

U.S. DEPARTMENT OF LABOR Employment and Training Administration Office of Apprenticeship Training, Employer and Labor Services (OATELS) Washington, D.C. 20210	<u>Distribution:</u> A-541 Headquarters A-544 All Field Techs. A-547 SD+RD/SAC; Lab Comm.	<u>Subject</u> State Apprenticeship Council Unilateral Modification of Policies and/or Procedures <u>Code:</u> 700
Symbols: OATELS/AS		Action: Immediate

PURPOSE: To guide OATELS field staff and State Apprenticeship Agencies or Councils (SACs) on how to comply with the requirement in 29 C.F.R. 29.12, referenced in Circular 88-5, dated December 15, 1987, and Circular 88-9 dated March 30, 1988, that SACs obtain OATELS approval prior to implementing any modification of the apprenticeship legislation, policies or procedures that OATELS initially approved in recognizing the SAC's authority to register apprenticeship programs for Federal purposes.

BACKGROUND: OATELS Circulars 88-5 and 88-9 were issued to address the possibility that a SAC would unilaterally revise its apprenticeship legislation, policies and or procedures.

Circular 88-9 states that modifications to the legislation, policies and procedures upon which recognition for Federal purposes was approved must be submitted to OATELS/BAT for clearance. Circulars 88-5 and 88-9 do not mandate national uniformity. They simply effectuate OATELS' responsibility to oversee the National Apprenticeship System in order to safeguard the welfare of apprentices. OATELS' authority to scrutinize a SAC's apprenticeship law as part of the recognition process would be rendered meaningless if the SACs could subsequently revise that law without first obtaining further OATELS' approval.

OATELS staff will work cooperatively with the SACs to reconcile proposed changes with the requirements of the National Apprenticeship Act and the implementing regulations, negotiating to achieve mutually satisfactory results. The SACs can streamline their compliance with the prior approval requirement by submitting their proposals at the earliest possible point in the development process.

POLICY: All proposed modifications in legislation, policies and/or operational procedures planned, or implemented by the SAA/SACs must be submitted and processed as follows:

- a) the SAC will forward any proposed state apprenticeship legislation, procedure or policy modification(s) to the OATELS National Office: (to the address shown below)

OATELS Administrator
 U.S. Department of Labor/ETA
 200 Constitution Avenue, N.W.
 Room 4671
 Washington, DC 20210

Dated February 7, 2005

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b) the OATELS National Office will provide copies of the SAC's submission to the appropriate OATELS State Director and Regional Director for comments and recommendations on the submittal;

c) Input from the OATELS state and regional staff shall be prepared and submitted to the National Office as quickly as possible, without compromising substantive review;

d) the National Office will make every effort to complete action on a SAC's proposed change in a timely fashion,

e) In circumstances where a SAC foresees that the state legislature or the state agency regulating apprenticeship (the SAC itself) is operating under time constraints that would not accommodate completion of OATELS' prior approval process, the SAC should incorporate a "savings clause" into any such proposed modification(s), either delaying or rescinding the effective date of any change based on subsequent action by OATELS.

Note: For example,

The action mandated by this (legislation/regulation....) takes effect the date that it is approved by OATELS.

or

The action mandated by this (legislation/regulation....) is rescinded/repealed/revoked and pre-existing requirements are revived to the extent that OATELS subsequently disapproves the change(s) made by this (legislation/regulation...).