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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 761 Session of  
2015

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INTRODUCED BY SMUCKER, WOZNIAK, GREENLEAF, VANCE, WHITE AND  
AUMENT, APRIL 23, 2015

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REFERRED TO LABOR AND INDUSTRY, APRIL 23, 2015

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AN ACT

1 Repealing 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."

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of July 14, 1961 (P.L.604, No.304), known  
10 as The Apprenticeship and Training Act, is repealed:

11 [AN ACT

12 Relating to apprenticeship and training; creating a State  
13 Apprenticeship and Training Council in the Department of  
14 Labor and Industry to formulate an apprenticeship and  
15 training policy and program, and defining its powers and  
16 duties and providing for administration.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 Section 1. Declaration of Policy.--It is declared to be the  
20 policy of this act, (1) to encourage the development of an

1 apprenticeship and training system through the voluntary  
2 cooperation of management and labor and interested State  
3 agencies and in cooperation with other states and the Federal  
4 Government; (2) to provide for the establishment and furtherance  
5 of standards of apprenticeship and training to safeguard the  
6 welfare of apprentices and trainees; (3) to aid in providing  
7 maximum opportunities for unemployed and employed persons to  
8 improve and modernize their work skills; and (4) to contribute  
9 to a healthy economy by aiding in the development and  
10 maintenance of a skilled labor force sufficient in numbers and  
11 quality to meet the expanding needs of Pennsylvania industry and  
12 to attract new industry.

13 Section 2. Short Title.--This act shall be known and may be  
14 cited as "The Apprenticeship and Training Act."

15 Section 3. State Apprenticeship and Training Council.--There  
16 is hereby created a State Apprenticeship and Training Council  
17 (hereinafter called "The Council") as a departmental agency in  
18 the Department of Labor and Industry to be composed of eleven  
19 members who shall be appointed by the Governor. Four members  
20 shall be representatives of employes and four members shall be  
21 representatives of employers and three members shall be  
22 representatives of the general public. Members of the council,  
23 other than the ex-officio members, shall be appointed for a term  
24 of four years and until their successors are appointed, except  
25 that two of the original members shall be appointed for a term  
26 of one year, two for a term of two years, and two for a term of  
27 three years, and two for a term of four years. Members of the  
28 council shall be eligible for reappointment. In case of a  
29 vacancy, the Governor shall make an appointment for the  
30 unexpired term. A Deputy Secretary of the Department of Labor

1 and Industry, the Director of the State Employment Service of  
2 the Bureau of Employment Security of the Department of Labor and  
3 Industry, the Executive Director of the Advisory Board on  
4 Problems of Older Workers of the Department of Labor and  
5 Industry, and the Coordinator of Industrial Education of the  
6 Department of Public Instruction, and Chief of the Bureau of  
7 Rehabilitation of the Department of Labor and Industry, shall be  
8 ex-officio members of the council but shall not be entitled to  
9 vote, except that in the event of a tie vote, the Deputy  
10 Secretary of Labor and Industry shall have the right to cast the  
11 tie-breaking vote. The council shall organize immediately upon  
12 its appointment, and annually thereafter, by the election of one  
13 of its members as chairman and another as vice-chairman, one of  
14 whom shall be a representative of employes and the other a  
15 representative of employers. Each member of the State  
16 Apprenticeship and Training Council, except ex-officio members,  
17 shall receive actual traveling expenses and per diem  
18 compensation at the rate of twenty-five dollars (\$25) per day  
19 for the time actually devoted to the business of the council.

20 Section 4. Powers and Duties.--(a) The council shall (1)  
21 establish standards for apprenticeship in conformity with the  
22 provisions of this act and applicable statutes and regulations  
23 of the Federal Government; (2) adopt such rules and regulations,  
24 subject only to the approval of the Secretary of Labor and  
25 Industry, as may be necessary to carry out the intent and  
26 purpose of this act; (3) compile such data on population and  
27 employment trends, industrial production, vocational and  
28 industrial education and job requirements as may be deemed  
29 necessary to carry out the intent and purpose of this act; (4)  
30 to terminate or cancel any apprenticeship agreements in

