

**DEPARTMENT OF LABOR****Employment and Training  
Administration****Bureau of Apprenticeship and  
Training; Policy for Releasing  
Identities of Program Sponsors**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of Adoption of Procedure.

**SUMMARY:** The Bureau hereby adopts a policy for releasing identities of apprenticeship program sponsors registered and recognized by BAT. On December 5, 1997, the Bureau of Apprenticeship and Training (BAT) noticed in the **Federal Register** a proposed policy and procedure for releasing identities of program sponsors registered by the Bureau, (62 FR 64452). The Bureau invited interested persons to submit written comments before February 3, 1998 concerning the proposal. A few responses were received as discussed herein.

**EFFECTIVE DATE:** This procedure is effective on August 10, 1999.

**FOR FURTHER INFORMATION CONTACT:** Marion M. Winters, FOIA Coordinator for BAT, Telephone: (202) 219-5921 (Ext. 107) (this is not a toll free number). FAX: (202) 219-5011.

**SUPPLEMENTARY INFORMATION:****Background**

The BAT administers and promotes the 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 the program sponsor and the apprentice 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 employers, employee associations, or partnerships 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, the apprentice 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 Council. Registered programs must meet federally-approved standards related 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.

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

Executive Order 12600, issued May 30, 1989, requires Federal Agencies to notify a submitter of commercial information if its potential release could be considered sensitive or harmful to its business interests. In an effort to comply with Executive Order 12600, BAT sought views of each sponsor on whether the disclosure of the existence of a registered apprenticeship program could be harmful to its proprietary interest.

BAT does not believe the relevant information is proprietary to the sponsors. This information belongs to the government as well as to the sponsors and apprentices. It has been BAT's experience that when it has contacted sponsors and sought their comments on any commercial harm they would experience that when it has 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 objections. 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 apprenticeship programs is released to the public.

**Discussion of Comments**

The BAT received six letters commenting on the proposed procedure

that was published in the **Federal Register** Notice of December 5, 1997.

The comment from the Plasterers & Cement Masons Job Corps Training Program of Washington, DC, was very supportive of the proposal in that it could serve as a stimulus for attracting potential apprentices to enter the Building and Construction Trades.

The Independent Electrical Contractors, Inc. (IEC) of Alexandria, Virginia, endorsed the proposed policy. They thought the general availability of this information would stimulate the establishment of more apprenticeship programs and also encourage students to investigate apprenticeships as a reliable alternative to college or vocational training options.

However, the Independent Electrical Contractors cautioned against releasing detailed personal information regarding these programs, such as the identities of apprentices enrolled therein. They considered such information as being proprietary. Identification as well as characteristics of apprentices and/or trainees are protected as personal information subject to the Privacy Act.

**BAT Response**

BAT does not contemplate releasing personal information on any apprentice or trainee; nor is this a matter sheltered as proprietary.

The National Association of State and Territorial Apprenticeship Directors (NASTAD) supports releasing the name and address of sponsoring organizations, but not the name and phone number of contact persons. BAT acknowledges that the latter information is subject to frequent change, and is not maintained in many of the SAC States.

**BAT Response**

In any event, under the BAT FOIA policy, the identity of a sponsor and a mailing address will be provided.

The Vermont Department of Employment and Training in Montpelier, Vermont, had no problem with releasing the names and addresses of registered apprenticeship program sponsors to anyone on request. They believe that such information would benefit the apprenticeship training program by providing job and career counselors with a list of participating registered apprenticeship program sponsors for client referral.

The Wyoming Electrical Joint Apprenticeship and Training Committee of Casper, Wyoming (WJATC) commented that information on such programs would be vital for persons interested in apprenticeship. The WJATC pointed out that many apprenticeships are available but that

not all programs are registered. Further, the WJATC stated that making information on sponsors more readily available would enable the public to find the best apprenticeship programs and what they have to offer.

The Associated Builders and Contractors, Inc. (ABC) commented that it does not oppose the release of identifying information on apprenticeship program sponsors. The ABC provides for the registration of all apprenticeship programs with their 81 geographically distinct chapters.

ABC did oppose any release of information that would enable

individual employers within an ABC chapter to be identified.

#### **BAT's Response**

As discussed above, the BAT FOIA policy provides for the release of information regarding sponsors, not information about individual employers.

#### **Adoption of Procedure**

Accordingly, BAT hereby adopts a FOIA policy for releasing identities of apprenticeship program sponsors registered and recognized by the BAT.

In response to requests for program sponsor identification, the official name of the organization along with street address, city, and State will be disclosed.

All newly registered apprenticeship program sponsors will be provided with a copy of this **Federal Register** Notice.

Signed at Washington, DC, this 3rd day of August, 1999.

**Anthony Swoope,**

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

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