

## Oregon Bureau of Labor and Industries – Apprenticeship and Training Division

### Training Agent Information Sheet

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Apprenticeship is an efficient and effective system to provide a skilled workforce to meet industry needs. For example, apprenticeship:

- Increases productivity. Motivated and highly trained workers produce better products, have better work habits and are absent less often.
- Increases worker safety. Classroom study coupled with on-the-job training helps workers better understand their jobs and the accompanying risks, and helps them avoid job-related injuries, saving employers time and money.
- Reduces labor turnover. Apprentices see the time and energy spent in the classroom as a long-term investment in their careers.
- Provides employers with employees who can adapt to new technologies.
- Establishes a probationary period to make sure the employee fits the employer's needs.

Employers who are interested in training through an apprenticeship program must apply with the local apprenticeship committee operating a program in that particular trade. Contact the Apprenticeship and Training Division to locate the correct committee, or to determine the feasibility of starting a new program if no committee exists in your geographical area.

Employers who are approved by the committee to train apprentices are called Training Agents. After approval they are registered with the State of Oregon.

#### **COMMONLY ASKED QUESTIONS:**

##### **1. WHAT ARE MY RESPONSIBILITIES AS A TRAINING AGENT?**

Training agents must make a commitment to provide on-the-job training (OJT) according to approved industry standards, supervise the apprentice according to the ratio approved in the standards and adhere to policies established by the state or the committee.

Training agents should encourage apprentices to fully participate in related training classes and make sure that they do not set up barriers to full participation. For example, a training agent should not schedule an apprentice to work out of town when a related training class is scheduled.

The training agent must fairly evaluate apprentice progress and make recommendations to the apprenticeship committee regarding the advancement of the apprentice. Training agents must treat apprentices fairly and follow the requirements of the industry standards and policies of the committee.

Training agents must pay the apprentice according to the standards and participate in the committee's annual journey wage rate survey.

##### **2. HOW ARE APPRENTICES PAID?**

An apprentice is a full-time employee who is earning while learning. A beginning apprentice is usually paid at 50% of the average journey wage for the occupation they are being trained in. The average journey wage is determined by the committee based on an annual survey of all of the training agents registered to the committee.

The wage increases as the apprentice advances in the program. The wage progression (the percentage that

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the apprentice is paid at each step in the program) is determined by the committee in the standards and approved by the state. The apprentice cannot be paid below the minimum wage. The employer can pay more than the wage rates listed in the standards.

The average journey wage may be different than the journey wage set for state Prevailing Wage Rate (PWR) or federal Davis-Bacon projects. If the training agent is working an apprentice on one of those projects, the apprentice must be paid the percentage of the established PWR or Davis Bacon journey wage or the average journey wage in the standards, whichever is higher.

#### **3. WHERE CAN I FIND THESE RATES?**

The apprentice wage rate, progression and percentage are listed in the industry standards. If your firm is approved as a training agent you will receive a copy of the standards for the occupation from the committee. The standards are also available on the Apprenticeship and Training Division website: [www.oregon.gov/boli/atd](http://www.oregon.gov/boli/atd).

If you are working on a state PWR or federal Davis-Bacon job, look at the rate books or contact either the state or federal Wage and Hour Division for more information. Oregon PWR information can be at: [www.oregon.gov/boli/whd/pwr](http://www.oregon.gov/boli/whd/pwr).

#### **4. AM I REQUIRED TO PAY EMPLOYEE BENEFITS?**

Unless there is a requirement to pay benefits pursuant to a collective bargaining agreement or other employment contract, or the apprentice is working on a PWR or Davis-Bacon job, there is no requirement to provide apprentices benefits such as medical, dental, sick leave, vacation etc. You must pay all required employer taxes.

Apprentices must all be treated equitably so if your firm provides benefits to apprentices, they must do so for all apprentices according to your company policy. For example, if your firm provides benefits after an apprentice completes the probationary period; all apprentices must be provided the benefits once they pass the probationary period. Check with the committee administrator because the committee may have a policy on apprentice benefits.

