

U.S. Department of Labor Employment and Training Administration, Office of Apprenticeship Washington, D.C. 20210	Distribution: A-541 Headquarters A-544 All Field Tech A-547 SD+RD+SAA+; Lab.Com	Subject: Equal Opportunity Pledge Addendum  Code: 500
<b>Symbols:</b> DPQSP/ZWB		Action: Immediate

**PURPOSE:** To inform the staff of the Office of Apprenticeship (OA), State Apprenticeship Agencies (SAA),\* and Registered Apprenticeship program sponsors and potential sponsors of: (1) the requirements, contained in 29 CFR § 30.3(b)(2)(i) and 30.3(c)(1) - which became effective on July 17, 2017 - that sponsors include an updated Equal Opportunity Pledge (EO or EEO Pledge) that adds a commitment not to discriminate on the bases of disability, age (40 or older), sexual orientation, and genetic information to the existing commitments of non-discrimination on the bases of race, color, religion, sex, and national origin in their Standards of Apprenticeship; (2) the availability of an EO Pledge Addendum that existing sponsors may adopt to comply with this requirement; and (3) OA's policy waiving the requirement that sponsors submit for approval the Standards of Apprenticeship they revise to adopt this EO Pledge Addendum.

**BACKGROUND:** The OA EEO regulations that were in effect prior to January 18, 2017, required sponsors to include an EO Pledge in their Standards of Apprenticeship. 29 CFR § 30.3(b) (May 12, 1978). That pledge read as follows:

The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under title 29 of the Code of Federal Regulations, part 30.

On December 19, 2016, OA revised 29 CFR part 30. The revision expanded the list of characteristics on the basis of which discrimination is prohibited by adding disability, age (40 or older), sexual orientation, and genetic information to the existing protected categories of race, color, religion, sex, and national origin. The revision retained the requirement that sponsors include an EO Pledge in their standards, but updated the language of the pledge to include the additional protected bases (among other things). CFR § 30.3(b)(2)(i) and § 30.3(c)(1), 81 FR 92026, 92111-92112 (December 19, 2016). The updated language of the EO Pledge is contained in § 30.3(c)(1).

The updated regulations phase in both the requirement to add the new protected categories and the requirement to use the new EEO Pledge language in sponsors' standards over a six-

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\* See "Applicability" section, below, for important information regarding how this circular can be used by Registration Agencies in SAA states.

month period; both new and existing sponsors registered with OA are required to include the updated EO Pledge in their standards as of July 17, 2017.

This circular and the EO Pledge Addendum it provides have been prepared to assist sponsors in complying with the new pledge-language requirement and to minimize any burden associated with such compliance.

This circular includes:

- Applicable regulatory provisions;
- Text of EO Pledge Addendum (within and attached);
- OA Policy with regard to approval of revisions to standards to adopt the EO Pledge Addendum; and
- List of other OA resources to assist sponsors with requirements regarding the EO Pledge

**REGULATIONS:** The following provisions in 29 CFR set forth the regulatory requirements with regard to the EEO Pledge, as follows (emphasis supplied):

- 29 CFR § 29.5, “Standards of apprenticeship”

An apprenticeship program, to be eligible for approval and registration by a Registration Agency, must conform to the following standards:

...

(b) The program standards must contain provisions that address:

...

(21) Compliance with 29 CFR part 30, including the **equal opportunity pledge** prescribed in 29 CFR §30.3(c).

- 29 CFR § 30.3(b)(2)

The sponsor must inform all applicants for apprenticeship, apprentices, and individuals connected with the administration or operation of the registered apprenticeship program of its commitment to equal opportunity and its affirmative action obligations. ... A sponsor, at a minimum, is required to:

- (i) **Publish its equal opportunity pledge—set forth in paragraph (c) of this section—in the apprenticeship standards** required under § 29.5(c)† of this title, and in appropriate publications, such as apprentice and employee handbooks, policy manuals, newsletters, or other documents disseminated by the sponsor or that otherwise describe the nature of the sponsorship;
- (ii) **Post its equal opportunity pledge** from paragraph (c) of this section

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† This reference is erroneous. It should read § 29.5(b)(21).

on bulletin boards, including through electronic media, such that it is accessible to all apprentices and applicants for apprenticeship;

(iii) ...; and

(iv) Maintain records necessary to demonstrate compliance with these requirements and make them available to the Registration Agency upon request.

- 29 CFR § 30.3(b)(3), “Universal outreach and recruitment”

The sponsor will implement measures to ensure that its outreach and recruitment efforts for apprentices extend to all persons available for apprenticeship within the sponsor’s relevant recruitment area without regard to race, sex, ethnicity, or disability. In furtherance of this requirement, the sponsor must:

...

(iii) Provide recruitment sources [that will generate referrals from all demographic groups within the relevant recruitment area] advance notice, preferably 30 days, of apprenticeship openings so that the recruitment sources can notify and refer candidates. Such notification must also include documentation of the sponsor’s **equal opportunity pledge** specified in paragraph (c) of this section.

- 29 CFR § 30.3(c)(1), “Equal opportunity pledge”

(1) Each sponsor of an apprenticeship program must include in its Standards of Apprenticeship and apprenticeship opportunity announcements the following equal opportunity pledge:

[Name of sponsor] will not discriminate against apprenticeship applicants or apprentices based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, genetic information, or because they are an individual with a disability or a person 40 years old or older. [Name of sponsor] will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, part 30.

