

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Registered Apprenticeship
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ADVISORY: OFFICE OF APPRENTICESHIP CIRCULAR NO. 2025-01

TO: NATIONAL APPRENTICESHIP SYSTEM STAKEHOLDERS
OFFICE OF APPRENTICESHIP STAFF
STATE APPRENTICESHIP AGENCIES

FROM: JOHN V. LADD
Administrator, Office of Apprenticeship

SUBJECT: Guidance – Registration of Apprenticeship Programs and Apprentices for Tribal Governments and Instrumentalities

- Purpose.** To notify the staff of the Office of Apprenticeship (OA), State Apprenticeship Agencies (SAAs), registered apprenticeship program sponsors, registered apprenticeship partners, and other interested parties about the updated guidance regarding the eligibility of federally-recognized Tribes (Tribes)¹ or any instrumentalities of the Tribes² to serve as sponsors of registered apprenticeship programs.
- Action Requested.** OA requests OA and SAA staff and registered apprenticeship stakeholders to familiarize themselves with the information contained in this circular. Tribes or any instrumentalities of the Tribes may contact OA’s Regional Offices for more information on their eligibility to serve as sponsors of registered apprenticeship programs. For Regional Office contact information, please visit <https://www.apprenticeship.gov/about-us/regional-offices>. This circular rescinds Circular 1982-04. This circular is being sent via electronic mail.

¹ The term “Tribe” refers to “Indian tribe” under the Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, and is defined as “any Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994.” 25 U.S.C. § 479a.

² Tribal governments can form a governmental entity to perform business functions as an economic development arm of the Tribe. Such governmental entities are often referred to as an unincorporated instrumentality (instrumentality) of the Tribe. The business operation is generally overseen by the governing body of the Tribe, such as a business committee or a separate board. Instrumentalities of the Tribe generally do not have a separate legal structure and are conferred the same privileges and immunities of the Tribe. Such examples of an instrumentality of the Tribe include Tribal casinos, Tribal enterprises, and Tribal utilities. In this connection, instrumentalities of the Tribe may act as a sponsor for the purposes of developing standards of apprenticeship, registering apprenticeship programs, and registering apprentices.

RESCISSIONS OA Circular 1982-04	EXPIRATION DATE Continuing
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3. Summary and Background.

- a. *Summary* – This guidance clarifies the eligibility of Tribes or any instrumentalities of the Tribes to serve as sponsors of registered apprenticeship programs and their eligibility to be registered by OA or an SAA.
- b. *Background* – The Department issued Circular 1982-04 to provide guidance to Bureau of Apprenticeship and Training (BAT) Regional Directors and field staff on their responsibility to provide assistance to Tribes, or their representative internal organization, in the development of standards of apprenticeship and registration of apprenticeship programs and apprentices. The BAT was the office that preceded OA with the responsibility for registering apprenticeship programs and apprentices in states where the BAT was the Registration Agency and granted recognition to SAA states for registering apprenticeship programs and apprentices for Federal purposes. Circular 1982-04 specified that the guidance did not pertain to SAAs unless a specific request from a sponsor is received in writing by a Regional Director to transfer such registration to the BAT. This circular modifies the existing policy by clarifying the eligibility of Tribes or any instrumentalities of the Tribes to serve as sponsors of registered apprenticeship programs and their eligibility to be registered by OA or an SAA. OA has determined that Circular 1982-04 needed to be updated to align with the current regulatory requirements and to provide clarity to Tribes and their instrumentalities to facilitate access to registered apprenticeship.

OA notes Tribes have successfully served as sponsors of registered apprenticeship programs and have been successfully registered in both OA and SAA states.

4. Guidance.

- a. *Eligibility of Tribes to Serve as Sponsors* – The National Apprenticeship Act (NAA) of 1937 (29 U.S.C. 50) authorizes the Secretary of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices. Though neither the text of the NAA, nor the content of the NAA’s implementing regulations at 29 CFR parts 29 and 30, explicitly address Tribes, Tribes may sponsor registered apprenticeship programs and obtain registration of such a Tribal apprenticeship program by a Registration Agency, either OA or an SAA that has been recognized by OA for that purpose.

Federal apprenticeship regulations (see 29 CFR part 29) authorize the Department to grant recognition, for Federal purposes, to SAAs for the purpose of registering and overseeing apprenticeship programs that operate within their respective jurisdictions, provided that such SAAs operate in accordance with the minimum standards for SAAs that are established by Federal apprenticeship regulations. Nevertheless, DOL retains the authority under Federal apprenticeship regulations to register any apprenticeship program that operates within the territory of the United States, provided that, as a general matter, the sponsor’s proposed program and standards of

apprenticeship satisfy the minimum requirements stipulated in 29 CFR parts 29 and 30. Accordingly, Federally-recognized Indian Tribes may register apprenticeships through OA or with a recognized SAA. That said, in recognition of the unique trust and treaty responsibilities of the Federal Government to Tribal Nations, respect for Tribal sovereignty, and the nation-to-nation relationship between the Federal Government and Tribes, such Tribes (as well as any instrumentalities of those Tribes) are encouraged to register programs with OA.