#### **5. WHO PAYS FOR RELATED CLASSROOM TRAINING?**

The committee establishes the policy on the payment of related training costs. Some committees pay for the training through a training trust and others have the apprentice pay. Committees can charge the apprentice for costs associated with the related training classes such as tuition, books, or lab fees.

#### **6. CAN THE TRAINING AGENT CHARGE THE APPRENTICE FOR THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE TRAINING?**

No. The training agent or committee cannot charge the apprentice for any costs associated with the operation or administration of the program. In addition to the related training costs discussed above, the committee or training agent can require that the apprentice pay for necessary work related equipment such as tools, work boots or hard hats.

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#### **7. HOW ARE THE ADMINISTRATIVE COSTS OF OPERATING THE PROGRAM PAID?**

The committee decides how the program will be funded. In most cases training agents are charged a fee that goes into a training trust and is administered by the committee. The fee can be a certain amount per apprentice, a straight monthly fee or any other method that is established by the committee. In no case can the apprentice be required to bear the administrative costs of the employer or the committee.

#### **8. HOW ARE APPRENTICES SELECTED?**

The committee develops a selection method that is approved by the state. All apprentices must be selected according to the approved plan. The plan must assure that all applicants who meet the minimum qualification for the program have a fair and equitable opportunity to be selected as an apprentice.

#### **9. IF THE APPRENTICE IS MY EMPLOYEE HOW COME I CAN'T CHOOSE WHOMEVER I WANT TO BE AN APPRENTICE?**

While there is a quasi-employment relationship, it is important to remember that the purpose of apprenticeship is to provide training and develop a skilled workforce. The apprentice is registered with the committee, not the individual employer. The committee is responsible for monitoring the progress of the apprentice and assuring that each apprentice has every reasonable opportunity to successfully complete the program.

#### **10. HOW ARE APPRENTICES ASSIGNED TO TRAINING AGENTS?**

The committee, through its selection method and policies, assigns the apprentice to a training agent. The committee is required to assure that the apprentice receives satisfactory training in all of the work processes and related training requirements. If it finds that the apprentice will receive a more well-rounded training experience, the committee may rotate the apprentice through different training agents.

#### **11. WHAT HAPPENS IF THE APPRENTICE IS NOT WORKING OUT?**

Training agents are not required to keep apprentices who are not progressing or who have poor or offensive work habits. Problems need to be documented in writing and reported to the committee. A training agent can terminate an apprentice for legitimate job related reasons.

It is important to remember that apprentices are just beginning to learn the trade. They should not be expected to have the same skills as a journey worker. However the apprentice should be able to show satisfactory progress in skill development.

The training agent should make every reasonable attempt to help the apprentice correct problems. If employment is terminated the apprentice will go on the committee's out-of-work list and be assigned to another training agent. If progress does not improve or if job related problems continue, the apprentice may be terminated from the apprenticeship program.

#### **12. WHAT IS THE PROBATIONARY PERIOD?**

Each apprentice is required to complete a probationary period that is established by the committee, approved by the state and is part of the industry standards. Most commonly probationary periods include

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the first term of apprenticeship and the completion of one term of related classroom training. They cannot exceed one year or 25% of the length of the program, whichever is shorter.

If the apprentice is experiencing problems and is not making progress, the committee can cancel the apprenticeship agreement and terminate the apprentice from the program. During the probationary period the agreement can be canceled upon written notice.

After the probationary period the apprentice can only be terminated from the program for just cause and the apprentice has certain appeal rights. It is important that the training agents clearly communicate to the committee any problems an apprentice is experiencing and what efforts were made to correct the problems.

#### **13. HOW IS APPRENTICESHIP REGULATED?**

The US Dept. of Labor, Office of Apprenticeship regulates apprenticeship on the federal level. In Oregon it has delegated its oversight authority to the Oregon State Apprenticeship and Training Council (OSATC or Council). This group, comprised of eight members representing labor, management and the general public, regulates the apprenticeship committees, approves new programs, enforces state and federal law, establishes policy, and approves program requirements such as standards, selection methods and affirmative action plans. The Council can also dissolve committees who fail to comply with federal and state law. The Commissioner of the Bureau of Labor and Industries is, by statute, the Chairperson. The Apprenticeship and Training Division provides the day to day operations of the Council.

