

BNAP APPRENTICE SPECIAL RULES AND REGULATIONS (Final – Approved 8-15-2019)

The following Special Rules and Regulations have been adopted by the Boilermakers National Joint Apprenticeship Program (BNAP) Trustees. These rules represent the minimum levels of performance which are acceptable to the National and Area Joint Apprenticeship Committees (JAC). While it is expected that all Apprentices will exceed these minimums, those who do not will be subject to penalties. These Special Rules and Regulations revoke previous BNAP Special Rules and Regulations.

1. Probationary Period

- 1.1. Apprentices employed under the program shall be subject to a probationary period of one year or 1,500 hours, whichever comes first. Full credit for time spent in the probationary period will be granted toward completion of the Apprenticeship.
- 1.2. During this probationary period, the termination or cancellation of the Apprenticeship Agreement shall be made by the Area JAC at the request of either party. After the probationary period, the JAC may cancel the agreement for due cause, such as lack of progress, lack of interest or a failure to comply with the applicable rules.
- 1.3. No apprentice will be terminated based on their protected status.
- 1.4. No applicant or Apprentice is eligible to participate in the BNAP if that person is also indentured in another apprenticeship program.

2. Learning Management System (LMS)

- 2.1. Apprentices are required to complete the curriculum located on the Learning Management System (LMS). The curriculum includes forty-eight (48) related studies lessons, each having a written examination, and online course materials.
- 2.2. Apprentices are required to receive passing grades for all online tests. A minimum of 70% is considered a passing grade.
- 2.3. Related studies materials applicable to the lessons are available online on the LMS. These materials can be printed by the Apprentice for reference.
- 2.4. Apprentices are required to complete the curriculum in accordance with the schedule set forth by their Area JAC.
- 2.5. Apprentices caught cheating on any assignment or test will be subject to disciplinary action which may include termination from the Apprenticeship Program.
- 2.6. Posting BNAP copyrighted material, trademarks, service marks or other intellectual property is strictly prohibited. Publishing, posting, or releasing any information that is considered confidential or not public is strictly prohibited. This includes any instructional materials, or any materials accessed from the Learning Management System (LMS).

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- 2.7. Reasonable and necessary accommodations will be made for Apprentices with disabilities in accordance with the Rehabilitation Act of 1973, Executive Order 13164 and EEOC regulations at 29 C.F.R. § 1614.203(d)(3).

3. Performance Based Tests (PBT)

- 3.1. Apprentices are required to complete Performance Based Tests (PBTs) after each period of curriculum has been completed.
- 3.2. PBTs will be administered in accordance with the BNAP Performance Based Testing Policy.
- 3.3. Reasonable and necessary accommodations will be made for Apprentices with disabilities in accordance with the Rehabilitation Act of 1973, Executive Order 13164 and EEOC regulations at 29 C.F.R. § 1614.203(d)(3).

4. Classroom Requirements

- 4.1. Apprentices are to receive a minimum of one hundred forty-four (144) hours of classroom/shop training per year, for a total of 576 hours during the program.
- 4.2. It is mandatory that all Apprentices attend the required classes at an approved Local or Regional Training Center before being promoted to Journeyworker.
- 4.3. Misconduct during classes or failure to attend scheduled classes without a legitimate reason (e.g. personal sickness, bereavement, absences covered under the Family Leave Act) that is acceptable to the Program Coordinator will result in Disciplinary Action which may include termination from the Apprenticeship Program.
- 4.4. Apprentices caught cheating on a shop assignment or test may be dismissed from class and will be subject to disciplinary action which may include termination from the Apprenticeship Program.
- 4.5. Area rules of conduct shall be posted at the Training Center.
- 4.6. Reasonable and necessary accommodations will be made for Apprentices with disabilities in accordance with the Rehabilitation Act of 1973, Executive Order 13164 and EEOC regulations at 29 C.F.R. § 1614.203(d)(3).

