Appendix D

QUALIFICATIONS AND SELECTION PROCEDURES

ADOPTED BY

Northern Nevada Operating Engineers Local #3 JAC
or
Northern Nevada Operating Engineers Joint Apprenticeship Committee

RAPIDS PROGRAM ID NUMBER: NV00267002

**DEVELOPED IN COOPERATION WITH
THE NEVADA LABOR COMMISSIONER, THE NEVADA STATE APPRENTICESHIP COUNCIL, AND THE U.S. DEPARTMENT OF LABOR**

The certification of this selection procedure is not a determination that, when implemented, it meets the requirements of the Uniform Guidelines on Employee Selection Procedures (41 CFR § 60-3) or 29 CFR § 30 and NAC 610. Note that selection procedures may need to be modified to provide reasonable accommodations to qualified individuals with disabilities.

SECTION 1 - MINIMUM QUALIFICATIONS

Applicants will meet the following minimum qualifications. These qualification standards, and the score required on any standard for admission to the applicant pool, must be directly related to job performance, as shown by a statistical relationship between the score required for admission to the pool and performance in the apprenticeship program:

A. Age

Minimum age qualification required by the sponsor for persons entering the apprenticeship program, with an eligible starting age not less than 16 years.

B. Education

A high school diploma, General Educational Development (GED) equivalency or other high school equivalency credential may be required. Applicant must provide an official transcript(s) for high school and any post-high school education. Applicant must submit the GED certificate or other high school equivalency credential if applicable.

C. Physical

Applicants will be physically capable of performing the essential functions of the apprenticeship program, with or without a reasonable accommodation, and without posing a direct threat to the health and safety of the individual or others.

Applicants will pass applicable physical agility test, fitness test, or screen for the current illegal use of drugs required by the employer on acceptance into the program and prior to being employed.

D. Aptitude Test

When required by a program sponsor, each applicant must take an applicable aptitude test given by the program sponsor which will be used as one factor in the evaluation process. The aptitude test shall not be used as the sole factor of disqualifying an applicant.

E. Others

As appropriate.

SECTION 2 - APPLICATION PROCEDURES

A. Applicants will be accepted throughout the year or as specified by the employer. Every person requesting an application will have one made available upon signing the applicant log.

B. All applications will be identical in form and requirements. The application form will be numbered in sequence corresponding with the number appearing on the applicant log

so that all applications can be accounted for. Columns will be provided on the applicant log to show race, ethnicity, and sex and the progress by dates and final disposition of each application.

C. Before completing the application, each applicant will be required to review the Apprenticeship Standards and will be provided information about the program. If the applicant has any additional questions on the qualifications or needs additional information to complete the application, it will be provided by the sponsor.

D. Receipt of the properly completed application form along with required supporting documents (driver's license, birth certificate, or other acceptable proof of age; copy of high school diploma, GED certificate, or other acceptable documentation of education) will constitute the completed application.

E. Completed applications will be checked for minimum qualifications. Applicants deficient in one or more qualifications or requirements or making false statements on their applications will be notified in writing of their disqualification and of the appeal rights available to them. No further processing of such applications will be taken.

F. Applicants meeting the minimum qualifications and submitting the required documents will be notified where and when to appear for an interview (if applicable).

SECTION 3 - SELECTION PROCEDURES (*EXAMPLES*)

Sponsor must select one (1) of the following:

1. ☒ ***Alternative selection methods***

   The sponsor may select apprentices by any other method, including its present selection method, provided that the sponsor meets the requirements listed in 29 CFR § 30.5(b)(4) and NAC 610.860.

2. ☐ ***Selection on basis of rank from pool of eligible applicants***

   The sponsor may select apprentices from a pool of eligible applicants on the basis of the rank order of their scores on one or more qualification standards where there is a significant statistical relationship between rank order of scores and performance in the apprenticeship program. The selection of any qualification standards beyond minimum legal working age, the use of oral interviews, the notification of applicants, and the establishment of goals for the admission of minorities and women (minority and nonminority) into the pool of eligibles must proceed in accordance with the requirements of 29 CFR § 30.5(b)(1) and NAC 610.845. The method of rating is listed by each employer.

