

U.S. Department of Labor Employment and Training Administration Office of Apprenticeship (OA) Washington, D.C. 20210	Distribution: A-541 Hdqtrs A-544 All Field Tech A-547 SD+RD+SAA+; Lab.Com	Subject: Process for State Apprenticeship Agency to Maintain Status as a Registration Agency, for Federal Purposes, Pending Attainment of Compliance with 29 CFR part 29 Code: 400
Symbols: DSNIP/FDK		Action: Immediate

PURPOSE: To inform OA staff, recognized State Apprenticeship Agencies (SAA) staff, registered apprenticeship program sponsors and other registered apprenticeship partners of the process for a SAA to maintain status as a Registration Agency, for Federal purposes pending attainment of compliance with 29 CFR part 29.

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. Currently recognized SAAs have two years from the effective date of the regulations to submit their applications for recognition as a State Registration Agency for federal purposes.

The final rule provides that a recognized SAA can obtain an extension of recognition, pending attainment of compliance with 29 CFR part 29, where good cause for such extension is demonstrated. Section 29.13(c), Application for recognition, states the following:

A State Apprenticeship Agency desiring continued recognition as a Registration Agency must submit to the Administrator of the Office of Apprenticeship the documentation specified in paragraph (a) of this section. A currently recognized State desiring continued recognition by the Office of Apprenticeship must submit to the Administrator of the Office of Apprenticeship the documentation specified in paragraph (a) of this section within 2 years of the effective date of the final rule. The recognition of a currently recognized State shall continue for up to 2 years from the effective date of this regulation and during any extension period granted by the Administrator. An extension of time within which to comply with the requirements of this part may be granted by the Administrator for good cause upon written request by the State, but the Administrator shall not extend the time for submission of the documentation required by paragraph (a) of this section.

REQUIREMENTS TO SEEK AN EXTENSION FOR COMPLIANCE WITH PART 29: OA has established the following requirements to provide further details regarding implementation of § 29.13(c). This detailed process by which a recognized SAA can ensure continued recognition during the transition period for compliance with 29 CFR part 29.

1. A recognized SAA must submit the request for extension in writing, so that it is received by OA at least 14 days before December 29, 2010.

2. The request for extension must include the following elements:
 - a. Identification of the provisions of the state's apprenticeship law, policy or other aspects of program administration that do not conform to 29 CFR part 29 and an explanation as to why the recognized SAA will not be able to attain compliance with 29 CFR part 29 by December 29, 2010;
 - b. Documentation substantiating that the recognized SAA has been making a good faith effort to attain compliance with 29 CFR part 29;
 - c. Copies of the documents specified in Bulletin 2010-15, issued on June 4, 2010; and
 - d. A proposed timeline for attainment of compliance and identification of the SAA staff responsible for the fulfillment of that schedule.
3. The completed package must be submitted in hard copy by (UPS or FedEx) and electronically to the Office of Apprenticeship Administrator and carbon copy to Franchella Kendall, Chief Division of Standards and National Industry Promotion, no later than 14 days before the December 29, 2010 to:

John V. Ladd, Administrator
Office of Apprenticeship
200 Constitution Avenue, NW
Room N5306
Washington, DC 20210
Ladd.john@dol.gov

Franchella Kendall, Chief
Office of Apprenticeship
200 Constitution Avenue, NW
Room N5425
Washington, DC 20210
Kendall.franchella@dol.gov

If you have any questions or need other assistance, please contact Franchella Kendall, Chief of the Division of National Standards and 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.

