

5101:11-1-01 **Definitions.**

As used in division 5101:11 of the Administrative Code:

- (A) "Administrator" means the executive director of the Ohio state apprenticeship council office.
- (B) "Apprentice" means a person at least sixteen years of age, except where a higher minimum age standard is otherwise fixed by law, who is participating in a registered apprenticeship program to learn a skilled occupation, pursuant to a registered apprenticeship agreement. (Also known as a "registered apprentice.")
- (C) "Apprentice cohort" means the set of every apprentice who registers in a given occupation course during a given calendar year, minus each one whose training was canceled during the respective probation period.
- (D) "Apprenticeable occupation" means one that:
- (1) Is customarily learned in a practical way through a structured, systematic program of supervised training on the job;
 - (2) Involves progressive attainment of manual, mechanical, and/or technical skills applicable in like occupations throughout an industry;
 - (3) Requires two thousand or more hours of on-the-job training;
 - (4) Requires related instruction to supplement the on-the-job training;
 - (5) Is clearly identified and commonly recognized or accepted throughout an industry; and
 - (6) Is recognized by the state registration agency and/or the United States department of labor office of apprenticeship as meeting the foregoing five criteria.
- (E) "Apprenticeship agreement" means a written agreement between the sponsor of a registered apprenticeship program and a participant of that program, providing for the latter's training, and stipulating certain expectations for both parties to the agreement, as established by parts 29 and 30 of 29 C.F.R. (as in effect on ~~5/1/2020~~ 8/1/2022), and as further established in Ohio under division 5101:11 of the Administrative Code.
- (F) "Apprenticeship committee" means a group of persons designated as a program sponsor.
- (1) A joint committee comprises, in equal numbers, representatives of each employer participating in the program, and of respective employees represented by a bona fide collective bargaining agent.

- (2) A non-joint committee has employer representatives and might or might not include employee representatives, but does not have a bona fide collective bargaining agent as a participant.
- (G) "Apprenticeship program" means a program that is approved by the registration entity to teach the skills of one or more apprenticeable occupation(s), through courses combining on-the-job training and related instruction, according to the specifications established by parts 29 and 30 of 29 C.F.R., and in Ohio by the rules under division 5101:11 of the Administrative Code. This model of training does not correspond to activities designated as "apprenticeship" in other divisions of the Administrative Code, except where programs are clearly stipulated that conform to this definition.
- (H) "Authorized representative" means one and only one person who is vested by a program with chief responsibility for compliance with its standards and these rules; and who in all dealings with the council office is designated by the program to speak and make decisions on the program's behalf.
- (I) "Available for apprenticeship" means qualified to apply for enrollment in a registered apprenticeship program, or able to become qualified by means of the basic preparation typical of a recognized pre-apprenticeship program.
- (J) "Cancellation" means the termination of an apprenticeship program's registration or of an apprenticeship agreement.
- (K) "Certificate" means documentary evidence that:
- (1) A registration agency has registered an apprenticeship program that meets the requirements of division 5101:11 of the Administrative Code;
 - (2) A registration agency has determined that an apprentice has successfully met the requirements to receive an interim credential;
 - (3) A registration agency has determined that an apprentice has successfully completed an occupation course; or
 - (4) A registration agency has determined that an apprentice has been successfully registered in a registered apprenticeship program.
- (L) "Chairperson" means chairperson of the Ohio state apprenticeship council.
- (M) "Competency" means possession of a specified set of knowledge, skills, and abilities, as demonstrated by appropriate written and hands-on proficiency measurements, that is recognized throughout an industry as an important condition for successfully participating in a designated occupation.

- (N) "Completion rate" means the percentage of an apprentice cohort who complete(s) training according to the program's approved criteria, no later than one calendar year after the respective planned date(s) for doing so.
- (O) "Council" means the Ohio state apprenticeship council.
- (P) "Council office" means the unit of the Ohio department of job and family services that staffs the Ohio state apprenticeship council and performs administrative and oversight functions concerning Ohio's registered apprenticeship system.
- (Q) "Deficiency" is used in in this division when referring either to:
- (1) The under-representation of a given demographic category, among enrollees of a registered apprenticeship program; or
 - (2) A short-coming in the design or operation of a registered apprenticeship program, particularly where the result undermines compliance with rules in division 5101:11 of the Administrative Code.
- (R) "Direct entry" means apprentice selection through a procedure that is based on an applicant criterion conforming to paragraph (G) of rule 5101:11-4-01 and that constitutes an exception to the regular selection procedure for the respective occupation course.
- (S) "Direct interview" means admission to a selection eligibility pool through a procedure that is based on an applicant criterion conforming to paragraph (H) of rule 5101:11-4-01 and that constitutes an exception to the regular selection procedure for the respective occupation course.
- ~~(R)~~(T) "Electronic media" means media that utilize electronics or electromechanical energy to provide access to the content of apprenticeship instruction and/or training; and includes, but is not limited to, electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks, physical movement of removable/transportable electronic information, and/or interactive distance learning systems.
- ~~(S)~~(U) "Employer" means any person or organization employing a registered apprentice, whether or not such person or organization is a party to the apprenticeship agreement with the apprentice.
- ~~(F)~~(V) "Equal opportunity" means equal employment opportunity, or equal opportunity in general, the subject of various state and federal requirements for fairness and equity in hiring, training, and treatment on the job, as addressed in rule 5101:11-4-01 and Chapters 5101:11-5 and 5101:11-6 of the Administrative Code.