1 accordance with the provisions of such agreements or order  
2 modifications of such agreements; (5) maintain close liaison  
3 with Bureau of Apprenticeship and Training, the United States  
4 Department of Labor, the State Board of Vocational Education,  
5 the Department of Public Instruction, the Department of  
6 Commerce, Bureau of Rehabilitation of the Department of Labor  
7 and Industry, and Juvenile Forestry Camps under the Department  
8 of Public Welfare, and such other agencies which carry on  
9 programs closely related to the purposes of this act; (6)  
10 conduct studies, surveys and investigations of the special  
11 problems of retraining or training unemployed or employed  
12 persons to improve or modernize work skills and make appropriate  
13 recommendations to cooperating agencies described above, local  
14 community organizations, local school boards and the Secretary  
15 of Labor and Industry; (7) act as a convening agency in local  
16 communities to bring together local representatives of employes,  
17 employers, educational agencies and industrial development  
18 agencies in order to promote closer local cooperation in  
19 establishing better apprenticeship and other training programs  
20 including programs for employed persons who wish to improve and  
21 modernize their work skills; (8) use appropriate media of  
22 information and education to acquaint employers, employes and  
23 the public at large with the advantages and availability of  
24 apprenticeship and other occupational training programs; (9)  
25 study the effectiveness of apprenticeship agreements and make  
26 recommendations in accordance with the provisions of such  
27 agreements for their improvement; and (10) perform such other  
28 duties as may be necessary to give full effect to the provisions  
29 of this act.

30 (b) The council shall make a report to the Secretary of the

1 Department of Labor and Industry, on or before February  
2 fifteenth, each year, indicating the extent of apprenticeship  
3 and other occupational training programs during the previous  
4 year, trends in employment requiring adjustments in  
5 apprenticeship training and other occupational programs, needs  
6 for expansion of apprenticeship and other occupational training  
7 programs, activities of the council and such recommendations as  
8 are in accord with the purposes of this act.

9 (c) No action affecting the status of an agreement shall be  
10 taken by the council until an attempt has been made to bring the  
11 employes and employer together to settle the problem in  
12 conformity with the standards of the council.

13 Section 5. Meetings.--Meetings of the council shall be held  
14 monthly and as often as is necessary in the opinion of the  
15 majority of the council. The chairman shall designate the time  
16 and place of the meetings and the secretary shall notify all  
17 council members at least one week in advance of each meeting. A  
18 majority of the voting membership of the council shall  
19 constitute a quorum if at least one representative from both the  
20 employe and employer groups is present.

21 Section 6. Administration.--The Secretary of the Department  
22 of Labor and Industry shall appoint a Director of Apprenticeship  
23 and Training who shall be responsible to the Secretary of Labor  
24 and Industry in carrying out the provisions of this act and who  
25 shall serve as ex-officio secretary of the council. The  
26 Secretary of the Department of Labor and Industry is authorized  
27 to appoint or make available to the Director of Apprenticeship  
28 and Training such clerical, technical and professional services  
29 necessary to the performance of his duties.

30 Section 7. Director Duties.--The Director of Apprenticeship

1 and Training shall carry out the purposes of this act. His  
2 duties shall include, but shall not be limited to, (1)  
3 encouragement and promotion of the standards established in  
4 accordance with this act and with the basic standards of the  
5 Federal Committee on Apprenticeship; (2) bringing about the  
6 settlement of differences arising out of apprenticeship  
7 agreements when the differences cannot be adjusted locally or in  
8 accordance with established trade procedure; (3) supervision of  
9 the execution of agreements and maintenance of standards; (4)  
10 registration of apprenticeship agreements as the council shall  
11 authorize as conforming to the established standards; (5)  
12 keeping a record of apprenticeship agreements and, upon  
13 performance thereof, issuing certificates of completion of  
14 apprenticeship; (6) execution of the actions of the council in  
15 all of its powers and duties under section 4 of this act; (7)  
16 encouragement of liaison and cooperation between all private,  
17 State and Federal agencies concerned with apprenticeship, trade  
18 and industrial training; (8) promotion of employe, employer and  
19 public awareness of apprenticeship and other occupational  
20 training; and (9) keeping a record of the progress of  
21 apprenticeship and training programs initiated in accordance  
22 with the provisions of this act and informing the council  
23 periodically as to the results.

24 Section 8. Limitation.--The provisions of this act shall  
25 apply only to persons, copartnerships, associations,  
26 corporations and political subdivisions, and employer  
27 associations or organizations or associations of employes as  
28 voluntarily elect to conform with its provisions.

29 Section 9. General Repeal.--All acts or parts of acts  
30 inconsistent herewith are hereby repealed.

1 Section 10. This act shall become effective June 1, 1961.]

2 Section 2. This act shall take effect in 60 days.