5. MOST Classes

- 5.1. Apprentices must complete the MOST OSHA 10 within six (6) months of being indentured.
- 5.2. Apprentices must complete MOST Supplementary Rigging Modules 1 through 4 prior to graduating from the Apprenticeship Program.
- 5.3. Apprentices must complete the MOST Code Training prior to graduating from the Apprenticeship Program.

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6. Welding Certifications

- 6.1. Apprentices who have not received a welding certification from an employer or from the Common Arc Program shall not be promoted to Journeyworker until one of the following has occurred.
 - 6.1.1. The Apprentice receives additional training in welding sufficient to pass the required welding test to qualify for referral as a qualified welder.
 - 6.1.1.1. Hands-on training shall not exceed two hundred seventy (270) hours.
 - 6.1.1.2. All additional training in welding must be conducted at an approved Local or Regional Training Center.
 - 6.1.2. If it is determined at any time during the additional training that the Apprentice is not capable of accomplishing the skills of a qualified welder, the Apprentice may be promoted to Journeyworker status.
- 6.2. Reasonable and necessary accommodations will be made for Apprentices with disabilities in accordance with the Rehabilitation Act of 1973, Executive Order 13164 and EEOC regulations at 29 C.F.R. § 1614.203(d)(3).

7. Monthly Job Reports

- 7.1. Apprentices shall submit Monthly Job Reports for each month of their Apprenticeship, whether working or not. Reports shall be submitted in a timely manner, but in no event more than thirty (30) days following the last day of the month covered by the report, in accordance with the rules and regulations of their Area JAC.
- 7.2. The information required in the report shall be completed by the Apprentice, including activities on the job and number of hours spent on each activity.
- 7.3. Apprentices must have a Job Superintendent or Supervisor review the report at the end of the job or the end of the month, whichever occurs first. The Job Superintendent or Supervisor must check the report for accuracy, rate the Apprentice's job performance, and sign the report as proof of accuracy and rating of performance. If an apprentice is unable to get his/her report signed by an appropriate Job Superintendent or Supervisor, he/she should contact either the Job Steward, Business Manager, or designated authorized representative from his/her District or Local.
- 7.4. Apprentices out of work during a calendar month shall submit a report for that month stating they were out of work.
- 7.5. Apprentices are solely responsible for the completion of the reports.
- 7.6. Filing an incomplete report, failure to file a report within thirty (30) days of the end of the month, providing false information, forging or causing to be forged a signature or name on the report may result in disciplinary action which may include termination from the Apprenticeship Program.

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8. On-The-Job Training Modules

- 8.1. Apprentices are required to complete each of the OJT Modules that relates to the work progress shown on the Monthly Job Reports that they have completed and turned in.
- 8.2. Failure to complete the required OJT Modules may delay promotion to Journeyworker until the required OJT Modules are completed.
- 8.3. Apprentices must complete and submit their OJT Modules in accordance with the rules and regulations set forth by their Area JAC.
- 8.4. Reasonable and necessary accommodations will be made for Apprentices with disabilities in accordance with the Rehabilitation Act of 1973, Executive Order 13164 and EEOC regulations at 29 C.F.R. § 1614.203(d)(3).

9. Apprenticeship Fees

- 9.1. Apprentices are required to pay fees in accordance with the rules and regulations of their Area JAC.
- 9.2. Failure to pay fees in a timely manner may result in disciplinary action which may include termination from the Apprenticeship Program.

10. District or Local Joint Referral Rules

- 10.1. A copy of the District or Local Joint Referral Rules for the District or Local or where the apprentice is being indentured are to be included in the Apprentice indenturement package and presented at the time the Apprentice signs the Apprenticeship agreement. These Joint Referral Rules may change from time to time in accordance with the decisions of the Joint Committee. It is the Apprentices' obligation to familiarize themselves with the applicable Joint Referral Rules.
- 10.2. Apprentices should be aware that District and Local Joint Referral Rules may vary for each District and Local. Questions regarding the referral rules should be directed to the District or Local Business Manager.
- 10.3. Apprentices shall comply with the applicable Joint Referral Rules. Violations of the Referral Rules may result in disciplinary action which may include termination from the Apprenticeship Program.

