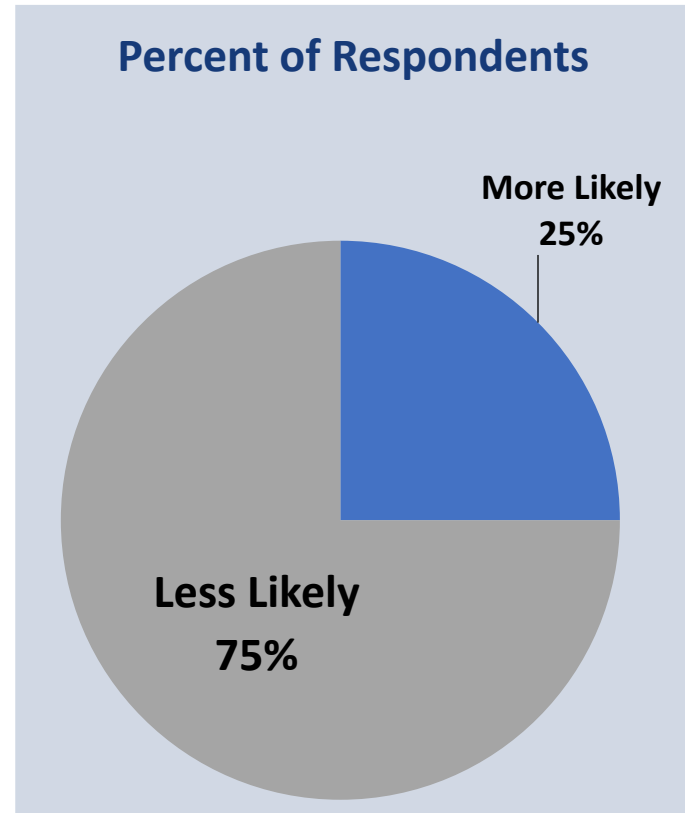
# Elimination of Competency-Based and Hybrid GRAPs Will Reduce Participation

*Question:* Would elimination of competency-based and hybrid apprenticeships, as the NPRM proposes, make you more likely or less likely to participate in a GRAP or start your own GRAP?

Of the survey respondents who are GRAP participants, their GRAPs are:

- Time-based (35%)
- Competency-based (27%)
- Hybrid (45%)

72% of GRAPs and their participants would lose the flexibility and benefits of competency-based GRAPs.

