CENTER FOR WORKPLACE COMPLIANCE
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Submitted via Federal eRulemaking Portal: http://www.regulations.gov

Susan Frazier
Acting Assistant Secretary for Employment and Training
U.S. Department of Labor
Employment & Training Administration
200 Constitution Avenue, NW, Room N-5641
Washington, DC 20210

Re: Center for Workplace Compliance Comments on the Notice of Proposed Rulemaking; Prohibiting Illegal Discrimination in Registered Apprenticeship Programs (RIN 1205-AC21)

Dear Ms. Frazier:

The Center for Workplace Compliance welcomes the opportunity to submit the following comments on the U.S. Department of Labor's ("DOL") Notice of Proposed Rulemaking ("NPRM") to revise the labor standards and equal opportunity regulations under the National Apprenticeship Act of 1937 as published in the *Federal Register* on July 2, 2025.[1]

CWC supports the Department's proposal to revise the Part 30 regulations by focusing on compliance with nondiscrimination laws. Removing barriers imposed by the current regulations should incentivize more employers to utilize the registered apprenticeship system.[2]

Statement of Interest

The Center for Workplace Compliance ("CWC") is the nation's leading nonprofit association of employers dedicated exclusively to helping its members develop practical and effective programs for ensuring compliance with fair employment and other workplace requirements. Formed in 1976, CWC's membership includes U.S. employers from nearly every major industry sector and geographic region, all of whom are firmly committed to the principes and practice of equal employment opportunity.

CWC's directors and officers include many of industry's leading experts in fair employment, workplace compliance, and risk management. Their combined expertise gives

[1] 90 Fed. Reg. 28, 947.
[2] Please note that these comments do not address the policy choices underlying any Executive Orders (E.O.s), such as the rescission of E.O. 11246 and the implementation of E.O. 14173. Instead, they address issues raised in the proposed rulemaking in light of the legal environment in which we operate today.

CWC a unique depth of understanding of the practical, as well as legal, considerations relevant to the proper interpretation and application of workplace rules and regulations.

CWC's members are employers subject to Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, and other civil rights laws enforced by the Equal Employment Opportunity Commission ("EEOC"). Some CWC members utilize registered apprenticeship programs and comply with the regulatory requirements that DOL's proposal seeks to revise. Other members operate apprenticeship and other workforce training programs outside of the registered apprenticeship system. CWC thus understands the compliance burdens imposed by the current regulations as well as the tradeoffs for employers considering participating in the system or operating alternative programs.

Summary of Comments

CWC supports revision of the labor standards and equal employment provisions as proposed. The current regulations were established before the enactment of Title VII and most other federal nondiscrimination laws. It is appropriate to revisit this system. While there are many reasons why employers operate apprenticeship and other workforce training programs outside of the registered apprenticeship system, the proposed revisions will have the net effect of reducing barriers to entry while ensuring compliance with nondiscrimination laws.

It is Appropriate to Revisit the Labor Standards Applicable to Apprenticeship Programs

As codified today, the National Apprenticeship Act of 1937 directs the Secretary of Labor to "formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices …."[3] A version of this provision was included in the original 1937 Act,[4] predating nearly all major federal employment laws.

Today, these labor standards are codified in Parts 29 and 30 of the Code of Federal Regulations. Part 30, entitled Equal Employment Opportunity in Apprenticeship and Training, was first established in 1963[5] in response to Executive Orders 10925 and 11114. Part 30 was later revised to align more closely with regulations implementing E.O. 11246, which established non-discrimination and affirmative action program requirements for federal contractors.

In the time since, employment law has matured, including passing Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990, among others. Amendments to Title VII in the 1970s gave EEOC a strong role in enforcing these laws through informal means as well as through formal litigation.[6] Employment nondiscrimination laws also give individuals the right to pursue

[3] 29 U.S.C. § 50.
[4] Pub. L. No. 75-308, § 2, 50 Stat. 665 (1937).
[5] 28 Fed. Reg. 13,775 (December 18, 1963).
[6] Equal Employment Opportunity Act of 1972, Pub. L. No. 92-261 §4, 86 Stat. 103, 104.

claims of unlawful discrimination, retaliation, harassment, or failure to accommodate should EEOC decline to pursue a claim.[7]

Given these dramatic changes in the law, and the substantial burdens imposed by the Part 30 regulations, it is certainly appropriate to revisit the extent to which the standards are necessary and the extent to which they create unnecessary barriers to participation in registered apprenticeship programs. With President Trump's rescission of E.O. 11246,[8] this exercise is even more appropriate.

