
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1248 Session of
2011

INTRODUCED BY FOLMER, RAFFERTY, D. WHITE, WAUGH, PICCOLA, BROWNE
AND WASHINGTON, SEPTEMBER 20, 2011

REFERRED TO LABOR AND INDUSTRY, SEPTEMBER 20, 2011

AN ACT

1 Establishing the State Apprenticeship and Training Commission;
2 transferring functions of the State Apprenticeship and
3 Training Council; providing for an Executive Director of
4 Apprenticeship and Training and for subjects of transfer; and
5 making repeals.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the State
10 Apprenticeship and Training Commission Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Advisory council." The State Apprenticeship Advisory
16 Council.

17 "Commission." The State Apprenticeship and Training
18 Commission.

19 "Executive director." The Executive Director of

1 Apprenticeship and Training and the Administrator of the State
2 Apprenticeship and Training Commission.

3 "Subjects of transfer." Powers, duties, personnel,
4 appropriations, allocations, documents, files, records,
5 contracts, agreements, equipment, materials, orders and rights
6 and obligations utilized or accruing in connection with
7 functions transferred from one entity to another under this act.

8 Section 3. State Apprenticeship and Training Commission.

9 (a) Establishment.--The State Apprenticeship and Training
10 Commission is established and shall be fully implemented and
11 operational one year from the effective date of this section.

12 (b) Transferred powers and duties.--The following functions
13 of the State Apprenticeship and Training Council are transferred
14 to the commission:

15 (1) Overseeing apprenticeship and training programs in
16 this Commonwealth.

17 (2) Establishing standards for apprenticeship in
18 conformity with the provisions of this act and applicable
19 statutes and regulations of the Federal Government, including
20 a description of the standards, criteria and requirements for
21 apprenticeship program registration or approval.

22 (3) Where deemed appropriate, according reciprocal
23 approval for Federal purposes to apprentices, apprenticeship
24 programs and standards that are registered in other states by
25 the Federal Office of Apprenticeship or a federally approved
26 state registration agency if reciprocity is requested by the
27 apprenticeship program sponsor, provided that the state's
28 registration agency grants reciprocity to Pennsylvania
29 programs.

30 (4) Providing for the cancellation or deregistration of

1 programs and for temporary suspension, cancellation or
2 deregistration of apprenticeship agreements.

3 (5) Establishing policies, procedures and plans that
4 demonstrate how the State's economic development strategies
5 and public work force investment system integrate registered
6 apprenticeship as a critical work-based learning,
7 postsecondary education, training and employment option
8 available through the One-Stop Career Center System.

9 (6) Establishing a State plan for equal employment
10 opportunity in apprenticeship, incorporating policies and
11 procedures to promote equality of opportunity in
12 apprenticeship programs.

13 (7) Establishing apprentice-to-journeyperson ratios that
14 are uniform and indiscriminate between joint and nonjoint
15 programs. In no instance shall the ratio be stricter than two
16 apprentices to one journeyperson.

17 (8) Acting as and allocating sufficient staff and budget
18 to carry out the functions of a State registration agency,
19 including outreach and education, registration of programs
20 and apprentices, provision of technical assistance and
21 monitoring.

22 (9) Establishing a unique civil service classification
23 encompassing all the powers and duties enumerated in this
24 section for the purpose of staffing the commission's
25 professional level positions.

26 (10) Serving as a single point of contact for the United
27 States Department of Labor with respect to the National
28 Apprenticeship System.

29 (11) Maintaining close liaison and serving as the single
30 point of contact for apprenticeship and training for all

1 agencies that carry on work force development programs, work-
2 based learning and other activities closely related to the
3 purpose of this act.

4 (12) Conducting studies, surveys and investigations of
5 the special problems or the training of unemployed or
6 employed persons in order to improve or modernize work skills
7 and making recommendations to the cooperating entities
8 represented on the advisory council, local community
9 organizations and local school boards, among others.

10 (13) Acting as a convening agency in local communities
11 to bring together local representatives of employers,
12 employees, educational agencies and industrial development
13 entities in order to promote closer local cooperation in
14 establishing better apprenticeship, work-based learning and
15 other occupational training programs, including programs for
16 employed persons who wish to improve and modernize their work
17 skills.

18 (14) Using all appropriate mediums of information and
19 education to acquaint employers, employees and the public at
20 large with the advantages of apprenticeship and other work-
21 based learning and occupational training programs.

22 (15) Studying the effectiveness of apprenticeship
23 agreements and making recommendations for their improvement.

24 (16) Report to the General Assembly on or before
25 February 15 of each year, indicating:

26 (i) the extent of apprenticeship and other
27 occupational programs during the previous year;

28 (ii) trends in employment requiring adjustments in
29 apprenticeship training, work-based learning and other
30 occupational training programs;

1 (iii) the need for expansion of apprenticeship,
2 work-based learning and other occupational training
3 programs; and

4 (iv) activities of the commission and such
5 recommendations as are in accord with the purposes of
6 this act.

7 (17) Serving as the recognized State apprenticeship
8 registration entity and register apprenticeship programs and
9 apprentices and provide technical assistance and conduct
10 reviews for compliance and quality assurance assessments.

11 (18) Performing such other duties as may be necessary to
12 give full effect to the provisions of this act.

13 Section 4. Executive Director of Apprenticeship and Training.

14 The Governor shall appoint an Executive Director of
15 Apprenticeship and Training who shall be confirmed by the Senate
16 and responsible to the General Assembly in carrying out the
17 provisions of this act. The commission shall appoint, hire and
18 otherwise make available to the executive director the clerical,
19 technical and professional services necessary to the performance
20 of the executive director's duties, including, but not limited
21 to, appointments to the advisory council.