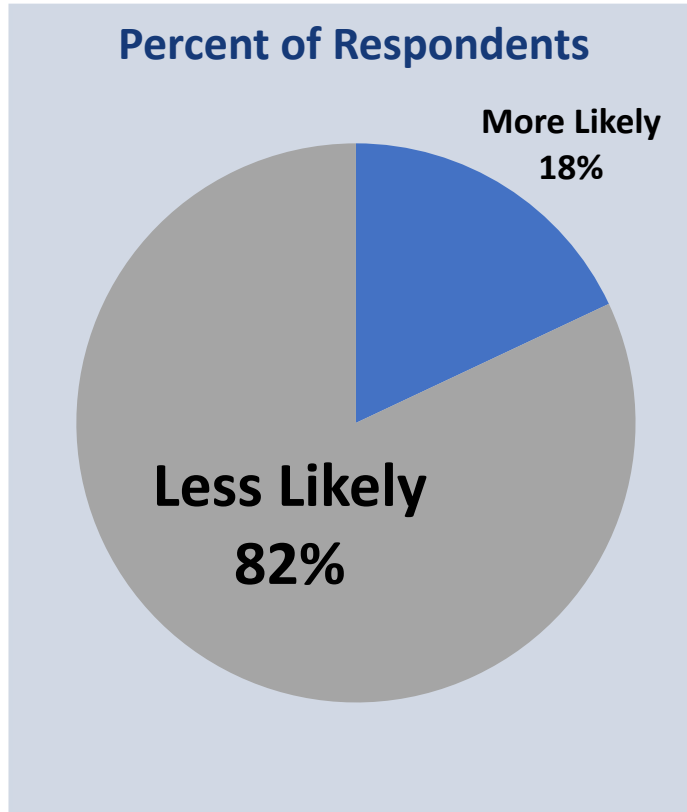


“Restrictions on hybrid and competency-based GRAPs will discourage new and existing apprentices from participating/completing programs because there is no chance to advance on merit and skill mastery. The length of time of GRAPs is why they are not popular with many apprentices and employers today. This rule makes it much worse and is bad policy.”



# Bans on Nondisclosure, Noncompete and Similar Agreements May Disincentivize Participation in GRAPS

*Question:* The proposed rule bans companies/GRAP providers from requiring apprentices to sign nondisclosure agreements, noncompetes and similar agreements. Would this change make you more likely or less likely to participate in a GRAP or start your own GRAP?



“These types of agreements support a level of commitment and should not be removed. They promote longevity and tenure with companies.”

“State and federal statutes address the legality of these agreements. This is out of the DOL’s regulatory wheelhouse.”

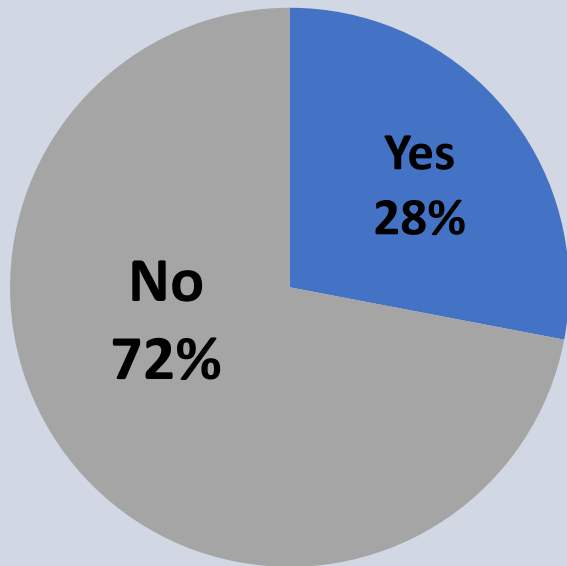
76% of respondents do not require an NDA, noncompete or other similar agreement for employees or apprentices. Respondents cited NDAs required by government/private owners as a concern.



# ABC Contractors Experience GRAP Discrimination

*Question:* Have you personally experienced an example of a government’s GRAP requirements/policy being weaponized to cut competition from certain contractors and/or discriminate against certain GRAPs?

Percent of Respondents



**33% of small businesses said they have personally experienced GRAP discrimination.**

“

The municipal government is attempting to expand apprenticeship requirements for participation in government-funded projects to limit nonunion participation in project bidding.”

“I’m concerned the rule’s new data collection and other provisions set the table for future anti-competitive and discriminatory behavior related to GRAP policy by the Biden administration and state/local government bad actors.”

