



August 26, 2019

Office of Policy Development and Research
ATTN: RIN 1205-AB85
U.S. Department of Labor, Room N-5641
Washington, DC 20210

**Re: Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations
[RIN 1205-AB85]**

The Association of Nutrition & Foodservice Professionals (ANFP) submits these comments in response to the Department of Labor's (DOL) proposed rule under the National Apprenticeship Act (NAA) to establish a process for Standards Recognition Entities (SREs), which will in turn recognize Industry-Recognized Apprenticeship Programs (IRAPs). ANFP is a national not-for-profit association representing more than 14,000 Certified Dietary Manager, Certified Food Protection Professional (CDM,CFPP) professionals dedicated to the mission of providing optimum nutritional care through foodservice management and food safety.

A Certified Dietary Manager, Certified Food Protection Professional (CDM,CFPP) has passed a nationally recognized credentialing exam, with the CDM,CFPP offered by the Certifying Board for Dietary Managers. Continuing education, specifically including hours in sanitation and food safety, is required to maintain the CDM,CFPP credential. The exam is written by content experts, and administered by Applied Measurement Professionals, Inc. (AMP). The exam consists of 160 questions that have been pre-tested and proven valid and reliable. CDMs work together with Registered Dietitians to provide quality nutritional care for clients.

ANFP is the premier professional organization for foodservice managers, directors, and those aspiring to careers in foodservice management – particularly in healthcare and other non-commercial foodservice settings. Over ninety percent of ANFP members work in healthcare and a majority of those in long-term care (LTC) facilities. In healthcare settings, dietary managers often run food and nutrition departments, typically working in tandem with Registered Dietitians and other members of the healthcare team. They may provide supportive nutrition screening, documentation and care planning in accordance with their Professional Scope of Practice.

ANFP supports DOL's proposal to establish a parallel track with the existing registered apprenticeship system for an industry-led, market driven approach that provides the flexibility necessary to scale the apprenticeship model where it's needed the most and address America's skills gap. ANFP believes this would help relieve staffing demands at Skilled Nursing Facilities (SNFs), which are experiencing an increase in residents due to an aging population, thus making food safety in these facilities all the more important to illness prevention for the elderly.

In fact, current language in §483.60(a)(2), Food and Nutrition Services, of the CMS final rule "Medicare and Medicaid Programs: Reform of Requirements for Long-Term Care Facilities," requires that the director of food and nutrition services in SNFs must be a CDM,CFPP. This is in keeping with over 30 states that had this requirement for SNFs as well as hospitals prior to the CMS rule, and we support these institutions having a CDM,CFPP who possesses validated competencies that ensure facilities store, prepare, distribute, and serve food in accordance with professional standards of foodservice management and safety.

Standard Recognition Entities (SREs)

The NPRM explains that the current Code of Federal Regulation (CFR) part 29 for traditional registered apprenticeship would become subpart A (with conforming edits to account for the addition of subpart B, a new, distinct pathway for the expansion of apprenticeships), and subpart B would formally establish a process for organizations to apply to become DOL-recognized SREs. Once recognized, SREs would work with employers and other entities to establish, recognize, and monitor high-quality IRAPs that provide apprentices industry-recognized credentials.

Section 29.20(a) defines an SRE as an entity that is qualified to recognize apprenticeship programs as IRAPs and §29.20(1)(i) states that the types of entities that can become SREs include trade, industry and employer groups or associations. This would make ANFP an eligible entity to become an SRE.

Under §29.21(b), an entity is qualified to be an SRE if it demonstrates in its application that it has the expertise to set standards, through a consensus-based process involving industry experts, for apprenticeship programs in the industry or occupational area in which it seeks to be an SRE. As explained, a CDM,CFPP has passed a nationally recognized credentialing exam, with the CDM,CFPP offered by the Certifying Board for Dietary Managers. Continuing education, specifically including hours in sanitation and food safety, is required to maintain the CDM,CFPP credential. The exam is written by content experts, and administered by Applied Measurement Professionals, Inc. (AMP). The exam consists of 160 questions that have been pre-tested and proven valid and reliable. CDMs work together with Registered Dietitians to provide quality nutritional care for clients.