3. ☐ ***Random selection from pool of eligible applicants***

   The sponsor may select apprentices from a pool of eligible applicants on a random basis. The method of random selection is subject to approval by the State Apprenticeship Council. Supervision of the random selection process shall be by an

impartial person or persons selected by the sponsor but not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, shall be announced. The place of the selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.

4. ☐ ***Selection from pool of current employees***

The sponsor may select apprentices from an eligibility pool of the workers already employed by the program sponsor or by the sponsor's established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals for the selection of minority and female apprentices, unless the sponsor concludes, in accordance with the provisions of 29 CFR §§ 30.4(d), (e), and (f) and NAC 610.855 that it does not have deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the apprenticeship of journeyworker occupations represented by the program.

Employer must attach an outline of their in-house selection process with their Employer Acceptance Agreement.

SECTION 4 - DIRECT ENTRY

Sponsors that wish to invoke the direct entry provision may do so without regard to the existing selection procedure or minimum qualifications used for entry into the apprenticeship program. Individuals selected into the apprenticeship program via direct entry shall include only those individuals described below who have received training or employment in an occupation directly or indirectly related to the occupation(s) registered in these standards. The sponsor will award credit for previous experience in accordance with Section XII of these standards and will pay each apprentice at the wage rate commensurate with his or her skill attainment. The credit for previous experience shall be awarded without regard to race, color, religion, national origin, or sex. The methods for direct entry are as follows:

Sponsor must select the ones they will use

A. ☒ A youth who has completed a Job Corps training program in any occupation covered in these standards and who meets the minimum qualifications of the apprenticeship program may be admitted directly into the program, or if no apprentice opening is available, the Job Corps graduate may be placed at the top of the current applicant ranking list and given first opportunity for placement. The sponsor will evaluate the Job Corps training received to grant appropriate credit on the term of apprenticeship. Entry of Job Corps graduates will be done without regard to race, color, religion, national origin, or sex. ***(Note: This is a method of direct entry into the apprenticeship program.)***

B. ☐ A youth who has completed a YouthBuild training program in any occupation covered in these standards and who meets the minimum qualifications of the apprenticeship program may be admitted directly into the program, or if no apprentice opening is available, the YouthBuild graduate may be placed at the top of the current applicant ranking list and given first opportunity for placement.

The sponsor will evaluate the YouthBuild training received to grant appropriate credit on the term of apprenticeship. Entry of YouthBuild graduates will be done without regard to race, color, religion, national origin, or sex. ***(Note: This is a method of direct entry into the apprenticeship program.)***

C. ☒ A military veteran who is registered with the Helmets to Hardhats program or has completed military technical training school and/or participated in a registered apprenticeship program or related occupation while in the military in the occupations registered in the specific industry may be given direct entry into the apprenticeship program. The sponsor shall evaluate the military training received for granting appropriate credit on the term of apprenticeship and the appropriate wage rate. The sponsor will determine what training requirements the veteran needs to meet to ensure he or she receives all necessary training for completion of the apprenticeship program. Applicants must submit a DD-214 to verify military training and/or experience if they are a veteran and wish to receive consideration for such training/experience. Entry of military veterans shall be done without regard to race, color, religion, national origin, or sex. ***(Note: This is a method of direct entry into the apprenticeship program.)***

D. ☐ A former inmate of the U.S. Department of Justice Bureau of Prisons (BOP) who has participated in or successfully completed a specific BOP apprenticeship program may be given direct entry into the apprenticeship program. Sponsors agreeing to admit such individuals into apprenticeship must do so without regard to present minimum qualifications, eligibility lists, or scores on written apprenticeship entrance tests. Entry into the program by this method shall be done without regard to race, color, religion, national origin, or sex. The credit for previous experience shall be awarded without regard to race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, genetic information or because they are an individual with a disability or a person 40 years old or older. ***(Note: This is a method of direct entry into the apprenticeship program.)***

E. ☐ A senior citizen who has completed a Senior Community Service Employment Program (SCSEP) pre-apprenticeship training program in any health care occupation covered in these standards and who meets the minimum qualifications of the apprenticeship program may be admitted directly into the program, or if no apprentice opening is available, the SCSEP graduate may be placed at the top of the current applicant ranking list and given first opportunity for placement. The sponsor will evaluate the SCSEP training received to grant appropriate credit on the term of apprenticeship. Entry of SCSEP graduates will be done without regard to race, color, religion, national origin, or sex. ***(Note: This is a method of direct entry into the apprenticeship program for the health care industry.)***

