



At-a-Glance: Proposed Modifications to State Apprenticeship Legislation, Regulations, Policies and Operational Procedures Apprenticeship Final Rule, 29 CFR Part 29

How do the revised regulations address proposed modifications to a state's apprenticeship legislation, regulations, policies and/or operational procedures?

The revised regulations call for SAAs to submit all proposed modifications in legislation, regulations, policies and/or operational procedures to the Office of Apprenticeship (OA) for OA concurrence. The specific changes that address this issue can be found in § 29.13(b)(9).

OA's "concurrence" will reflect a finding that the proposed modification conforms to part 29 and that implementation of the proposal will not affect the state's recognition status. If OA finds that a proposed modification does not conform to part 29, it will notify the state of its concerns within 45 days from the date that OA receives the proposed modification, and will work with the state to resolve them, providing technical assistance as appropriate.

How was this issue addressed in the original regulations?

The previous regulations did not address subsequent modifications to state legislation, regulations, policies or procedures.

What is the reason for the change?

Reviewing potential changes allows OA to safeguard conformity with Federal apprenticeship regulation and legislation. This review process affords the SAA and OA the opportunity to identify and reconcile issues that can potentially affect a state's recognition status before proposals take effect and must be undone to preserve recognition. In recent reviews of SAAs, OA has often identified provisions of state laws and regulations that were not consistent with Federal apprenticeship regulations. In turn, such circumstances have forced SAAs to make modifications and corrections to conform to the National Apprenticeship Act. By adding this provision, the final rule will help ensure that state laws and policies in recognized states do not conflict with Federal apprenticeship regulation and legislation. For further information, please refer to page 64420 of the Federal Register Notice for the final rule (73 FR 64402, Oct. 29, 2008).

What are the next steps?

The revised regulations take effect on December 29, 2008, and provide SAAs with up to an additional two years from the effective date to implement necessary changes and apply for continued recognition. OA will coordinate with SAAs to develop and issue guidance and procedures for recognition and continued recognition under the revised regulations, including procedures for submission of modifications in legislation, regulations, policies and/or operational procedures required under § 29.13(b)(9).

For more information about the revised regulations, please contact OA at (202) 693-2796 or Regs.Apprenticeship@dol.gov.