Existing Civil Rights Laws Offer Sufficient Safeguards

When the Act was enacted in the 1930s, and when Part 30 was first adopted in the early 1960s, policy reasons may have weighed in favor of a unique regime of labor and employment standards for registered apprenticeship programs. However, today's robust civil rights laws render such a regime outdated and unnecessary.

The proposed rule appropriately eliminates the mandate for apprenticeship sponsors to adopt separate affirmative action programs. Instead, it aligns compliance requirements with existing federal and state laws prohibiting discrimination on the basis of race, color, religion, national origin, sex, age (40 or older), genetic information, or disability.

When federal contractors were subject to E.O. 11246 and its affirmative action program regulations, adopting similar programs for apprenticeship sponsorship was not especially burdensome. However, with rescission of those rules, imposing such requirements would significantly increase compliance burdens and deter employer participation.

By focusing on compliance with established nondiscrimination laws, the proposed revisions eliminate costly and duplicative requirements. Sponsors would no longer be forced to adopt rigid, one-size-fits-all programs that may not align with their operational realities. Instead, they could apply existing equal employment frameworks—already in place for their broader workforce—to apprenticeship programs.

The proposed revisions replace costly, rigid requirements with a clear standard: sponsors must comply with anti-discrimination laws. Employers already committed to equal employment develop equal employment opportunity programs tailored to their business needs. Allowing these existing frameworks to apply to apprenticeships removes a barrier that has discouraged new sponsors.

Consolidating apprenticeship requirements with existing state and federal nondiscrimination frameworks will maintain robust protections for apprentices while reducing administrative burdens. This alignment is likely to increase sponsorship opportunities and allow employers to extend well-established equal employment practices to apprenticeship programs.

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[7] *See, e.g.,* 42 U.S.C. § 2000e-5(f)(1).
[8] E.O. 14173 § 3(b)(i), 90 Fed. Reg. 8,633, 8,634.

Enforcement Provisions Should Respect Existing Legal Authority

Proposed section 30.5 tasks registration agencies with ensuring compliance with nondiscrimination requirements. Proposed section 30.5(b) would allow enforcement actions when a final, unappealable determination has been made by a court or enforcement entity with jurisdiction.

In such cases, the registration agency may "work with the sponsor to develop a compliance action plan that aligns with the remedy prescribed by the enforcement entity or court and brings the program into compliance …." If the registration agency determines that a compliance action plan is not being implemented in accordance with the remedy prescribed by the enforcement entity or court, then the registration agency may implement enforcement actions that will remain in place until the violation is resolved to the satisfaction of the registration agency. Enforcement actions include suspension of the sponsor's right to register new apprentices and initiation of deregistration proceedings.

This enforcement regime is appropriate, with one caveat described below. In general, the proposal recognizes that Congress established particular enforcement regimes for nondiscrimination laws and established specific remedies. The proposal, for the most part, does not seek to add new enforcement regimes or sanctions on top of those established by Congress. It also does not seek to penalize employers in cases that have not been fully adjudicated or where mere allegations of violations have been raised.

Our concern lies in the discretion granted to registration agencies to assess whether a compliance plan is being followed and when a violation is resolved. These determinations should remain the purview of the court or agency that issued the original order.

To the extent a registration agency has different notions about compliance, these enforcement provisions could conflict with the enforcement regime established by Congress.

We trust the DOL will adopt measures to ensure registration agencies do not second guess the opinions of enforcement agencies and courts to effectively establish supplemental sanctions for violations of employment laws.

Encouraging Flexible, Proactive Compliance Strategies

Employers committed to nondiscrimination already maintain policies and programs to ensure compliance, assess risk, and address workplace issues that may arise. The Department's proposal affirms this approach, stating it "trusts sponsors to determine the best means of ensuring compliance with nondiscrimination laws for their program[s]."[9]

Empowering sponsors to tailor compliance plans to their unique operations—rather than imposing a rigid, one-size-fits-all model—will more effectively promote adherence to Title VII and other nondiscrimination laws in apprenticeship programs.

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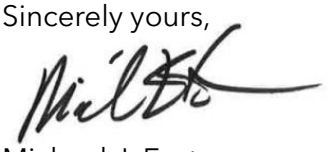
[9] 90 Fed. Reg. at 28,956.

Conclusion

CWC appreciates the opportunity to provide these comments. Please do not hesitate to contact me if CWC can be of further assistance to you as DOL considers these important issues.

Sincerely yours,



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