



APPRENTICESHIP

The Guide to Maintaining an Apprenticeship Program in the U.S. Virgin Islands

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- An aerial photograph of a coastal town, likely in the Caribbean, showing a mix of residential buildings, lush greenery, and a view of the ocean with a small island in the distance. A large green rectangular overlay covers the left and center portions of the image, containing a white table of contents.
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The Guide to Maintaining an Apprenticeship Program in the U.S. Virgin Islands

After registering an apprenticeship program, it is important to maintain the program and keep up with administrative requirements. Although there is no one required approach to designing a program, there are several Federal and State Statutes and Policies that govern the official maintenance and oversight of apprenticeship in the U.S. Virgin Islands (USVI). This guide is designed to assist teams of partners that have already registered their programs and who would like guidance on requirements and oversight in reference to specific laws, rules, and regulations. Its content reflects the knowledge and effective practices of the most experienced apprenticeship professionals in the USVI—employers, training providers, and government professionals.

This guide contains an overview of the USVI Apprenticeship System and provides information on:

- I. Program Standards and Management
- II. Committee Membership and Meetings
- III. Apprentice Management
- IV. Training Agent Management
- V. Equal Employment Opportunity and Affirmative Action
- VI. Compliance Reviews and Investigations.

While this guide and its companions, the *New Committee Toolkit* and *The Guide to Starting an Apprenticeship Program in the U.S. Virgin Islands*, are meant to assist teams of partners interested in building registered apprenticeship programs, the assistance of U.S. Virgin Islands Department of Labor (VIDOL) State Apprenticeship Agency (SAA) staff is critical to running a successful program. SAA staff are available to support teams through the entire process by answering questions and providing guidance.

Contact us at:

apprenticeshipvi@dol.vi.gov
(340) 776-3700 ext. 2080

Overview

The USVI is home to over several Apprenticeship Programs in sectors that range from health care to marine to massage therapy. And there are more being added every month. SAA oversees these programs with advising and assistance of the Virgin Islands State Apprenticeship Council (VISAC).

VISAC

As a Registered Apprenticeship program in the USVI, you may engage with VISAC during the registration of your program. VISAC meets publicly at least four times per year and performs the following functions:

- Assist in the development of procedures and policies for the promotion of apprenticeship in the USVI.
- Provide advice and guidance to VIDOL in the establishment of standards of apprenticeship in trades and apprenticeable occupations suitable to the local economy and conditions.
- Assists the community in educating about apprenticeships.

Local Apprenticeship Programs are not required to attend these meetings, but many like to do so because it is an opportunity to network with other apprenticeship programs around the USVI.

For more information, visit:
vidol.gov/news/vi-state-apprenticeship-council.

01

Program Standards & Management



This section covers the Policies and Standards that a Registered Apprenticeship program must establish and meet, including minimum guideline standards, policies and procedures, program management evaluation, and committee status checklists.

STANDARDS OF APPRENTICESHIP

As covered in *The Guide to Starting an Apprenticeship Program in the U.S. Virgin Islands*, a Registered Apprenticeship program must have complete Standards of Apprenticeship that provide the terms and conditions of employment, training, and supervision of apprentices in an apprenticeable occupation.

Revising Standards of Apprenticeship

The SAA is the body that oversees your Registered Apprenticeship program. If you want to make any programmatic changes that impact its Standards (e.g., adjust the geographic jurisdiction or update Selection Procedures), you must revise the relevant Standard and submit it to the SAA for approval. You should work with the SAA to revise that Standard so they can inform you of any adverse impacts the revision may have and ensure that the revision will likely receive SAA approval.

Minimum Guideline Standards

In addition to approving new programs and changes to existing programs, the SAA may establish Minimum Guideline Standards (MGS) for any apprenticeable area. These minimum standards are industry/trade benchmarks developed and approved by the SAA.

Revising Standards of Apprenticeship

Contents of Policies and Procedures

All Employers/Sponsors must develop and administer operating Policies and Procedures to govern program operations as directed by VISAC. These Policies and Procedures will be approved by the SAA.

Updating Policies and Procedures

When adopted or revised, you should submit your Policies and Procedures to SAA staff (apprenticeshipvi@dol.vi.gov), who will review and approve them to ensure they conform to apprenticeship laws and rules as well as SAA guidelines.

Program Management Evaluation

During an investigation into allegations of any violations, the SAA will make recommendations to VISAC as to whether the employer/sponsor followed its relevant Policies and Procedures for discipline.

Committee Status Checklists

An Employer/Sponsor Checklist is a tool you can use to ensure you are operating in compliance with federal and state statutes, rules, and regulations. The SAA provides a checklist for your convenience upon request.