Industry-Recognized Apprenticeship Programs (IRAPs)

The CDM,CFPP credential as described above also should satisfy the proposed rule's definition of IRAPs in §29.20(b) which must be "high-quality apprenticeship programs, wherein an individual obtains workplace-relevant knowledge and progressively advancing skills, that include a paid-work component and an educational or instructional component, and that result in an industry-recognized credential."

The CDM/CFPP credential is already keeping keep pace with IRAP requirements, because LTC is a highly regulated industry needing professionals with set standards such as credentialing in Food Safety and Management. Management skills derived from the CDM,CFPP educational/instructional component ensures staff training in regulated competencies, and the full CDM,CFPP curriculum has a paid-work component with “field experiences” that are required for each course.

DOL notes that it anticipates many or all SREs will set competency-based standards for training, structure and curricula. ANFP agrees and believes this is in line with the basis for creating subpart B in CFR part 29. DOL further states that §29.21(b)(1)(i) clarifies that SRE requirements found in §29.21(b)(1) “may be met by an SRE’s past or current standard-setting activities, and need only engender new activity if necessary to comply with this rule,” which ANFP supports and believes would properly take into account its decades of standard-setting activity.

DOL also proposes that SREs will be recognized for a 5-year time period to be consistent with best practices in the credentialing industry. ANFP believes this is a realistic initial time frame that can be revisited once the rule has been made effective and SREs have become accustomed to its requirements.

In addition, DOL states in §29.22(a)(4)(i) that an IRAP must train apprentices for employment in jobs that require specialized knowledge and experience and involve the performance of complex tasks, and seeks comment on these requirements and whether it should set a minimum skill level or competency baseline for IRAPs akin to the registered apprenticeship program’s requirement that apprentices gain “manual, mechanical or technical” skills. ANFP believes the baseline of “jobs that require specialized knowledge and experience and involve the performance of complex tasks” is appropriate for the various industries that will foster SREs and that the registered apprenticeship program’s baseline requirement is mostly for the construction industry.

Finally, DOL anticipates that an IRAP will enhance apprentices’ mobility, and that credentials associated with the program will have “demonstrable consumer and labor-market value.” ANFP supports both of these requirements, which are reflective of the CDM,CFPP credential.

Conflict of Interest

Perhaps the biggest potential obstacle to the successful launch of SREs is §29.22(e) and (f) which state:

(e) An entity recognized as a Standards Recognition Entity must either not recognize its own apprenticeship program(s), or it must provide for impartiality, and mitigate any potential conflicts of interest, via specific policies, processes, procedures, and/or structures, which must be described in detail in the Standards Recognition Entity application.

(f) A Standards Recognition Entity must either not offer services, including consultative services, to Industry Programs [IRAPs] that would impact the impartiality of the Standard Recognition Entity’s recognition decisions, or it must provide for impartiality, and mitigate any potential

conflicts of interest, via specific policies, processes, procedures, and/or structures, which must be described in detail in the Standards Recognition Entity application.

These conflict of interest requirements are to minimize bias that could run contrary to the proposed rule's "high-quality" threshold for IRAPs. However, they should not be so restrictive as to preclude ANFP and other associations that have initiated high-quality credentialing programs from becoming SREs.

DOL seems to understand this in the proposed rule stating: "Though an SRE's offering such [consultative] services could create a conflict of interest, barring SREs from providing them could likewise check the development of new apprenticeship programs or negatively impact their quality." The proposed rule also senses the value of pre-existing programs by essentially "grandfathering" them per §29.21(b)(1)(i) where SRE requirements "may be met by an SRE's past or current standard-setting activities, and need only engender new activity if necessary to comply with this rule." ANFP supports DOL's desire to encourage new apprenticeship programs and utilize pre-existing high-quality credentialing programs, and thus strongly urges a reasonable approach to meeting the SRE impartiality requirements.

ANFP is pleased to submit these comments in support of a process for DOL to recognize SREs, which will in turn recognize high-quality IRAPs, and looks forward to helping DOL attain these goals by fulfilling Presidential Executive Order "Expanding Apprenticeships in America" to boost workforce development.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Gilbert".

Joyce Gilbert, PhD, RDN
President & CEO