

U.S. Department of Labor Employment and Training Administration Office of Apprenticeship (OA) Washington, D.C. 20210	Distribution: A-541 Headquarter A-544 All Field Tech A-547 SD+RD+SAA+; Lab.Com	Subject: Clarification of the Role of a State Apprenticeship Council Code: 400
Symbols: DSNIP/FDK		Action: Immediate

PURPOSE: To inform the Office of Apprenticeship (OA) and the State Apprenticeship Agencies (SAA) staff, Registered Apprenticeship program sponsors and other Registered Apprenticeship partners of the role of a State Apprenticeship Council (SAC).

BACKGROUND: The U.S. Department of Labor's Employment and Training Administration issued a final rule that updated 29 CFR part 29, on October 29, 2008. The rule became effective on December 29, 2008. Revised part 29 maintains the requirement that an SAA must establish and continue to use a SAC.

Revised part 29 provides that a SAC may be either "regulatory" or "advisory" and must :

- Operate under the direction of the SAA;
- Be composed of persons familiar with apprenticeable occupations; and
- Include an equal number of representatives of employer and of employee organizations and include public members who shall not number in excess of the number named to represent either employer or employee organizations.

POLICY GUIDANCE: The final rule provides some flexibility and discretion for a State Registration Agency to determine the type of and roles for a SAC that are appropriate for the State's apprenticeship system. This policy guidance provides further clarification about the roles of SACs in relation to State Registration Agencies seeking recognition under revised part 29.

Advisory SAC

- An advisory SAC provides advice and guidance to the SAA on the operation of the State's apprenticeship system.
- The SAA may set the responsibilities of an advisory SAC through Executive Order, policy directive, or other official document.

Regulatory SAC

- The responsibilities of a regulatory SAC may be established through state law or regulation.
- A regulatory SAC may promulgate apprenticeship law at the direction of the SAA.
- A regulatory SAC may also provide advice and guidance to the SAA on the operation of a State's apprenticeship system.

Recognition and Authority

- Regardless of the type of SAC that a State chooses to establish or the responsibilities conferred on a SAC, only SAAs are eligible for recognition as a Registration Agency and OA will hold recognized SAAs accountable for compliance with revised part 29.

- The SAA can direct its SAC to perform tasks necessary for the effective operation of the State's apprenticeship system, including the functions of recommending approval or disapproval of apprenticeship programs seeking registration with the State. However, such tasking does not provide the SAC with authority independent of that conferred by OA on the SAA when the SAA is recognized by OA.
- The SAC has no independent authority to register apprentices or apprenticeship programs "for Federal purposes." Therefore, where OA derecognizes a SAA, the corresponding SAC loses any authority it may have exercised, for Federal purposes.
- The roles and responsibilities performed by the SAC should be included in the SAA's application for recognition.

If you have any questions or need other assistance, please contact Franchella Kendall, Chief, Division of Standards and National Industry Promotion (DSNIP), at 202-693-3813.

ACTION: OA and SAA staff should familiarize themselves with this bulletin

NOTE: This bulletin is being sent via electronic mail.