Policies required of all programs

- Anti-harassment Policy
- Evaluating previous experience/
Prior credit for new apprentices
- Discipline and Investigation Procedures
(for apprentices and training agents)

PRO TIP !

Look at your Policies and Procedures throughout the year, at least on a semi-annual basis.

Any changes to the following require a revision to the Standards of Apprenticeship and SAA approval:

- Minimum entry qualifications
- Minimum hours of employment
- Maximum probationary period
- Maximum ratio of apprentices to journey workers and required supervision
- Minimum work processes and approximate expected competencies
- Minimum related/supplemental instruction.

It is easier to change a Committee's Policies and Procedures than to update the Standards. Changes to Committee Policies and Procedures do not require VISAC approval.

02

Apprentice
Management



This section covers apprentice management—including evaluations, tracking apprentice progress, accounting for prior experience, the probationary period, termination types, and Disciplinary Procedures—as well as wages and licensing.

Apprentice Movement/Progress

You must report apprentice progress to the SAA. The report of progress of your apprentice shall be no less than twice per calendar year. Any movement or progress should be reported within two workdays of the changes.

Credit for Prior Experience

A new, transfer, or re-entering apprentice can gain credit for prior experience if that experience is considered applicable to the work processes in the Standards of Apprenticeship and has been legally obtained, or if the apprentice demonstrates competency in their program's work processes. You must specify the criteria for evaluating credit for prior experience in your Policies and Procedures.

Probationary Period

The initial probationary period for apprentices is specified by the Standards of Apprenticeship and can be a maximum of the first 25% of on-the-job training (OJT) hours or 1 year of apprenticeship, whichever is shorter.

Termination Types

Termination of an apprentice may be voluntary or involuntary:

- Voluntary termination is non-disciplinary.
- Involuntary termination is disciplinary.
 - For post-probationary apprentices (reason is required).
 - For probationary apprentices (no reason is required).

Apprentices must be informed of their termination by mail to their certified add.

Disciplinary Procedures

If an apprentice faces disciplinary action, employer/sponsor records must show that the apprentice has been informed of the discipline and has been directed to correct the behavior within a defined period. This may be in accordance with the employer's personnel policy or, in absence of an employer policy, within 30 calendar days.

It is especially important to make detailed notes about the issue at hand, including how the apprentice was notified of the issue. Examples of reasons that an apprentice might face disciplinary action include:

- Failure to report to work.
- Constant lack of attendance to related classroom instruction.
- Continuous failure to submit work progress reports and/or respond to Committee citations.
- Violation of employer/sponsor rules.
- Unlikelihood of the apprentice's ability to complete the program requirements.
- The apprentice inhibits the program, its training agents, and/or other apprentices from meeting reasonable performance goals.

As with termination, apprentices must be informed of their disciplinary actions by mail to their certified address.

Disciplinary Action

Disciplinary action is a process designed to help apprentices conform with the expectations of apprenticeship training and to document the steps an employer/sponsor has taken to address performance, behavior, and other actions that are not acceptable in the training program.

Apprentices need to have a defined timeline, such as thirty calendar days, to address areas identified in disciplinary proceedings. Procedures for disciplinary action must be clearly articulated in your program's Policies and Procedures.

Every apprentice is entitled to due process, or the right to comment on or respond to disciplinary action. Thus, all disciplinary action requires a real-time meeting (in person or teleconference). Each employer/sponsor must have an acceptable and written disciplinary procedure for all approved Registered Apprenticeship programs.

Wage Surveys

As an Employer/Sponsor must determine a base wage annually. The base wage is what is used to calculate the apprentice wages using a percentage associated with each step in the wage progression.

An employer that is subject to a Collective Bargaining Agreement (CBA) will report the wage that has been determined by the collective bargaining process, i.e., the journey wage in the CBA will be the base wage. A program that does not belong to a CBA must survey every active training agent registered to the program to determine the base wage. All training agents must respond to the wage survey. A program can determine the base wage using an accepted mathematical calculation that is most appropriate for their situation (e.g., simple average, median, weighted average), as long as they explain this method in the submission to SAA staff.

When apprentices begin, they receive a minimum hourly wage that is based on a percentage of the skilled wage (base rate) for the trade or occupation. Where there is a CBA, this is the bargained rate; where there is no CBA, it is the average wage based on local labor market data. For work subject to the Prevailing Wage Rate, a percentage of that rate will apply if it is higher.

The percentages steadily increase throughout the apprenticeship, with reviews usually at least twice per year (approximately every 6 months). The increases must reflect the skill level acquired by the apprentice throughout the term of the apprenticeship program.