22 Section 5. Powers and duties of executive director.

23 The executive director shall carry out the purposes of this
24 act and shall have the following powers and duties:

25 (1) Oversight of the advisory council.

26 (2) Encouragement and promotion of the standards
27 established in accordance with this act and with the basic
28 standards of the Federal Committee on Registered
29 Apprenticeship.

30 (3) Settlement of differences arising out of

1 apprenticeship agreements.

2 (4) Supervision of the execution of apprenticeship
3 agreements and maintenance of standards.

4 (5) Registration of such apprenticeship agreements as
5 the commission shall authorize as conforming to the
6 established standards.

7 (6) Participation in and utilizing the Federal
8 Registered Apprenticeship Information System Database.

9 (7) Establishment and maintenance of Statewide database
10 for the purpose of keeping a record of the following:

11 (i) Apprenticeship agreements.

12 (ii) Statistics and demographics about apprentices
13 and programs.

14 (iii) Issuance of interim, competence and completion
15 certificates.

16 (iv) Transfers.

17 (v) Program sponsors.

18 (8) Execution of the actions of the commission in all of
19 its powers and duties under section 3.

20 (9) Encouragement of liaison and cooperation among all
21 Federal, State and other public and private agencies
22 concerned with apprenticeship work-based learning and
23 occupational training in industries that have not
24 traditionally used the registered apprenticeship model as a
25 viable option for work force development and work force
26 education.

27 (10) Promotion of employer, employee, student, parent
28 and public awareness of apprenticeship, the apprenticeship
29 model, work-based learning and other occupational training.

30 (11) Expanding apprenticeship opportunities for workers

1 in industries that have not traditionally used the registered
2 apprenticeship model, including, but not limited to, new and
3 emerging occupations and high-technology and green
4 industries.

5 Section 6. State Apprenticeship Advisory Council.

6 (a) Composition.--The advisory council shall be comprised
7 of:

8 (1) Four representatives of employees, two of whom shall
9 represent industries other than construction trade
10 industries. Collective bargaining units and open-shop
11 employees shall be equally represented.

12 (2) Four representatives of employers, two of whom shall
13 represent industries other than construction trades
14 industries. Collective bargaining units and open-shop
15 employees shall be equally represented.

16 (3) Two representatives of community colleges.

17 (4) One representative of the general public.

18 (5) The Deputy Secretary for Workforce Development in
19 the Department of Labor and Industry.

20 (6) The Executive Director of the Pennsylvania Workforce
21 Investment Board.

22 (7) One work force development representative from each
23 of the following: Department of Aging, Department of
24 Education, Department of Community and Economic Development,
25 Department of Public Welfare, Department of Military and
26 Veterans Affairs and the Pennsylvania Council of Chief
27 Juvenile Probation Officers.

28 (b) Term of membership.--

29 (1) Employer, employee and public members shall be
30 appointed by the Governor with the advice and consent of the

1 Senate. Members shall be citizens of the United States and
2 residents of this Commonwealth.

3 (2) Members shall serve a term of four years or until a
4 successor has been appointed and qualified, but in no event
5 longer than six months beyond the four-year period.

6 (3) In the event that a member dies or resigns or is
7 otherwise disqualified during the term of office, a successor
8 shall be appointed in the same way and with the same
9 qualifications and shall hold office for the remainder of the
10 unexpired term.

11 (4) An employer, employee or public member shall not be
12 eligible to hold more than two consecutive terms.

13 (c) Appointments.--For employer, employee and public members
14 initially appointed to the board pursuant to this act, the term
15 of office shall be as follows:

16 (1) Five members shall serve for a term of four years.

17 (2) Two members shall serve for a term of three years.

18 (3) Two members shall serve for a term of two years.

19 (d) Officers.--The advisory council shall organize
20 immediately upon appointment and annually thereafter by the
21 election of one of its members as chairman, one as vice chairman
22 and one as recording secretary.

23 (e) Meetings.--The advisory council shall conduct meetings
24 quarterly unless otherwise scheduled by the executive director.

25 (f) Expenses.--Each member of the advisory advisory council
26 shall receive actual traveling expenses and per diem at the rate
27 of \$25 each day for time spent attending advisory council
28 meetings.

29 (g) Status.--The advisory council shall be ineligible for
30 recognition as the State's registration entity and shall provide

1 recommended advice and guidance to the commission on the
2 operation of the State's apprenticeship system. The advisory
3 council operates at the direction and discretion of the
4 commission.

5 Section 7. Limitation.

6 This act shall apply only to persons, partnerships,
7 associations, corporations, political subdivisions, employer
8 associations or organizations or associations of employees that
9 voluntarily elect to conform with the provisions of this act.

10 Section 8. Subjects of transfer.

11 (a) General rule.--The subjects of transfer from the council
12 are transferred to the commission with the same force and effect
13 as if those subjects of transfer had originally belonged or had
14 been incurred or entered into by the commission.

15 (b) Employees.--The transfer made under this act shall not
16 affect the civil service status of affected employees of the
17 council with the exception that employees without civil service
18 status shall, if qualified, be granted civil service status in
19 their classifications.

20 Section 9. Repeals.

21 (a) Intent.--The General Assembly declares that the repeal
22 under subsection (b) is necessary to effectuate the purposes of
23 this act.

24 (b) Absolute.--The act of July 14, 1961 (P.L.604 No.304),
25 known as The Apprenticeship and Training Act, is repealed.

26 (c) General.--All acts or parts of acts are repealed insofar
27 as they are inconsistent with this act.

28 Section 20. Effective date.

29 This act shall take effect in 60 days.