Potential sponsors can find more information on guidance issued by OA at <https://www.apprenticeship.gov/about-us/legislation-regulations-guidance>. For an updated map depicting the most recent information regarding Registration Agencies between OA and SAA states, please visit <https://www.apprenticeship.gov/about-us/apprenticeship-system>.

- b. *Registration Agency Technical Assistance and Support* – The National Apprenticeship System consists of two types of entities responsible for registering and overseeing registered apprenticeship programs. These entities include OA and federally recognized SAAs. Both OA and SAAs provide technical assistance and support to program sponsors, answer questions about the apprenticeship model, guide partners on each phase of developing a program, connect businesses to training providers, advise partners on available funding sources to support apprenticeships, and register apprenticeship programs that meet the regulatory criteria of 29 CFR parts 29 and 30. For an overview, please visit [Apprenticeship System | Apprenticeship.gov](#). Both OA and SAA staff have a significant role to play in supporting Tribal Governments with technical assistance on joining, developing, or starting registered apprenticeship programs. OA and SAA staff are uniquely positioned as key resources for assisting new employers to join existing group programs or in starting their own programs, assisting in providing referrals to existing programs, and answering questions about registered apprenticeship. OA also encourages OA staff and SAA staff to refer parties to [Apprenticeship.gov](https://www.apprenticeship.gov) for additional information.
- c. *Availability of Exemptive Relief from Certain Federal Regulatory Requirements for Registered Apprenticeship Programs* – Neither the NAA nor its implementing regulations at 29 CFR parts 29 and 30 expressly exclude Indian Tribes (or their instrumentalities) from the legal requirements for registered apprenticeship programs. However, consistent with the application of other civil rights law, including Title VII of the Civil Rights Act of 1964³ and Executive Order 11246,⁴ the Department recognizes the longstanding validity of Tribes’ ability to engage in Indian preference in hiring for work performed on or near an Indian reservation. Accordingly, the Department clarifies that it does not violate the EEO requirements of 29 CFR part 30 for any Tribal or private sponsor to extend a publicly announced preference in

³ See 42 U.S.C. § 2000e–2(i).

⁴ See 41 CFR § 60-1.5(a)(7).

employment to Indians living on or near⁵ an Indian reservation in connection with apprenticeship opportunities on or near an Indian reservation. Additionally, a sponsor that is required to maintain an affirmative action program pursuant to 29 CFR 30.4 may reflect its publicly announced Indian preference in its affirmative action program. Sponsors extending such a preference shall not, however, discriminate among Indians on the basis of religion, sex, Tribal affiliation, or any other basis protected under part 30 and the use of such a preference shall not excuse a sponsor from complying with the other requirements applicable to sponsors or registered apprenticeship programs.

A sponsor seeking an exemption from other requirements under 29 CFR part 30 may submit a request to the Administrator pursuant to 29 CFR 30.19, which permits the Department to approve either partial or complete exemptions from the EEO in apprenticeship requirements in instances where the Administrator of OA is satisfied that the exemption applicant has provided “good cause” for the granting of such relief. Requests for exemption from the 29 CFR part 30 regulations (or any part thereof) must be made in writing to a Registration Agency, and must also contain a statement of reasons supporting the request.

When reviewing any request made by an Indian Tribe for an exemption from the requirements of 29 CFR part 30, the OA Administrator will consider all relevant factors with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian Tribal level, provided that the proposed exemption is not inconsistent with the applicable Federal apprenticeship policy objectives, and is otherwise appropriate as determined by the Administrator of OA. The Department will render a decision upon a complete application by a Federally-recognized Indian Tribe for a partial or complete exemption from the regulatory requirements set forth in 29 CFR part 30. The Department will provide the Tribal applicant with timely written notice of the decision and, if the application for an exemption is not granted, the reasons for such denial, including a citation to any relevant legal authority that provides a basis for the denial.⁶

5. **Inquiries.** Questions about this circular should be directed to Andrew Ridgeway of the Office of Apprenticeship at Ridgeway.Andrew@dol.gov. For inquiries from Tribal governments or their affiliates interested in serving as sponsors of a registered apprenticeship program, please contact OA’s Regional Offices at <https://www.apprenticeship.gov/about-us/regional-offices>.

6. **References.**

- National Apprenticeship Act of 1937; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.

⁵ The use of the word “near” is interpreted consistently with the definition of “relevant recruitment area” in part 30, which is defined as “the geographical area from which the sponsor usually seeks or reasonably could seek apprentices.” 29 CFR § 30.5(c)(4).

⁶ Consistent with Circular 2023-01, all sponsor requests for an exemption under 29 CFR § 30.19, whether received by an SAA or by an OA Field Office, must receive final approval from the OA Administrator.

- Labor Standards for the Registration of Apprenticeship Programs Regulations at 29 CFR part 29
- Equal Employment Opportunity in Apprenticeship Regulations at 29 CFR part 30
- OA Circular No. 2023-01, *Guidance – Equal Employment Opportunity in Apprenticeship*, (https://www.apprenticeship.gov/sites/default/files/bulletins/circular-2023-01_0.pdf)
- OA Circular No. 1982-04, *Federal Registration of Standards of Apprenticeship and Apprentices for Indian (Native American) Tribes* (<https://www.apprenticeship.gov/sites/default/files/bulletins/Circular-1982-04.pdf>) (rescinded)

7. **Attachments.** None