WAGE SURVEYS AND TRAINING AGENTS

A program that is not governed by a CBA must conduct a survey or analysis to determine what they are paying their journey level workers.

When the wage has received SAA approval, you must notify appropriate parties of the new amount for each step in the wage progression scale and the date the wages go into effect.

1. The date the wage goes into effect.
2. A description of the method for determining the wage—for example, "Wage was determined by Collective Bargaining Agreement" or "Wage was determined by simple average."

PRO TIP !

- Ensure complete and valid Monthly Progress Reports (MPR).
- Suggest that employers permit each apprentice 30 paid minutes at the end of each day to complete the MPR for that day.

SAA staff will review the Meeting Minutes and submit the wage to the Director for approval. Upon approval, the SAA will email your program with new Standards of Apprenticeship, which include the updated wage.

LICENSING

In the USVI, where there are appropriate and corresponding licensing boards, the Registered Apprenticeship must utilize that license or credential as agreeable to that licensing board. Where there is no appropriate corresponding licensing board, the Registered Apprenticeship must utilize the appropriate nationally recognized credential as acceptable by the SAA and the U.S. Department of Labor. The SAA does not have the authority to waive or modify any State or national licensing requirements.

Exam Timelines and Results

Apprentices are expected to take the license exam within one year of the exam referral; they must provide a copy of the exam results to the SAA:

- **Pass**
Apprentices who pass the exam will be completed from the program at the next VISAC meeting.
- **Fail**
Apprentices who fail the exam must meet with the SAA to determine an appropriate course of action. This may include additional OJT and/or related instruction prior to retesting. Failure to appear or to complete this course of action will result in a designation of Completion Without Benefit of License.

Apprentices waiting to retake the exam must continue to comply with all requirements. Failure

to do so will result in Completion Without Benefit of License.

An apprentice who has been referred for an exam has one year to pass the exam. If an apprentice does not take or pass the exam within the allotted time, this is considered Completion Without Benefit of License. Therefore, an apprentice cannot practice the trade in the USVI under the apprentice license.

03

Training Management



This section covers training management, including supervision, qualification, ratios, and discipline.

SUPERVISION

Apprentices must be supervised by those who are proficient and recognized in the Registered Apprenticeship standards to the same program in which they are training.

You are responsible for ensuring that the supervisors/trainers follow all Rules and Standards for both ratio and supervision. The SAA will review what constitutes proper supervision for their specific working conditions.

QUALIFICATIONS

You should establish the qualifications for an employer and supervisor to be acceptable in the apprenticeship work.

Considerations should include:

- Does the employer/journey worker train in all work processes outlined in the Standards of Apprenticeship?
- Does the employer have sufficient staff to stay within ratio requirements?
- Will the employer guarantee that apprentices will be able to attend required related training?

The employer should periodically review the supervisor/trainer to ensure that there is adequate supervision on the job, adequate and safe equipment and facilities for training and supervision, and safety training for apprentices, both on the job and in related instruction. The SAA will also review this as part of their role in monitoring the Registered Apprenticeship.

JOURNEY WORKER TO APPRENTICE RATIO

Your program is responsible for ensuring that training agents adhere to the ratio of journey workers to apprentices that is outlined in the Standards of Apprenticeship. The ratio is always in effect. Note that:

- A lack of available qualified workers does not excuse a program from following the ratio.
- A journey worker must be a subject-matter expert in the occupation that the apprentice is training in.
- A journey worker must be employed by the employer as the apprentice.
- In licensed trades, an apprentice must be supervised by a journey worker in the same or higher license classification than the apprentice.
- In licensed trades, apprentices approved for phased or indirect supervision still count towards the ratio.

DISCIPLINARY PROCEDURES FOR APPRENTICES AND TRAINING AGENTS

Disciplinary Procedures for supervisors providing training and apprentices are the same. If an apprentice or a training agent takes certain actions, it may be cause for disciplinary action, and they may be put on probation. Actions that could prompt disciplinary action include:

- Violation of SAA Policies and Procedures.
- Refusal to sign required paperwork.
- Late or missing Monthly Progress Reports.
- Absenteeism or tardiness in class or on the job.
- Unsatisfactory job performance reports from employers or termination for cause.
- Unsatisfactory progress in related classroom and self-study instruction.
- Irresponsible acts, falsification, cheating, or severe attitude problems.
- Use of alcohol or controlled substances in class or on the worksite.

