

CIRCULAR: 89-07

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U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING
ADMINISTRATION
Bureau of Apprenticeship
and Training

Washington D. C. 20210

Distribution:
A-541 Hdqtrs.
A-546 All Field
Employees

Subject: **Code:** 607
Trainee Program Complaint
Procedure

Symbols: TDT:MRM

Action:

PURPOSE: To advise BAT field staff of the procedure to be followed in resolving complaints involving BAT approved trainee programs.

BACKGROUND: BAT Circular 72-15, dated May 15, 1972, sets forth the operating instructions for approving trainee programs and registering trainees as provided for under Title 29 CFR Part 5. Those procedures, however, did not contain any instructions on the processing and resolving of complaints filed against trainee programs. Information has been received regarding the receipt of several complaints about the operation of trainee programs.

Throughout the instructions in Circular 72-15, there are a number of references to apprenticeship programs and requirements. These include that (1) entry wage rates shall be not less than those provided for in a registered apprenticeship program, (2) the term of training shall be as reflected by apprenticeship programs, (3) the approvable ratio shall be the same as that stated in a registered apprenticeship program, and (4) procedures for review and approval or disapproval of trainee program shall be the same as for apprenticeship program. While no regulations have been issued for trainee programs, the above cited Circular and the practices followed regarding trainee programs makes it clear that the processing instructions generally parallel the instructions and requirements for apprenticeship programs.

POLICY: It will be the policy of the Bureau that all BAT staff will follow the provisions of Section 29.11 of Title 29.CFR Part 29 in processing and resolving complaints involving BAT approved trainee programs. The following specific policies apply:

- o As set forth in subsection (b) any controversy or difference arising under a trainee agreement which cannot be resolved locally may be submitted by a trainee or his/her authorized representative to the appropriate BAT State or Regional Director.
- o The complaint must be filed in writing and signed by the complainant.
- o The complaint must be submitted within 60 days of the occurrence of the incident or controversy which gives rise to the complaint.
- o The appropriate BAT official shall render a decision within 90 days of receipt of the complaint, and

This policy does not apply to any complaint regarding discrimination or other equal opportunity matter. Such complaints will be processed under the provisions of Title 29 CFR Part 30.

This policy is effective immediately.