

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1746 Session of 2019

INTRODUCED BY GLEIM, KAUFFMAN, ROTHMAN, POLINCHOCK, BERNSTINE, CALTAGIRONE, HICKERNELL, MOUL, MENTZER, ZIMMERMAN, BROOKS, B. MILLER, GREINER, KLUNK, METCALFE, PICKETT, GROVE, KEEFER, IRVIN, YOUNGBLOOD, RADER AND SCHEMEL, AUGUST 16, 2019

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, AUGUST 16, 2019

AN ACT

1 Amending the act of July 14, 1961 (P.L.604, No.304), entitled
 2 "An act relating to apprenticeship and training; creating a
 3 State Apprenticeship and Training Council in the Department
 4 of Labor and Industry to formulate an apprenticeship and
 5 training policy and program, and defining its powers and
 6 duties and providing for administration," further providing
 7 for powers and duties; providing for supervision; and
 8 abrogating a regulation.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 4(a) of the act of July 14, 1961
 12 (P.L.604, No.304), known as The Apprenticeship and Training Act,
 13 is amended to read:

14 Section 4. Powers and Duties.--(a) The council shall (1)
 15 establish standards for apprenticeship in conformity with the
 16 provisions of this act and applicable statutes and regulations
 17 of the Federal Government; (2) adopt such rules and regulations,
 18 subject [only] to section 4.1 and the approval of the Secretary
 19 of Labor and Industry, as may be necessary to carry out the
 20 intent and purpose of this act; (3) compile such data on

1 population and employment trends, industrial production,
2 vocational and industrial education and job requirements as may
3 be deemed necessary to carry out the intent and purpose of this
4 act; (4) to terminate or cancel any apprenticeship agreements in
5 accordance with the provisions of such agreements or order
6 modifications of such agreements; (5) maintain close liaison
7 with Bureau of Apprenticeship and Training, the United States
8 Department of Labor, the State Board of Vocational Education,
9 the Department of Public Instruction, the Department of
10 Commerce, Bureau of Rehabilitation of the Department of Labor
11 and Industry, and Juvenile Forestry Camps under the Department
12 of Public Welfare, and such other agencies which carry on
13 programs closely related to the purposes of this act; (6)
14 conduct studies, surveys and investigations of the special
15 problems of retraining or training unemployed or employed
16 persons to improve or modernize work skills and make appropriate
17 recommendations to cooperating agencies described above, local
18 community organizations, local school boards and the Secretary
19 of Labor and Industry; (7) act as a convening agency in local
20 communities to bring together local representatives of employes,
21 employers, educational agencies and industrial development
22 agencies in order to promote closer local cooperation in
23 establishing better apprenticeship and other training programs
24 including programs for employed persons who wish to improve and
25 modernize their work skills; (8) use appropriate media of
26 information and education to acquaint employers, employes and
27 the public at large with the advantages and availability of
28 apprenticeship and other occupational training programs; (9)
29 study the effectiveness of apprenticeship agreements and make
30 recommendations in accordance with the provisions of such

1 agreements for their improvement; and (10) perform such other
2 duties as may be necessary to give full effect to the provisions
3 of this act.

4 * * *

5 Section 2. The act is amended by adding a section to read:

6 Section 4.1. Supervision.--(a) Rules and regulations under
7 section 4(a)(2) providing for the ratio of apprentices to
8 journeymen shall be consistent with proper supervision, training
9 and continuity of employment. Subject to subsection (c), the
10 rules and regulations may not require any of the following:

11 (1) More than three supervisors for each apprentice or
12 trainee in a high-hazard occupation.

13 (2) More than two supervisors for each apprentice or trainee
14 in a medium-hazard occupation.

15 (3) More than one supervisor for each apprentice or trainee
16 in a low-hazard occupation.

17 (b) The hazard level of an occupation shall be determined by
18 a review of the United States Department of Labor, Bureau of
19 Labor Statistics occupational fatality rate per one hundred
20 thousand (100,000) full-time equivalent employees for 2014. The
21 following shall apply:

22 (1) A fatality rate of nine or more fatalities per one
23 hundred thousand (100,000) full-time equivalent employees shall
24 be a high-hazard occupation.

25 (2) A fatality rate greater than two and less than nine
26 fatalities per one hundred thousand (100,000) full-time
27 equivalent employees shall be a medium-hazard occupation.

28 (3) A fatality rate of two or fewer fatalities per one
29 hundred thousand (100,000) full-time equivalent employees shall
30 be a low-hazard occupation.

1 (c) Notwithstanding the limits in subsection (a), the
2 following shall apply:

3 (1) When an apprentice or trainee is employed by an
4 enterprise that employs fewer than fifty (50) full-time
5 equivalent employees, rules and regulations under section 4(a)(2)
6 providing for the ratio of apprentices to journeymen may not
7 require more than one supervisor for each of the first three
8 apprentices or trainees employed. If more than three apprentices
9 or trainees are employed, rules and regulations may not require
10 more than three supervisors for every two apprentices or
11 trainees employed after the first three apprentices or trainees.

12 (2) Rules and regulations under section 4(a)(2) providing
13 for the ratio of apprentices to journeymen shall provide for
14 consistent ratios between joint and nonjoint programs. If the
15 prevailing practice among joint programs for a specific
16 occupation in this Commonwealth, as evidenced by collective
17 bargaining agreements, allows less supervision than required by
18 rules and regulations issued under section 4(a)(2), a nonjoint
19 program for the same occupation shall be allowed to utilize a
20 ratio of apprentices to journeymen that is consistent with the
21 prevailing practice among joint programs.

22 Section 3. The provisions of 34 Pa. Code § 83.5(b)(7) are
23 abrogated.

24 Section 4. This act shall take effect in 60 days.