If an apprentice or a supervisor(s) providing training is put on **Disciplinary Probation**, it needs to happen by the SAA and documented. The SAA will establish an action plan to correct the problem(s), with appropriate timelines. If this action plan fails, the apprentice's or the Registered Apprenticeship agreement can be terminated or cancelled. All notices to appear for cancellation of apprenticeship or training agent agreements must be sent via certified mail, return receipt, addressed to the apprentice or training agent, and postmarked at least 22 calendar days in advance of the appearance date for the consideration of the cancellation.



04

Equal Employment Opportunity & Affirmative Action



Affirmative Action (AA) programs, in accordance with 29 CFR Sections 29.5(b)(21), 30.4, and 30.10, are required for employers/sponsors with five or more registered apprentices by two years from the date of the sponsor's registration or by two years from the date of registration of the program's fifth (5th) apprentice .

Equal Employment Opportunity (EEO) laws are built on the understanding that, historically, certain groups of people have not had the same access to opportunities as others, especially people from protected classes based on factors such as race, disability, sex, sexual orientation, and so on. These laws are based on the premise that everyone should have the opportunity to make the most of their lives and talents and that no one should have their opportunities restricted because of where they were born, where they come from, what they believe, or whether they have a disability. Title 29 of the Code of Federal Regulations, Chapter 30, is the specific Federal Regulation that applies to creating equal opportunities in accessing apprenticeship training.

This section covers Affirmative Action as it relates to maintaining a Registered Apprenticeship program in the USVI, including developing goals; developing, submitting, and evaluating an annual plan; and recruiting and retaining people with disabilities women and other designated hard-to-serve populations.

The SAA shall review the EEO and AA standards of the employer/sponsor. Upon review will accept and approve these standards as part of the Registered Apprenticeship application and status.

Should the employer/sponsor not have sufficient EEO/AA standards, they may wish to consider the Affirmative Action Goals & Timetables option. The SAA can assist you in this part of the application.

The SAA will conduct an EEO Compliance Review may include analyses and evaluations of each aspect of the apprenticeship program through

desk audits and site visits related to recordkeeping requirements and interviews with employees, apprentices, journey workers, supervisors, managers, and hiring officials.

PRO TIP !

Recruiting and Retaining People with Disabilities, Women, and other hard-to-serve populations

- Have strategies to recruit diverse applicants through word of mouth. Remember that this begins with having successful and satisfied diverse journey workers and apprentices, so do not neglect retention.
- Develop new pre-apprenticeship opportunities with existing community-based organizations, educational institutions, and other advocacy organizations that have an interest in workforce training and development.
- Develop linkages to referral networks, such as career and technical education programs for the trades, school counselors, job counselors, temporary agencies working in the trades, community college placement counselors, vocational rehabilitation counselors, job placement staff at departments of human services, and/or veterans' advocates.

05

Compliance Reviews & Investigations



This section covers compliance reviews and investigations, including the types of compliance reviews, how frequently they are conducted, and the outcomes, as well as what will prompt an investigation.

COMPLIANCE REVIEWS

There are two types of Compliance Reviews: Program Operations Reviews and Affirmative Action Reviews. These reviews will help you evaluate the delivery of administrative processes, including affirmative action, apprentice development, and training agent management. These reviews also enable the SAA to determine whether your program complies with Territory Statutes and Rules, Federal Regulations, and SAA Policy.

- **Program Operations Reviews** occur annually for the first 3 years after initial program approval. If you remain in compliance, reviews then take place every 3 years, or as required by the SAA.
- **Affirmative Action Reviews** are conducted annually on programs subject to additional Affirmative Action regulations.

Compliance Reviews often include on-site visits to administrative offices and may also include onsite visits to related training classes. The SAA may also interview apprentices and training agents to gather information about your program.

Upon initiation of a review, the employer/sponsor has 35 calendar days to provide requested documents and information. Items for review include, but are not limited to:

- Apprentice Files (including all documentation related to the apprentice except for HIPAA-related information.)
- Meeting Minutes and/or other documentation
- Policies and Procedures
- Standards of Apprenticeship

- Related Training Curricula, Instructor Qualifications, Class Outlines, Grading Procedures, and Completion Criteria.
- Affirmative Action Goals & Timetables, Affirmative Action Workplans, and Selection Procedures, as well as statistical information related to affirmative action, including the Apprentice Selection Worksheet.

Submitting Apprentice Selection Data

Selection data include demographic information on apprentices and how they were selected. You must submit selection data annually, along with your Affirmative Action Workplan, via email to: apprenticeshipvi@dol.vi.gov.

Conclusion of a Compliance Review

Upon conclusion of a Compliance Review, the SAA will determine the level of compliance:

- **Compliance**
Normal or better operational control.
- **Good Faith Compliance**
Minimal changes required with no untoward impact on program participants.
- **Out of Compliance**
Substantial changes required to correct negative impact on program participants.