(2) The nondiscrimination bases listed in this pledge may be broadened to conform to consistent State and local requirements. Sponsors may include additional protected bases but may not exclude any of the bases protected by this part.

### **EEO PLEDGE ADDENDUM:**

- **Text.** The revised Equal Opportunity Pledge language mandated by 29 CFR § 30.3(b)(2) and 29 CFR § 30.3(c)(1) is contained in the Appendix to this Circular.
- **Guidance on Use.** In order for sponsors to comply with the requirement to amend their Apprenticeship Standards by using this EO Pledge Addendum, sponsors must fill in their program's name in the blank spaces provided in this EO Pledge Addendum and attach it to their existing Apprenticeship Standards. If a sponsor does so, this revised Equal Opportunity Pledge will be deemed to supersede its prior EO Pledge.

Sponsors are strongly encouraged to date the EO Pledge Addendum, to show that it supersedes the version of the EO Pledge found in earlier-adopted Standards. For that purpose, sponsors may also include the text box that is shown on the Appendix to this circular on the EO Pledge Addendum.

Sponsors may include additional protected bases in this EO Pledge Addendum -- for example, to conform to consistent State and local requirements -- but may not exclude any of the bases listed here.

**POLICY.** OA will deem any sponsor that adds the attached addendum to its existing standards to be in compliance with the provisions of 29 CFR § 29.5(b)(21), § 30.3(b)(2)(i), and § 30.3(c)(1) requiring inclusion of the updated pledge in sponsors' standards. *Sponsors will not need to submit their standards to the Registration Agency for approval in order to incorporate the revised EO Pledge.* Any sponsor seeking to amend its standard beyond incorporating this EO Pledge Addendum, however, must still follow the procedures set forth in 29 CFR § 29.3(i).

OA will ascertain whether a sponsor has incorporated the EO Pledge addendum to its standards in the next EEO Compliance Review that it conducts of that sponsor. Sponsors should also take care to implement the other provisions governing the updated EEO Pledge, including the requirements of publishing it in appropriate publications (§ 30.3(b)(2)(i)), posting it (§ 30.3(b)(2)(ii)), and providing documentation of it in notices of apprenticeship openings sent to recruitment sources ((§ 30.3(b)(3)(iii)).

**APPLICABILITY.** This circular is applicable specifically to sponsors registered with OA, including federal and state government apprenticeship programs. It is provided to SAAs so that when SAAs adopt State EEO Plans that incorporate a requirement similar to that contained in 29 CFR §§ 30.3(b)(2)(i) and 30.3(c)(1), they may consider providing sponsors registered with them with a EO Pledge Addendum similar to the one provided in this circular.

Use of the EEO Pledge Addendum is intended as an interim strategy to address the logistics of phase-in of the revised regulations. Existing sponsors' Standards of Apprenticeship already

include EEO Pledges, but the language of those pledges needs to be updated to comply with the revised regulations; a sponsor's adoption of the EEO Pledge Addendum will accomplish that updating until the sponsor next revises its standards, at which time it is anticipated that it will substitute the new EO pledge language for the previous language in the body of the standard, and will have no need for the EO Pledge Addendum. It is also anticipated that all sponsors that register their programs after the phase-in date of July 17, 2017, will include the updated EO pledge language in their standards and will not need the EO Pledge Addendum; sponsors developing or revising standards before July 17, 2017, may also include the updated EO pledge language, even if it is before the July 17, 2017, date. The result will be that over time, standards that contain the EO pledge language previously in effect – and thus, also contain the EEO Pledge Addendum – will cease to exist.

**OTHER RESOURCES:** In addition to the EEO Pledge Addendum, OA will be providing several resources to assist sponsors with implementing the provisions relating to the EEO Pledge (the requirements of posting it (§ 30.3(b)(2)(ii)) and providing documentation of it in notices of apprenticeship openings sent to recruitment sources (§ 30.3(b)(3)(iii)). These resources will be available on OA's Apprenticeship EEO webpage:

**EEO Pledge and Complaints Notice**

- Customizable, downloadable poster containing the EEO Pledge and notice about filing EEO complaints;
- Instructions on how to fill out, print and display the customizable poster; and
- Language of the EEO Pledge and notice about filing EEO complaints for sponsors to use if they do not wish to use the poster provided

**Universal Outreach and Recruitment Resources**

- List of organizations and agencies with national reach that apprenticeship sponsors can consult to identify state or local sources that will generate referrals from all demographic groups within their recruitment area.

**EFFECTIVE DATE:** The effective date of this guidance is August 23, 2017; it will be in effect until rescinded.

**ACTION:** This policy is intended to guide OA and program sponsors registered with OA. OA staff should familiarize themselves with this circular. If you have any questions, please contact Zach Boren at (202) 693-2796.

**NOTE:** This circular is being sent via electronic mail.

**Appendix:** Standards EEO Pledge Addendum

## APPENDIX

**Note:** *This EEO Pledge supersedes the EEO Pledge found in earlier-adopted Standards.*

Dated: \_\_\_\_\_

### Standards EEO Pledge Addendum

[Name of sponsor] will not discriminate against apprenticeship applicants or apprentices based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, genetic information, or because they are an individual with a disability or a person 40 years old or older. [Name of sponsor] will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, part 30.