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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 280 Session of  
2015

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INTRODUCED BY FOLMER, AUMENT, HUGHES, VULAKOVICH, WHITE AND  
BOSCOLA, JANUARY 16, 2015

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REFERRED TO LABOR AND INDUSTRY, JANUARY 16, 2015

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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 this Commonwealth's economic development  
5 strategies and public work force investment system integrate  
6 registered 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 plan for equal employment opportunity  
10 in apprenticeship, incorporating policies and procedures to  
11 promote equality of opportunity in apprenticeship programs.

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

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

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

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

28 (11) Maintaining close liaison and serving as the single  
29 point of contact for apprenticeship and training for all  
30 agencies that carry on work force development programs, work-

1 based learning and other activities closely related to the  
2 purpose of this act.

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

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

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

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

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

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

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

30 (iii) the need for expansion of apprenticeship,

1 work-based learning and other occupational training  
2 programs; and

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

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

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

12 Section 4. Executive Director of Apprenticeship and Training.

13 The Governor shall appoint an Executive Director of  
14 Apprenticeship and Training who shall be confirmed by the Senate  
15 and responsible to the General Assembly in carrying out the  
16 provisions of this act. The commission shall appoint, hire and  
17 otherwise make available to the executive director the clerical,  
18 technical and professional services necessary to the performance  
19 of the executive director's duties, including appointments to  
20 the advisory council.

21 Section 5. Powers and duties of executive director.

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

24 (1) Oversight of the advisory council.

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

29 (3) Settlement of differences arising out of  
30 apprenticeship agreements.

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

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

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

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

10           (i) Apprenticeship agreements.

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

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

15           (iv) Transfers.

16           (v) Program sponsors.

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

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

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

29           (11) Expanding apprenticeship opportunities for workers  
30 in industries that have not traditionally used the registered

1 apprenticeship model, including, but not limited to, new and  
2 emerging occupations and high-technology and green  
3 industries.

4 Section 6. State Apprenticeship Advisory Council.

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

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

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

15 (3) Two representatives of community colleges.

16 (4) One representative of the general public.

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

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

21 (7) One work force development representative from each  
22 of the following:

23 (i) Department of Aging.

24 (ii) Department of Education.

25 (iii) Department of Community and Economic  
26 Development.

27 (iv) Department of Human Services.

28 (v) Department of Military and Veterans Affairs.

29 (vi) The Pennsylvania Council of Chief Juvenile  
30 Probation Officers.

1 (b) Term of membership.--

2 (1) Employer, employee and public members shall be  
3 appointed by the Governor with the advice and consent of the  
4 Senate. Members shall be citizens of the United States and  
5 residents of this Commonwealth.

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

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

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

16 (c) Appointments.--For employer, employee and public members  
17 initially appointed to the board under this act, the term of  
18 office shall be as follows:

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

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

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

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

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

28 (f) Expenses.--Each member of the advisory council shall  
29 receive actual traveling expenses and per diem at the rate of  
30 \$25 each day for time spent attending advisory council meetings.

1 (g) Status.--The advisory council shall be ineligible for  
2 recognition as the State's registration entity and shall provide  
3 recommended advice and guidance to the commission on the  
4 operation of the State's apprenticeship system. The advisory  
5 council operates at the direction and discretion of the  
6 commission.

7 Section 7. Limitation.

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

12 Section 8. Subjects of transfer.

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

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

22 Section 9. Repeals.

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

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

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

30 Section 10. Effective date.

1        This act shall take effect in 60 days.