~~(U)~~(W) "Ethnicity" denotes an individual's designation as either Hispanic or non-Hispanic, based on whether Spanish respectively is or is not the primary language in his/her country of origin, and/or the country(s) of his/her predominant ancestry.

(X) "Exceptional procedure" means a direct-entry or direct-interview procedure defined respectively in paragraph (G) or (H) of rule 5101:11-4-01.

~~(V)~~(Y) "Federal purposes" includes any federal contract, grant, agreement or arrangement dealing with apprenticeship; and any federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship.

~~(W)~~(Z) "Full registration" means registration of an apprenticeship program for an indefinite period after its first year of operation.

~~(X)~~(AA) "Indenture" denotes the selection of an individual for enrollment or re-enrollment in a registered program, regardless of whether he/she is simultaneously registered as an apprentice in that program.

~~(Y)~~(BB) "Interim attainment" means acquisition by an apprentice of a competency or set of competencies that: is identified by the relevant program standards in terms of specified levels of specified skills, knowledge, and ability, and the methods by which they will be demonstrated; is recognized throughout an industry as a meaningful measure of employability and/or further training potential; and comprises less than the full set of competencies required for completing the apprentice's occupation course.

~~(Z)~~(CC) "Interim credential" means a document issued by the council office upon request of the appropriate sponsor, as certification of interim attainment by an apprentice in a competency-based or hybrid occupation course defined under paragraph (A) of rule 5101:11-3-02 of the Administrative Code.

~~(AA)~~(DD) "Journey worker" means a worker who has attained what is recognized within the relevant industry as mastery of the skill, abilities, and competencies required for an occupation. The term may also refer to a mentor, technician, specialist, or other skilled worker who has obtained documented proficiency in an occupation, either through formal apprenticeship or other on-the-job experience and formal training.

~~(BB)~~(EE) "Major occupation sector" means any of the most general categories in the ONet system, which assigns an eight-digit code to each commonly recognized occupation based on its attributes. For the purpose of the rules in division 5101:11 of the Administrative Code, a major sector is any set of occupations that share a given permutation of the initial two digits in their ONet codes.

~~(CC)~~(FF) "Minority" or "minority group," for purposes of division 5101:11 of the Administrative Code, means one of four major racial groups, namely African American, American Indian or Alaska Native, Asian, and Hawaiian or other Pacific Islander.

~~(DD)~~(GG) "National apprenticeship system" means the combined set of all registered apprenticeship programs nationwide, those organizations that provide service to such programs, and the government agencies at various geographic levels that oversee such programs.

~~(EE)~~(HH) "Occupation course" means the training provided by an apprenticeship program in a specific apprenticeable occupation.

~~(FF)~~(II) "Office of apprenticeship" or "OA" means the United States department of labor office of apprenticeship.

~~(GG)~~(JJ) "Ohio State Apprenticeship Council" means the entity created under section 4139.02 of the Revised Code to provide advice and guidance to the state apprenticeship agency. Council members are appointed by the director of the Ohio department of job and family services.

~~(HH)~~(KK) "On-the-job training" means a structured, systematic program of supervised training provided in the course of paid work activities.

~~(II)~~(LL) "Pre-apprenticeship" means training that imparts skills and knowledge needed for successful participation in a registered apprenticeship occupation course. Pre-apprenticeship programs in Ohio that meet specific quality criteria, and are designed and operated in collaboration with registered apprenticeship programs, are eligible for formal statewide recognition under procedures administered by the council office.

~~(JJ)~~(MM) "Program standards" means a written plan describing an apprenticeship program in terms of the requirements for registration that are specified by division 5101:11 of the Administrative Code.

~~(KK)~~(NN) "Progression step" means an identifiable stage in an apprentice's training, that is defined by the program standards in terms of measurable skill acquisition, and one or more of which shall correlate with some specified increase in apprentice wages.