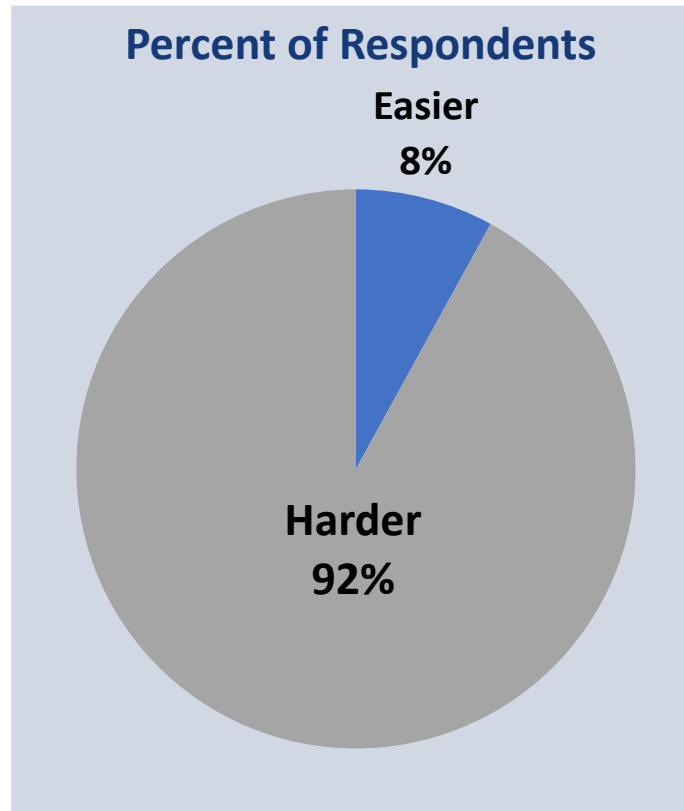
## Examples of GRAP Discrimination:

- GRAP participation and utilization mandates and preferences by government and private owners
- Meritless GRAP approval delays and denials by state/local government
- PLA mandates requiring participation in only certain union GRAPs
- Local ordinances and state and federal funding and tax incentives requiring companies to participate and/or use active and/or graduate apprentices from certain union GRAPs
- Restrictive and discriminatory apprentice-to-journeyperson ratios



# Changes Will Make Apprenticeable Occupations Harder To Designate

*Question:* The NPRM replaces the existing process for determining apprenticeable occupations with a new “suitability” test, where the Office of Apprenticeship’s administrator reviews applications for potential new occupations, initiates a public comment period of at least 30 days and issues a determination. Additionally, the NPRM implements a new requirement that apprenticeable occupations must “lead to a sustainable career.” Overall, do you think these changes will make getting new occupations designated as apprenticeable easier or harder?



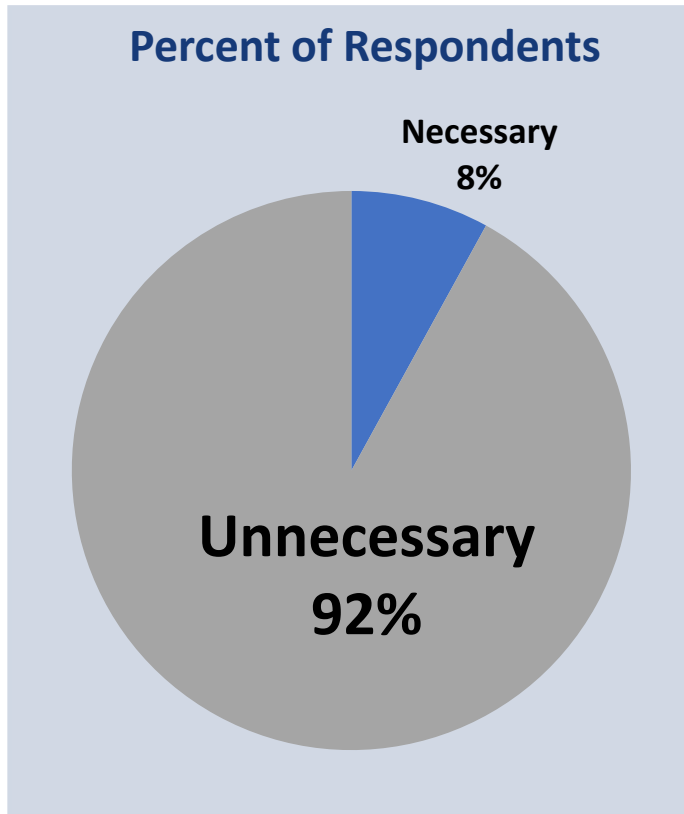
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There will be a lot of gray areas and subjectivity around the process, which will lead to further regulation or guidelines. It will create more work and headaches for companies looking to expand apprenticeship opportunities in their field.”