11. Work Referral Qualifications

- 11.1. Apprentices will be referred to work through the MOST Boilermaker Delivery System (BDS) in accordance with the applicable Joint Referral Rules.
- 11.2. Apprentices may not refuse a work referral, except for compelling reason, such as bereavement, illness, or injury. Each refusal shall be documented by the District or Local, and the Business Manager shall immediately file a report with the Area JAC, along with supporting documentation advising of the reason(s) for refusal.

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11.3. An apprentice that is refused employment for just cause may be subject to disciplinary action, which may include termination from the Apprenticeship Program. It is the responsibility of the Business Manager to immediately send a report to the Area JAC, along with supporting documentation advising of the reason(s) for the refusal to hire.

12. MOST Drug and Alcohol Testing

12.1. Apprentices shall adhere to the rules and regulations of the MOST Drug Screening Policy & Procedures.

12.2. Apprentice applicants selected for indenturement will be issued a Chain of Custody from the MOST Program.

12.3. Apprentices selected for indenturement are required to comply with the drug testing policies and procedures set forth in the Joint Referral Rules.

12.4. The MOST Program will notify the BNAP if an apprentice either fails to meet the minimum safety requirements or is out of compliance for his/her drug testing.

12.5. All Apprentices indentured into the program must sign the BNAP Consent and Release Form at the time they sign the Apprenticeship Agreement.

12.6. Apprentices that refuse to sign the BNAP Drug Test Consent and Release Form attached at the time they sign the Apprenticeship Agreement shall not be admitted into the Program.

12.7. Apprentices that are out-of-compliance will be subject to disciplinary action which may include termination from the Apprenticeship Program.

13. BNAP Policy on Impaired Apprentices at Training Centers

13.1. All Apprentices must sign and adhere to BNAP Policy on Impaired Apprentices at Training Centers.

13.2. All Apprentices will be given a copy of the BNAP Policy on Impaired Apprentices at Training Centers upon their indenturement. Apprentices testing positive for drugs/alcohol while at a Local or Regional Training Center shall be disciplined as determined by the Area JAC, which may include termination from the Apprenticeship Program.

14. Cost of Treatment

14.1. Cost of treatment and/or entry into a drug/alcohol rehabilitation program shall be the sole responsibility of the Apprentice.

14.2. The cost to the Apprentice may be reduced to the extent the Boilermakers Health & Welfare Plan or the Apprentice's own health plan provides coverage, assuming eligibility.

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- 14.3. Neither the BNAP nor any of its National or Area committees, officers, agents, employees or representatives will be responsible for any cost of treatment or rehabilitation.

15. Policies

- 15.1. Apprentices will receive a copy of the following BNAP policies: the BNAP Performance Based Test Policy, the BNAP Impaired Apprentice Policy, the BNAP Anti-Harassment and Discrimination Policy, and the BNAP Sexual Harassment Policy.
- 15.2. Apprentices must review and sign the policies upon their indenturement.
- 15.3. All Apprentices should be aware that the BNAP strictly enforces these policies.

16. Hours

- 16.1. Apprentices must have 6,000 Boilermaker work hours by the end of their apprenticeship.
- 16.2. Credit hours may be granted for welding certifications, rigging qualifications, and/or previous relevant college credit by and in accordance with the policies, rules or regulations of the applicable Area JAC.
- 16.3. These credit hours will be applied, in accordance with the Area JAC, to move an apprentice to a higher apprentice level, and/or to meet the 6,000 work hour requirement.
- 16.4. Apprentices must have 6,000 work hours, including credit hours, at the end of their apprenticeship in order to graduate to Journeyworker status.
- 16.5. Apprentices who fail to meet the hours requirements shall be subject to disciplinary action which may include termination from the Apprenticeship Program, in accordance to the practices, rules and/or regulations of the Area JAC

17. Transportation

Apprentices must have access to reliable transportation. For purpose of this requirement, the term reliable transportation shall mean any form of transportation that permits the apprentice to attend work and any required classroom instruction held in the geographic jurisdiction of the area.

