

CHAPTER 5

EMPLOYMENT ON APPRENTICE PROGRAMS

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SUBCHAPTER 1. GENERAL PROVISIONS

13:5-1.1 Groups subject to regulation

Labor unions, employers and joint bodies made up of representatives of labor unions and employers are all subject to the requirements of this Chapter.

13:5-1.2 Definition of areas of discrimination apprentice program

(a) In connection with any apprentice program, whether such program is sponsored by one or more labor unions, by one or more employers, or by a joint body made up of representatives of one or more labor unions and one or more employers, and whether such program is formal or informal, or is registered or unregistered with the Federal Bureau of Apprenticeship and Training, there shall be no discrimination based on race, creed, color, national origin, ancestry, age, marital status, sex or liability for service in the Armed Forces of the United States:

1. In the original recruitment and selection of persons to be apprentices; or
2. In employment during apprenticeships after selections have been made, including but not limited to job assignment, promotion, layoff or termination, rates of pay or other forms of compensation, conditions of work, and the application of uniform job performance requirements; and

3. Provided, however, that nothing herein contained shall be construed to bar any labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

As amended, R.1970, d.94, effective August 5, 1970.
See: 2 N.J.R. 76(b).

13:5-1.3 Information included in public notices of programs

(a) In order to insure that there is no discrimination in the original recruitment of applicants for any apprentice program, the sponsor of such program shall disseminate publicly full information about the program at least one month prior to the final date for filing of applications, and this information shall include:

1. The dates, times and addresses where applications may be filed;
2. The final or closing date for the receipt of applications; and
3. The minimum requirements of age, education, work experience, physical condition, and similar qualifications for a person to qualify as an applicant.

13:5-1.4 Media used in public notices of programs

(a) Such public dissemination of full information about the apprentice program shall include in the area in New Jersey covered by the program:

1. Releases to public media (newspapers, radio, TV); and
2. Notices to schools, employment service offices and organizations having contact with persons qualified for the program involved, including those which have contact with persons belonging to racial and ethnic minority groups.

13:5-1.5 Notification to applicants

All applicants whose application forms and other data submitted show that they possess the required minimum qualifications shall be notified, in writing, at least two weeks prior to the time they are to appear for any selection procedure.

13:5-1.6 Selection of candidates based on testing scores

The applicants chosen to be apprentices shall be enrolled in the apprentice program in the order of their scores established by the selection procedures.

13:5-1.7 Eligibility for new programs; prohibition against holdover lists

(a) There shall be no holdover of the results of the recruitment and selection process from one program to any successive program. The entire process shall be repeated anew for each new program.

(b) Unsuccessful applicants in one program may continue to apply in successive programs and they shall be accorded equal treatment and consideration so long as they possess the minimum qualifications as announced for the successive program.

13:5-1.8 Sample wording for announcements, notices and forms in apprentice programs

All announcements, notices and forms used in connection with any apprentice program shall contain a formal statement similar in substance to the following:

“Selection of apprentices under the program will be made from qualified applicants on the basis of qualifications alone and without regard to race, creed, color, national origin, ancestry, age, marital status, sex or liability for service in the Armed Forces of the United States, in accordance with objective standards which permit review, after full and fair opportunity for application; and this program shall be operated on a completely nondiscriminatory basis. If sex is a bona fide occupational qualification reasonably, necessary to the normal operation of the subject apprentice program, it shall be so stated in the text of the formal statement.”

As amended, R.1970, d.94, effective August 5, 1970.
See: 2 N.J.R. 76(b).

13:5-1.9 Retention of documents

(a) All applications, test papers and copies of announcements, releases, and so forth, and all other documents pertaining to any apprentice program shall be preserved for a period of at least two years following the final date set for filing of applications for said program.

(b) These shall be made available to the Division on Civil Rights whenever it becomes necessary for the Division to investigate the selection of apprentices for any program.

13:5-1.10 Uniformity of selection procedures

All applicants for apprentice programs shall be chosen according to the same selection procedures, and no applicant shall be given preference over any other applicant for any reason whatsoever.

13:5-1.11 Compliance of programs delegated to the New Jersey State Employment Service, Apprentice Information Centers

An apprentice program for which the sponsor has delegated the publicizing, recruiting, screening, testing, scoring, selecting and referring to an Apprenticeship Information Center of the New Jersey State Employment Service will be presumed to be in compliance with the Law Against Discrimination and this regulation.

13:5-1.12 Criteria for compliance of apprentice programs

(a) An apprentice program will be presumed to be in compliance with the Law Against Discrimination and this Chapter if the sponsor has complied with Sections 1.2 through 1.9 of this Chapter and:

1. All selection procedures used are designed by, or under the supervision of, a person professionally qualified to perform such service;
2. The selection procedures are administered, scored and interpreted by, or under the supervision of, an impartial person professionally qualified to perform such service;
3. The minimum requirements of age, education, work experience, physical condition, and so forth, established as criteria for applicants to qualify for the selection procedures, have been demonstrated to have a reasonably high correlation to the work that the apprentice will perform while he is learning his trade and when he ultimately becomes a journeyman;
4. All tests, both written and oral, which are used in the selection procedures have been validated to show a reasonably high correlation to the work which apprentices and journeymen actually perform; and
5. The program conforms to all apprentice program guidelines which may hereafter be established by the Director of the Division on Civil Rights.