# NPRM Eliminates Flexibility in Allowing New Occupations To Be Apprenticeable

*Question:* To address the supposed “splintering” of occupations based into individual skillsets, the NPRM states that apprenticeships that are confined to a “narrowly specialized subset of skills and competencies within an existing occupation” or “[replicate] a significant proportion of the work processes that are covered by another occupation” will not be deemed apprenticeable. Do you think these restrictions are generally necessary or unnecessary?



“This will limit the types of careers we can have in this country and does not allow for evolution of careers. These changes assume that careers 50 years from now will look exactly the same as they do today.”

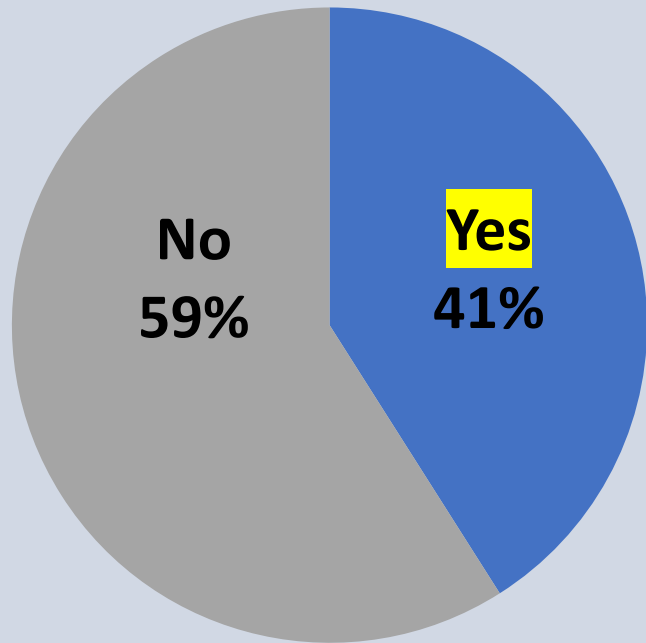


# Survey Participant Spotlight: ABC Members

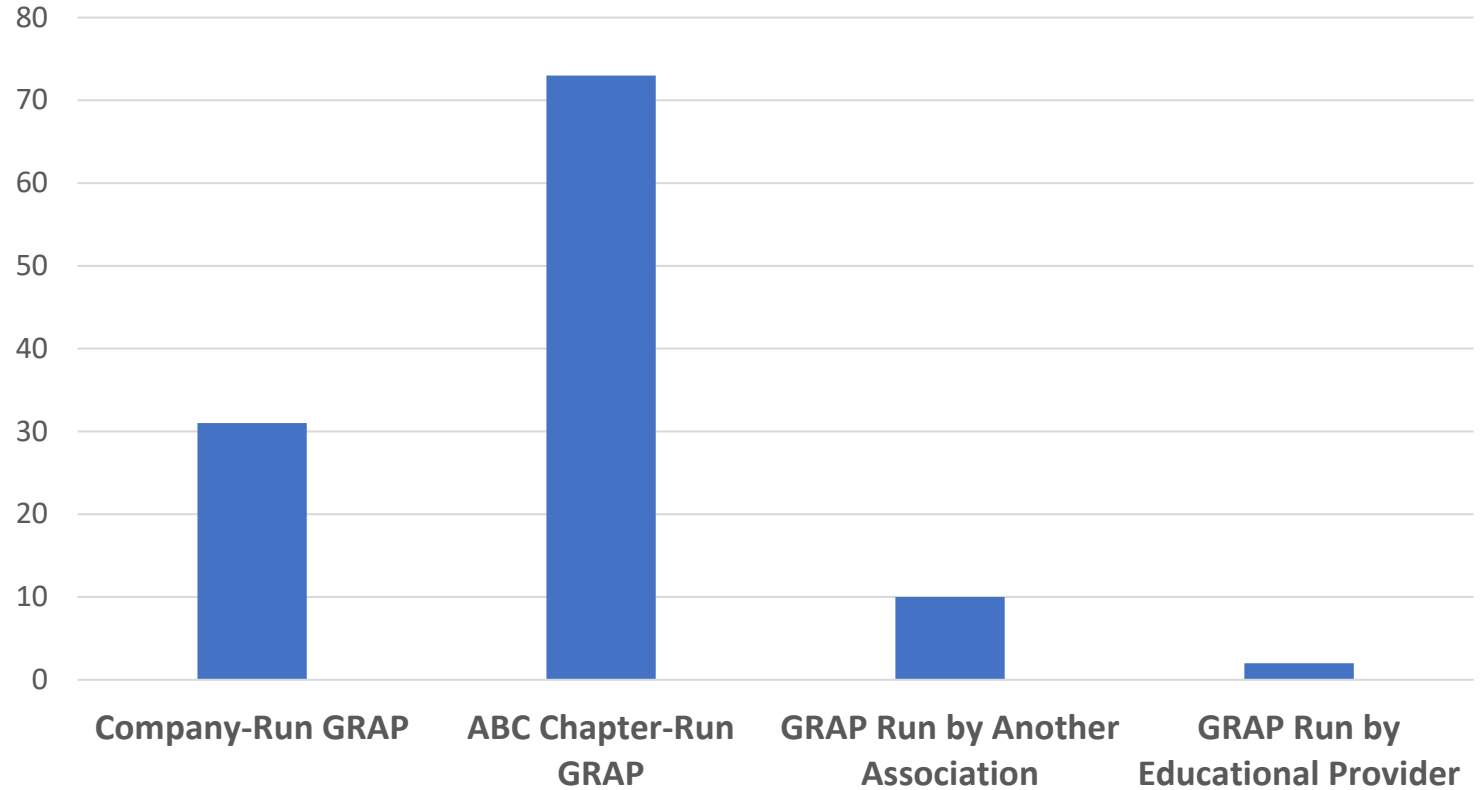
**Question: Does your company participate in a GRAP?**

**Question: If yes, who runs/sponsors your GRAP?**

Percent of Respondents



Percent of respondents



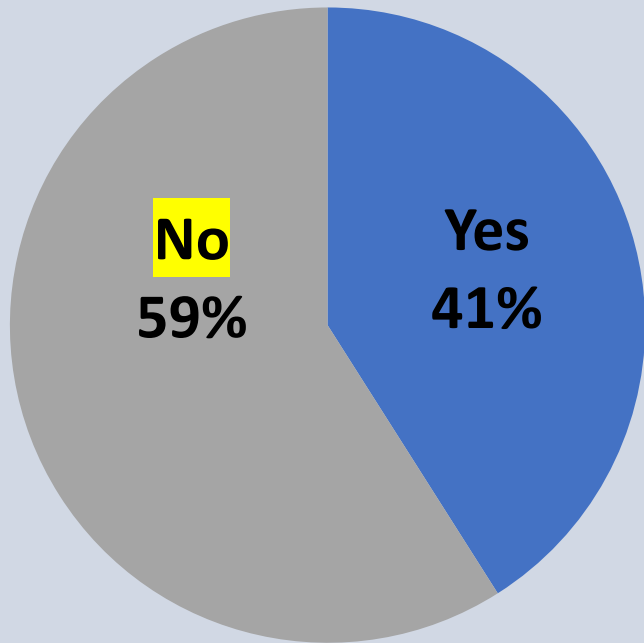
*Note: Respondents may have multiple answers due to multiple GRAPs for multiple crafts within one company.*