#### **14. DOES THE APPRENTICESHIP AND TRAINING DIVISION PROVIDE ANY SERVICES TO TRAINING AGENTS?**

The division, through Apprenticeship Representatives, provides technical assistance to committees. Apprenticeship Representatives conduct compliance reviews, investigate complaints and mediate disputes filed by apprentices or training agents. They also assist industry in setting up new programs.

#### **15. WHO MAKES UP THE COMMITTEE?**

Committees are either Joint Apprenticeship and Training Committees (JATCs) or Trades Apprenticeship and Training Committees (TATCs). They are comprised of an equal number of employee and employer representatives.

The committees are the heart of the apprenticeship program. They actually operate the program and decide on the many facets that make up the program. The committees are responsible for assuring that applicants have an equal opportunity to be selected for a program and that apprentices have every reasonable opportunity to succeed. Most committees hire an administrator or coordinator who is responsible for the day to day operation and record keeping.

#### **16. WHAT ARE INDUSTRY STANDARDS?**

Most commonly referred to as the "standards", they are an agreement between the committee and the Council on the operation of the training program. They define the minimum qualifications for applicants, the geographical jurisdiction of the program, the work processes (hours and type of training) for the on-the-job training, the hours and subjects of related training, the average journey wage and wage progression, supervision (ratio) requirements, and the responsibilities of the parties.

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The committee decides the details of the program operation and must obtain approval from the Council and/or Division. They must operate the programs as approved in the standards and must gain approval from the Council before implementing any changes. Standards should be developed to reflect the training elements as determined by industry need. Some occupations have statewide minimum guideline standards or licensing requirements that must be reflected in the committee standards. The committee that you are interested in will provide you with a copy of the standards.

#### **17. WHAT ARE COMMITTEE POLICIES?**

Committees are required to adopt policies for the operation of the program. These policies define how the committee will handle various aspects of the program. Training agents are required to follow committee policies as well as the standards. The committee will provide a copy of the policies and discuss any questions.

#### **18. WHAT IS A TRAINING AGENT REGISTRATION AGREEMENT?**

It is a formal agreement for training between the committee and the employer. Once the training agent is approved, the agreement is signed and forwarded to the Apprenticeship and Training Division. The Division registers the training agent and assigns ID number that is used by the state to identify the training agent for record keeping purposes.

#### **19. WHAT IS AN APPRENTICESHIP REGISTRATION AGREEMENT?**

It is a formal agreement for training between the committee and the apprentice. Once the apprentice is approved, the agreement is signed and forwarded to the Apprenticeship and Training Division. The Division registers the apprentice and assigns an agreement number that is used to identify the apprentice for record keeping purposes.

#### **20. ARE THERE ANY SPECIAL RECORDS THAT TRAINING AGENTS ARE REQUIRED TO KEEP?**

Apprentices are required to report their hours to the committee on monthly progress reports (MPRs). The training agent must verify that the apprentice did work the reported hours and that they were supervised within the ratio identified in the standards. The training agent can also use the report to evaluate the apprentice's progress.

Training agents should document any problems that arise and what efforts were made to correct the problems. Training agents must report to committees why they terminated an apprentice or did not accept an apprentice that was assigned to them. Committees may have other reporting requests of training agents.

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FOR ADDITIONAL INFORMATION PLEASE CONTACT:

APPRENTICESHIP AND TRAINING DIVISION

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EMAIL: [ATDEMAIL@BOLI.STATE.OR.US](mailto:ATDEMAIL@BOLI.STATE.OR.US)

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PREVAILING WAGE RATE LAW: [WWW.OREGON.GOV/BOLI/WHDPWR](http://WWW.OREGON.GOV/BOLI/WHDPWR)