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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE RESOLUTION

No. 229 Session of  
2015

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INTRODUCED BY FOLMER, EICHELBERGER, DINNIMAN, WHITE, AUMENT,  
ALLOWAY, WAGNER, MENSCH, SMUCKER, STEFANO AND ARGALL,  
OCTOBER 23, 2015

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REFERRED TO LABOR AND INDUSTRY, OCTOBER 23, 2015

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A RESOLUTION

1 Urging the Department of Labor to recognize Pennsylvania's  
2 noncompliance with revised standards for apprenticeship  
3 programs and take actions to decertify Pennsylvania's State  
4 Apprenticeship Council.

5 WHEREAS, Apprenticeship is a valuable system for work force  
6 development and job creation; and

7 WHEREAS, The Pennsylvania State Apprenticeship and Training  
8 Council was created by the Apprenticeship and Training Act; and

9 WHEREAS, The Apprenticeship and Training Act establishes as  
10 one of the duties of the Pennsylvania State Apprenticeship and  
11 Training Council "to encourage the development of an  
12 apprenticeship and training system through the voluntary  
13 cooperation of management and labor and interested State  
14 agencies and in cooperation with other states and the Federal  
15 Government"; and

16 WHEREAS, The Department of Labor established revised  
17 standards for apprenticeship through 29 CFR Part 29 on October  
18 29, 2008; and

1       WHEREAS, These revised standards increase flexibility,  
2 enhance program quality and accountability and promote  
3 apprenticeship opportunity in the 21st century, while continuing  
4 to safeguard the welfare of apprentices; and

5       WHEREAS, It is the responsibility of the Department of Labor  
6 to provide sufficient resources to states to ensure outreach and  
7 education, registration of programs and apprentices, provision  
8 of technical assistance and monitoring; and

9       WHEREAS, States that comply with these revised standards must  
10 submit a state apprenticeship law, instituted through statute,  
11 Executive Order, regulation or other means, that conforms to the  
12 requirements of 29 CFR Parts 29 and 30; and

13       WHEREAS, One of the basic requirements for compliance and  
14 recognition by the Department of Labor is the establishment and  
15 maintenance of a State Apprenticeship Agency; and

16       WHEREAS, The provisions of 29 CFR Part 29 provide a two-year  
17 period for states to comply with the revised regulations, which  
18 time period expired on December 29, 2010; and

19       WHEREAS, Pennsylvania has not established and does not  
20 maintain a State Apprenticeship Agency; and

21       WHEREAS, Revised Federal standards extend decision-making  
22 recognition only to State Apprenticeship Agencies because State  
23 Apprenticeship Council members are ultimately not accountable to  
24 the Commonwealth or the Department of Labor and Industry for  
25 their actions; therefore be it

26       RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
27 urge the Department of Labor to formally recognize  
28 Pennsylvania's noncompliance with standards established in 29  
29 CFR Part 29 and, as such, implement derecognition proceedings  
30 against the Department of Labor and Industry; and be it further

1       RESOLVED, That compliance with these standards is a required  
2 component for Federal acknowledgment of the decision-making  
3 ability of the Pennsylvania State Apprenticeship and Training  
4 Council; and be it further

5       RESOLVED, That, in accordance with 29 CFR § 29.14, "the  
6 recognition for Federal purposes of a State Apprenticeship  
7 Agency may be withdrawn for the failure to fulfill, or operate  
8 in conformity with, the requirements of" 29 CFR Pt. 29; and be  
9 it further

10       RESOLVED, That a copy of this resolution be transmitted to  
11 the President of the United States, the Secretary of the United  
12 States Department of Labor, the presiding officers of each house  
13 of Congress and to each member of Congress from Pennsylvania.