

DEPARTMENT OF LABOR**Employment and Training
Administration****Bureau of Apprenticeship and Training
Proposed Procedure and Policy;
Request for Comment**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Proposed Procedure for Releasing Identities of Program Sponsors; Request for Comment.

SUMMARY: In October 1993, both President Clinton and Attorney General Janet Reno asked that each Federal department and agency review its commitment to the Freedom of Information Act (FOIA) and to the principles of openness in Government. Subsequently, then U.S. Labor Secretary Robert B. Reich directed this Department to ensure commitment with both the letter and spirit of the FOIA. In furtherance of those goals, the Bureau of Apprenticeship and Training, (BAT) a bureau within the Employment and Training Administration, is proposing a procedure and policy to release the identities of apprenticeship program sponsors registered and recognized by the BAT. The BAT seeks written comments on this policy and procedure.

DATES: Written comments must be received by February 3, 1998.

ADDRESSES: Send written comments to Anthony Swoope, Director, BAT, ETA, U.S. Department of Labor, Room N-4649, 200 Constitution Avenue, NW, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Marion M. Winters, FOIA Coordinator for BAT, Telephone: (202) 219-5921 (Ext. 118) (this is not a toll-free number). FAX (202) 219-5011.

SUPPLEMENTARY INFORMATION:**Background**

In October 1993, both President Clinton and Attorney General Reno asked each Federal department's agency to review its commitment to the Freedom of Information and to the principle of openness in government. In accordance with this directive, the BAT, a component of the Labor Department, re-examined its disclosure policies to see if the purposes of the FOIA could be better fostered. The Department of Labor is fully committed to these directives. In an effort to implement this Administration's policy, the Department's BAT wishes to clarify its position on the release of the fact of the existence of an apprenticeship program as well as the identities of participating apprenticeship program sponsors.

The BAT administers and promotes this nation's apprenticeship and training programs. Individuals join an apprenticeship program to learn the skills the program has to offer as well as to obtain employment. Apprenticeship is a relationship between an employer and an employee during which the employee, or apprentice, learns a trade. The training lasts a specified length of time. An apprenticeship covers all aspects of the trade and includes both on-the-job training and related instruction.

Apprenticeship programs are sponsored and operated on a voluntary basis by employer, employee associations, or partnership between employers and labor unions. The sponsor of an apprenticeship program plans, administers and pays for the program. When an apprentice is accepted into a program, he or she and the sponsor sign an apprenticeship agreement. The apprentice agrees to perform the work faithfully and complete the related study, and the sponsor agrees to make every effort to keep the apprentice employed and to comply with the standards established for the program. An apprenticeship program must meet certain requirements set down by BAT.

BAT regulations require that apprenticeship programs be registered with BAT or a federally approved State Apprenticeship Agency. Registered programs must meet federally approved standards relating to job duties, related instruction, wages, and safety and health conditions. Apprentices who successfully complete registered programs receive certificates of completion from the U.S. Department of Labor or a federally approved State Apprenticeship Agency.

Further Background

In the past, when BAT received FOIA requests for information concerning apprenticeship programs, it would notify the appropriate sponsor and seek his/her views regarding the effect disclosure of the relevant data would have on their competitive business position. This procedure was followed because of BAT's understanding of Executive Order 12600 (29 CFR 70 et. seq; 29 CFR 70.26).

Executive Order 12600, issued May 30, 1989, requires Federal Agencies to notify submitters of commercial information (apprenticeship program sponsors) if its potential release could be considered sensitive to business interests. In its effort to comply with Executive Order 12600, BAT referred all records to submitters for their comments regarding a proposed release of the

information. Regrettably, *this included even the existence of an apprenticeship program*. BAT sought views of sponsors on whether the disclosure of the existence of a registered program could be harmful to its proprietary interests.

Discussion

BAT does not believe the relevant information is proprietary to the sponsor. This information belongs to the government as well as to the sponsors and apprentices. It has been BAT's experience that when we have contacted sponsors and sought their comments on any commercial harm they would experience by the publication of the fact that a registered program exists, the vast majority offered no objection. There is little basis, if any, for supporting a claim of negative proprietary impact on sponsors by identifying their participation as an apprenticeship program sponsor. It is BAT's understanding that in an overwhelming number (if not in all) State Apprenticeship Council (SAC) states the fact of the existence of apprenticeships programs is released to the public. Requests for disclosure are honored whether received by telephone, FAX, or mail.

Conclusion

Publication of the apprenticeship program sponsors will bring many benefits. It would stimulate the establishment of more apprenticeship programs. It will encourage students who may not otherwise investigate other options by these programs sponsors to learn about alternative training programs that serve as an important pathway to registered apprenticeship. A publication of BAT's 35,000 or more organizations offering apprenticeship training would be a welcome addition on the shelves of thousands of libraries across the country. Traditionally associated with the skilled trades, apprenticeship is now available in over 800 occupations. BAT is exploring identification of apprenticeship programs that it has registered to be publicized on its WEB page. The adoption of this procedure is in keeping with the administration's desire for more openness in government operation to FOIA users.

Request for Comments

Please provide us with your comments regarding the policy to release the identities of apprenticeship program sponsors registered and recognized by the BAT. The BAT seeks written comments on this policy and procedure. In particular, we welcome comments from the apprenticeship

community on the relationship, if any, to their business interests of disclosure of the existence of a registered apprenticeship program.

Signed at Washington, D.C., this 1st day of December 1997.

Anthony Swoope,

Director, Bureau of Apprenticeship and Training, Employment and Training Administration.

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