~~(LL)~~(OO) "Provisional registration" means the one-year initial approval of a program that meets the requirements for this procedure under division 5101:11 of the Administrative Code, after which the program will be reviewed and may:

- (1) Gain full registration status;

(2) Continue as provisionally registered through its first full training cycle; or

(3) Be de-registered.

~~(MM)~~(PP) "Qualified" denotes an individual who, with or without reasonable accommodation, can perform the essential functions of a given apprenticeship program.

~~(NN)~~(QQ) "Registered apprentice" means an apprentice as defined within this rule for purposes of division 5101:11 of the Administrative Code.

~~(OO)~~(RR) "Registered program" means an apprenticeship program as defined within this rule for purposes of division 5101:11 of the Administrative Code.

~~(PP)~~(SS) "Registration agency" means an entity authorized by the office of apprenticeship (OA) to administer and enforce on a statewide basis the requirements affecting apprenticeship programs and apprentices, as established by parts 29 and 30 of 29 C.F.R., and as further established in Ohio under division 5101:11 of the Administrative Code. In Ohio, the registration agency is the Ohio department of job and family services, which exercises this function through its council office.

~~(QQ)~~(TT) "Registration entity" means OA or a registration agency.

~~(RR)~~(UU) "Registration of an apprentice" means the registration entity's granting and recording of approval for an individual to participate in a registered program, pursuant to an accepted apprenticeship agreement.

~~(SS)~~(VV) "Registration of an apprenticeship agreement" means the registration entity's acceptance thereof, as documentation of an individual's enrollment in apprenticeship training that is subject to approved program standards. Registration of the agreement constitutes registration of the respective apprentice.

~~(TT)~~(WW) "Registration of an apprenticeship program" means the registration entity's granting and recording of approval for training that is organized pursuant to accepted program standards.

~~(UU)~~(XX) "Registration of program standards" means the registration entity's acceptance thereof, as documentation of a plan to train apprentices according to the requirements established by parts 29 and 30 of 29 C.F.R., and by Ohio rules in division 5101:11 of the Administrative Code. Registration of program standards constitutes registration of the respective program.

(YY) "Regular selection procedure" means a selection procedure as applied to a given occupation course under its approved standards, that conforms to paragraph (D), (E), or (F) of rule 5101:11-4-01 of the Administrative Code.

~~(VV)~~(ZZ) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice's occupation. Such instruction may be given through occupational or industrial courses, or by correspondence courses of equivalent value, electronic media, or other forms of autonomous study; which all are subject to approval by the registration entity.

~~(WW)~~(AAA) "Secretary" means the United States secretary of labor or any person specifically designated by the secretary of labor to act in the same capacity.

(BBB) "Selection cycle" means a schedule designated by program standards for an occupation course to accept and process enrollment applications. For an occupation course that accepts and processes applications continually, a selection cycle may be defined by the council office as a given calendar period, for purposes of gauging compliance with state and federal requirements for registered apprenticeship.

~~(XX)~~(CCC) "Sponsor" means any organization operating a registered apprenticeship program and in whose name the program is registered. A sponsor is characterized as either "individual" (comprising a single employer and/or a union representing its employees) or "group" (including multiple employers and/or a union or association with which they are affiliated), and in both cases as either "joint" (assigning program operations to a committee equally representing organized labor and management) or "non-joint" (not involving such a committee).

~~(YY)~~(DDD) "State apprenticeship agency" means a state government agency that is authorized by the office of apprenticeship to register and oversee apprenticeship programs and agreements for federal purposes. In Ohio, the state apprenticeship agency is the Ohio department of job and family services.

~~(ZZ)~~(EEE) "State office" means the state government unit or division that carries out the day-to-day functions of, and is the main point of contact for, the state apprenticeship agency. In Ohio, this office is the council office.

~~(AAA)~~(FFF) "Technical assistance" means guidance provided by the council office in the development, revision, amendment, or processing of a potential or current program sponsor's standards and/or agreements, or in furthering compliance with the provisions of division 5101:11 of the Administrative Code and those of parts 29 and 30 of 29 C.F.R.

~~(BBB)~~(GGG) "Training cycle" means, for a specified occupation course, a period starting in a given year on the earliest date when the course registers an apprentice, and ending when it no longer includes any apprentice enrolled in said year.

~~(CCC)~~(HHH) "Transfer" means a shift of apprentice registration from one program to another, or from one occupational course to another within the same program, based on concurrence between the apprentice and the affected program sponsor(s).

~~(DDD)~~(III) "Writing" and conjugated forms "write," "written," etc., as used in rules under division 5101:11 of the Administrative Code, will pertain generally to hand-written, printed, electronically typed, and otherwise visually recorded verbal information. The specific format requirements for documents described in this division, will be determined by council office practice and/or policy.

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