# Survey Participant Spotlight: ABC Members

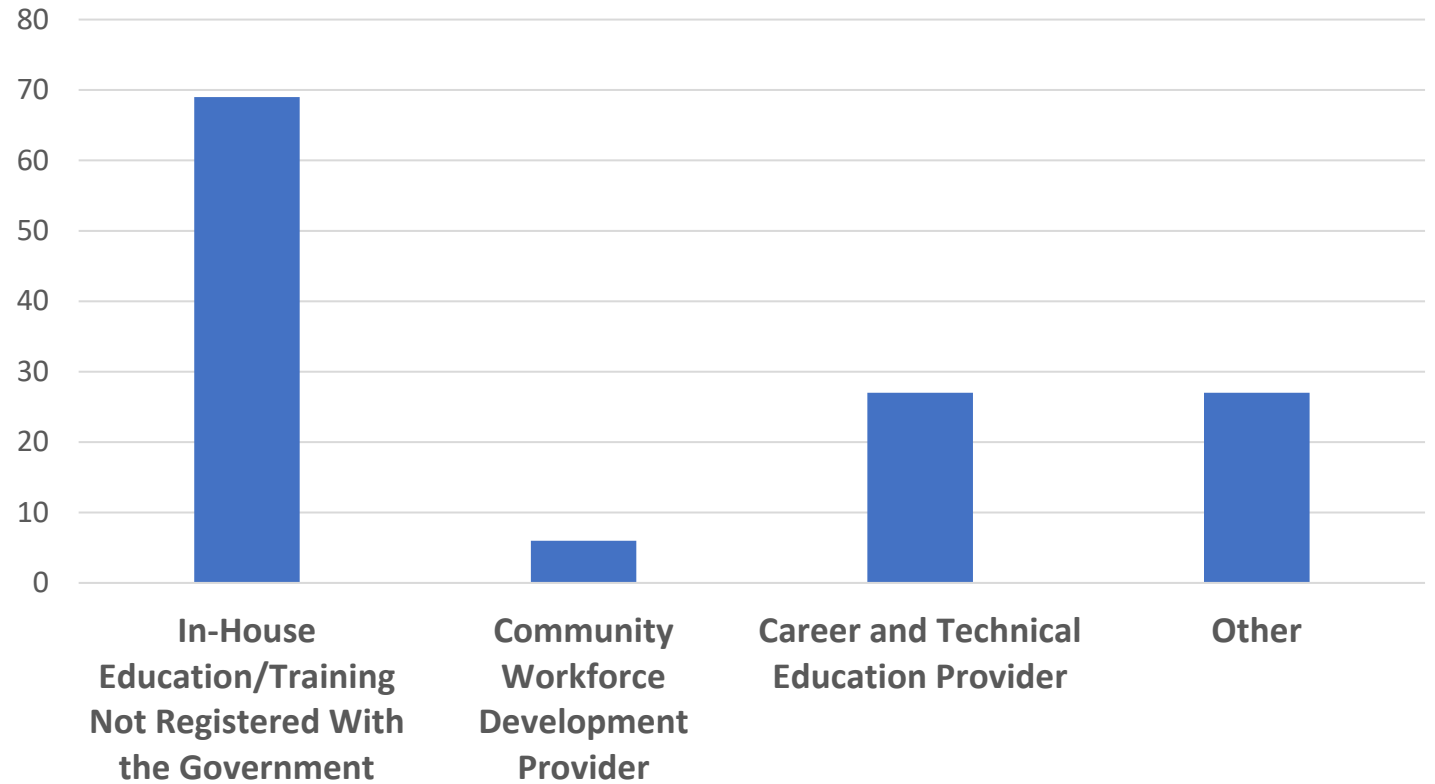
**Question:** Does your company participate in a GRAP?

Percent of Respondents



**Question:** If your company does not participate in a GRAP, how do you train your workforce?

Percent of respondents



*Note: Respondents may have multiple answers due to multiple workforce development pathways for multiple crafts within one company.*



# NPRM Will Negatively Affect Career and Technical Education Providers

*Question:* Do you think the NPRM will have a positive or negative affect on Career and Technical Education providers you partner with, in general?

