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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 536 Session of  
2021

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INTRODUCED BY GLEIM, KAUFFMAN, IRVIN, PICKETT, KEEFER, GROVE,  
HILL-EVANS, ROWE, JONES, BROOKS, MENTZER, ZIMMERMAN,  
B. MILLER, METCALFE AND POLINCHOCK, FEBRUARY 16, 2021

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 16, 2021

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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.