Appropriate corrective actions will be determined if the program is not being administered or maintained properly. Specific strategies or procedures will be identified to improve the operation of the apprenticeship program and a final report will be made to VISAC.

In rare circumstances where there is significant and consistent failure to perform, VISAC may exercise its right to deregister a program. Our mutual goal is for successful apprenticeship programs.

INVESTIGATIONS

One of the ways the Apprenticeship and Training Division receives requests for Investigations is from substantial findings from the Prevailing Wage Rate section of the VIDOL's Wage and Hour Division. The SAA can also receive direct requests for Investigations from individuals.

The SAA or VIDOL will initiate an Investigation based on a complaint only when all of the following parameters are met:

- The SAA receives a written complaint (emails accepted).
- The complaint must include the first and last name of the complainant and at least one type of contact information (phone number, email address, or mailing address).
 - The SAA does not accept complaints made anonymously.
- The complaint presents a case in which a person connected to a USVI Registered Apprenticeship program was potentially harmed and the harm is within the SAA's jurisdiction
 - A statute, regulation, rule, or policy has been violated.

Examples of complaint subject matter include:

- **Unlawful Discrimination**
Any apprentice, applicant, or training agent for apprenticeship who believes they have been discriminated on the basis of the race, color, religion, sex, sexual orientation, national original, marital status, age (18 or older), or unlawful retaliation for engaging in protected activities.
- **Program Operations**
Ratio, wages and rates, terminations, suspensions and disciplinary matters not connected to a protected class or protected activity.

The SAA can investigate the complaint directly, or VIDOL can review the complaint if the SAA's investigation is insufficient. If there is a disagreement, appeals can be submitted to the Commissioner of Labor within 30 days of the final action.

Glossary of Terms

Apprentice

A worker who is at least 16 years of age who is employed to learn an apprenticeable occupation under standards of apprenticeship approved by the VISAC and under an apprenticeship agreement recognized by the council.

Apprenticeable Occupation

A skilled trade that is customarily learned in a practical way through a structured, systematic program of OJT supervised training; is clearly identified and commonly recognized throughout an industry; involves manual, mechanical or technical skills and knowledge that require a minimum of 2,000 hours of OJT supervised training; and requires related instruction to supplement the OJT.

Apprenticeship Agreement

A written agreement between an apprentice and either the apprentice's program sponsor or the local joint committee acting as the agent for the program sponsor that contains the minimum terms and conditions of the employment and training of the apprentice.

Course of Study

A course of study for the related technical instruction of apprentices or trainees.

Employee

A person employed or active in an applicable trade.

Employer

Any person or entity employing the services of an apprentice, regardless of whether the person is a party to an Apprenticeship Agreement with the apprentice.

Journey worker

A worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation.

Minimum Guideline Standards (MGS)

Industry/trade benchmarks developed by a Council approved state committee and approved by the Council that represent the fundamental requirements necessary for entry into and completion of specific Council approved apprenticeship or training programs.

Program

The total system of apprenticeship as operated by a particular local joint committee, including the committee's registered standards and all other terms and conditions for the qualification, recruitment, selection, employment and training of apprentices in that apprenticeable occupation.

Registered Apprenticeship Program

The total system of apprenticeship as operated by a local committee, including the committee's registered standards and all other terms and conditions for the qualification, recruitment, selection, employment and training of apprentices in and occupation as approved by VISAC.

Registration of an Apprenticeship Program

The acceptance and recording of a program by the SAA, or registration and/or approval by a recognized entity other than the SAA or Office of Apprenticeship departments, as meeting the basic standards and requirements for approval of such program for Federal purposes.

Related Training Instruction (RTI)

The instruction and training (classroom and online learning) that supplements the apprentice's OJT.

SAA Staff

An employee within VIDOL's State Apprenticeship Agency office or their designee who can assist with all elements of the apprenticeship registration and maintenance process Apprenticeship Standards that VIDOL oversees in the USVI.

Standard of Apprenticeship

A written agreement submitted by a local committee and approved by the Council, which sets forth a plan containing all terms and conditions for the qualification, employment and training of apprentices or trainees.

Trainee

A worker who is at least 16 years of age, except when a higher minimum age is otherwise required by law, and who is to receive, in part consideration for services, complete instruction in an occupation that meets all the requirements of an apprenticeable occupation.

Training Program

Any registered program of 2,000 OJT hours or less. For the purposes of these rules, all apprenticeship requirements apply to training programs.

VISAC

The USVI State Apprenticeship Council has statutory authority to oversee apprenticeship, programs, and policies.

