



Legislation Text

File #: R-407-19, **Version:** 1

Council President Cherry

Resolution to Declare Support for Permanent Construction Industry Exemption in U.S. Department of Labor Proposal for Industry-Recognized Apprenticeship Programs (IRAPs); and declaring an emergency.

WHEREAS, for over 100 years, the North America Building Trades Unions (NABTU) have operated the most successful apprenticeship programs in the world, investing \$1.6 billion annually on apprenticeships to ensure that the work they perform meets the highest standards of quality. Their commitment to excellence is demonstrated with their over 1,600 registered training facilities located across the country, including 14 located in Northwest Ohio; and

WHEREAS, the Northwest Ohio Building Trades Council and its affiliates represent 15,000 men and women in the construction industry. The Building Trades' Joint Apprenticeship and Training Committees programs provide unparalleled training and education focused on safety and quality craftsmanship. Weakening the standards set by established construction industry apprenticeship programs will compromise not only the quality of construction and but will also threaten standards of living throughout Northwest Ohio and the country; and

WHEREAS, the work performed by construction and construction maintenance professionals is extremely dangerous. Protection against the hazardous conditions inherent in the industry requires highly specialized education and training. The men and women performing this work deserve to learn about the best means to adapt to extreme temperatures, use heavy machinery, handle toxic substances, and avoid hazards related to oncoming traffic from the experts who understand the risks intrinsic to the job. The Registered Apprenticeship Programs operated by NABTU are best suited to guard against dangerous conditions and substandard work; and

WHEREAS, on June 25, 2019, the U.S. Department of Labor (DOL) released a proposed rule establishing an alternative to the registered apprenticeship programs, the Industry-Recognized Apprenticeship Programs (IRAP). There is currently an exemption in the proposed rule for the construction industry; and

WHEREAS, several items in the IRAP model would deteriorate the building trades established apprenticeship programs if not exempted. Through the IRAP model, the DOL proposes to outsource to private entities, Standards Recognition Entities (SRE), its authority to formulate and promote labor standards that safeguard the welfare of apprentices. Unlike new registered apprenticeship programs, which are given one-year provisional approvals before being granted 5- year approvals, SREs will certify Industry Programs for five years from the beginning; and

WHEREAS, the Notice of Proposed Rulemaking states that Industry Programs are to be "high quality" programs that include paid work, work-based learning, mentorship, education and instruction, obtaining industry-recognized credentials, safety and supervision, and adherence to equal employment opportunity

obligation. These Industry Programs, however, are only required to pay minimum wage and are not subject to the same equal employment and affirmative action obligations imposed on registered apprenticeship programs pursuant to 29 C.F.R. § 30; and

WHEREAS, though the DOL Task Force on Apprenticeship Expansion recommends, and the Notice of Proposed Rulemaking has retained, the exemption for the construction industry, the possibility remains that the final rule could eliminate that exemption. Doing so would dilute the standards the building trades has established, putting the quality of training, education and safety at risk; NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. That this Council does hereby commend the Northwest Ohio Building Trades Council and its affiliates' 14 Registered Apprenticeship Programs for providing unparalleled training and education that focuses on safety and quality craftsmanship.

SECTION 2. That this Council recognizes that the elimination of the construction industry exemption in proposed regulations regarding Industry-Recognized Apprenticeship Programs could dilute the standards the building trades have established, putting the quality of training, education and safety at risk.

SECTION 3. That this Council does hereby declare support for a permanent exemption for the construction industry in U.S. Department of Labor Proposed Regulations for Industry- Recognized Apprenticeship Programs.

SECTION 4. That the Clerk of Council is hereby authorized and directed to submit a certified copy of this resolution to the U.S. Department of Labor by August 26, 2019, in response to its solicitation of comments on the proposed revision to title 29 CFR part 29, Labor Standards for the Registration of Apprenticeship Programs.

SECTION 5. That this Council finds and determines that all formal actions of the Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meeting open to the public in compliance with the law.

SECTION 6. That this Resolution is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that immediate action is necessary in order to authorize a resolution indicating the support of Toledo City Council on a matter of great importance to the City in a timely manner.

Vote on emergency clause: yeas _____, nays _____.

Adopted: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of a Resolution passed by Council _____.

Attest: _____
Clerk of Council