18. Leave of Absence

- 18.1 Apprentices requesting a leave of absence shall refer to the rules and regulations of their Area JAC.
- 18.2 Leaves of absence shall be granted in accordance with the Family Medical Leave Act and Uniform Services Employment and Reemployment Rights Act.

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19. Disciplinary Actions, Suspension and Termination

- 19.1. Apprentices may receive a Disciplinary Action for the following:
 - 19.1.1. Violations of the rules and regulations of the BNAP or Area JAC
 - 19.1.2. Receiving a Referral Suspension in accordance with the applicable Joint Referral Rules
- 19.2. Disciplinary Actions will be issued by the Area JAC in writing. A copy of the written Disciplinary Action Notice shall be sent to the District or Local Business Manager advising of the suspension. The Apprentice shall be sent a copy of the written Disciplinary Action Notice by certified mail.
- 19.3. Disciplinary Actions issued for violations of the Special Rules and Regulations of the BNAP or Area JAC will advise the Apprentice that he/she has thirty (30) days from receipt of the action to comply with the requirements. Failure to comply within thirty (30) days will result in termination from the Apprenticeship Program.
- 19.4. Disciplinary Actions related to Referral Rules violations are governed by the applicable Joint Referral Rules.
 - 19.4.1. When an apprentice is disciplined for violations of the Local Joint Referral Rules, the District or Local Business Manager will immediately file a report with the Area JAC along with supporting documents advising of the reason(s) and what referral suspension was applied.
 - 19.4.2. In accordance with the Joint Referral Rules, three (3) referral suspensions in any twelve (12) month period shall result in automatic cancellation of the apprenticeship agreement absent any grievance or dispute.
- 19.5. An apprentice may be retained in his/her apprenticeship period if he/she receives a Disciplinary Action.
- 19.6. In accordance with the Joint Referral Rules, an individual failing to satisfactorily complete the Apprenticeship program will not be permitted to apply any hours, credit, certifications or credentials acquired while enrolled in or on suspension from such programs toward Journeyworker eligibility status.
- 19.7. Apprentices that receive four (4) Disciplinary Actions in a two year period shall be terminated from the program.

20. Notification of Terminations

- 20.1. All letters of terminations shall be issued by the Area Coordinator after the review and approval of the Area JAC.
- 20.2. The termination notice to the Apprentice will contain the reason(s) for the termination and the appeal procedures.
- 20.3. This letter is to be sent by certified mail.
- 20.4. A copy of all terminations shall be sent to the District or Local Business Manager.

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21. Appeal Procedures

- 21.1 Probationary Apprentices who are terminated from the apprenticeship may only file an appeal on the basis of a violation of his/her protected class status.
- 21.2 Terminated Apprentices who have passed their probationary apprenticeship period may appeal any termination. Appeals must be filed in accordance with the rules and regulations of the Area JAC.
- 21.3 Appeal decisions made by the Area JAC are final and binding.
- 21.4 The Area Coordinator shall send a copy of the appeal decision to the National Coordinator, the District or Local Business Manager, and the BNAP main office.

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Acknowledgement of Receipt

I have received a copy of:

- The Boilermakers National Apprenticeship Program Rules and Regulations
- The Boilermakers National Apprenticeship Program Performance Based Test Policy
- The Boilermakers National Apprenticeship Program Impaired Apprentice Policy
- The Boilermakers National Apprenticeship Program Anti-Harassment and Discrimination Policy
- The Boilermakers National Apprenticeship Program Sexual Harassment Policy
- The Joint Referral Rules
- The MOST Drug Screening Policy & Procedures

I have reviewed and agree to be bound by the rules and regulations listed in these policies.

Signature:

Printed Name:

Date:

District or Local Number:

Notice:

The Boilermakers National Apprenticeship Program does not discriminate against apprenticeship applicants or apprentices based on 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. The Boilermakers National Apprenticeship Program will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, part 30, Title VII of the Civil Rights Act of 1964 the Americans with Disability Act (ADA) and any other applicable federal, state, or local laws and regulations.