F. ☐ An individual who has completed a structured pre-apprenticeship training program that meets the requirements outlined in Training and Employment Notice 13-12, Defining a Quality Pre-Apprenticeship Program and Related Tools and Resources, in any occupational area covered in these standards of apprenticeship and who meets the minimum qualifications of the apprenticeship program may be admitted directly into the program. The candidate shall provide official documentation confirming

that he or she fulfilled the specific requirements of the pre-apprenticeship program, such as completion/graduation certificates, transcripts, notarized letters of confirmation, and sworn statements.

The sponsor will evaluate the training received to grant appropriate credit on the term of apprenticeship. Entry of pre-apprenticeship candidates shall be done without regard to race, color, religion, national origin, or sex. ***(Note: This is a method of direct entry into the apprenticeship program.)***

SECTION 5 - COMPLAINT PROCEDURE

A. Any apprentice or applicant for apprenticeship who believes that he/she has been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards with respect to their selection have not been followed in the operation of an apprenticeship program may, personally or through an authorized representative, file a written complaint with the Nevada State Apprenticeship Council, via Registration Agency or, at the apprentice or applicant's election, with the private review body established by the sponsor (if applicable). The mailing address is:

Nevada Labor Commissioner
Nevada State Apprenticeship Council
3300 W. Sahara Ave., Suite 225
Las Vegas, NV 89102
NEVADASAC@labor.nv.gov

B. The complaint will be in writing and will be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated against, the sponsor involved, and a brief description of the circumstances of the failure to apply equal opportunity standards.

C. The complaint must be filed not later than 300 days from the date of the alleged discrimination or specified failure to follow the equal opportunity standards. In the case of a complaint filed directly with the review body designated by the sponsor to review such complaints, any referral of such complaint by the complainant to the Registration Agency must occur within the time limitation stated above or 30 days from the final decision of such review body, whichever is later. The time may be extended by the Nevada State Apprenticeship Council for good cause shown.

D. Complaints of discrimination and failure to follow equal opportunity standards in the apprenticeship program may be filed and processed under 29 CFR § 30 and the procedures as set forth above.

E. The sponsor will provide written notice of its complaint procedure to all applicants for apprenticeship and all apprentices.

SECTION 6 - MAINTENANCE OF APPLICATION AND SELECTION RECORDS

The sponsor will keep adequate records, including a summary of the qualifications of each applicant; the basis for evaluation and for selection or rejection of each applicant; the records pertaining to interviews of applicants; the original application for each applicant; information relative to the operation of the apprenticeship program, including, but not limited to, job assignment, promotion, demotion, layoff, or termination; rates of pay or other forms of compensation or conditions of work; hours including hours of work and, separately, hours of training provided; and any other records pertinent to a determination of compliance with 29 CFR § 30 and NAC 610.910, as may be required by the U.S. Department of Labor and the Nevada State Apprenticeship Council.

The records pertaining to individual applicants, selected, or rejected, will be maintained in such manner as to permit the identification of minority and women (minority and nonminority) participants.

Each sponsor must retain a statement of its affirmative action plan for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analyses made pursuant to the requirements of 29 CFR § 30.4 and the Nevada State Plan for EEO. Each sponsor also must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in 29 CFR § 30.5(b) and NAC 610. If applicants are interviewed during the selection process, adequate records include a brief summary of each interview and the conclusions on each of the specific factors - e.g., motivation, ambition, and willingness to accept direction - that are part of the total judgment.

Records will be maintained for five years from the date of last action and made available upon request to the U.S. Department of Labor and the Nevada State Apprenticeship Council.

SECTION 7 - OFFICIAL ADOPTION OF SELECTION PROCEDURES

Operating Engineers Local #3 JAC, hereby adopts these Qualifications and Selection Procedures.

Sponsor(s) may designate the appropriate person(s) to sign the standards on their behalf.



Signature of Sponsor *(designee)* **Date:** 09/23/2022

Brian Prather Administrator
Type Name & Title

Signature of Sponsor *(designee)* **Date:**

Type Name & Title