

THE APPRENTICESHIP AND TRAINING ACT



DEPARTMENT OF
LABOR & INDUSTRY
COMMONWEALTH OF PENNSYLVANIA

BUREAU OF LABOR LAW COMPLIANCE

"THE APPRENTICESHIP AND TRAINING ACT"
Act of 1961, P.L. 604, No. 304

AN ACT

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

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

Section 1. Declaration of Policy.

It is declared to be the policy of this act,

(1) to encourage the development of an apprenticeship and training system through the voluntary cooperation of management and labor and interested State agencies and in cooperation with other states and the Federal Government;

(2) to provide for the establishment and furtherance of standards of apprenticeship and training to safeguard the welfare of apprentices and trainees;

(3) to aid in providing maximum opportunities for unemployed and employed persons to improve and modernize their work skills; and

(4) to contribute to a healthy economy by aiding in the development and maintenance of a skilled labor force sufficient in numbers and quality to meet the expanding needs of Pennsylvania industry and to attract new industry.

Section 2. Short Title.

This act shall be known and may be cited as "The Apprenticeship and Training Act."

Section 3. State Apprenticeship and Training Council.

There is hereby created a State Apprenticeship and Training Council (hereinafter called "The Council") as a departmental agency in the Department of Labor and Industry to be composed of eleven members who shall be appointed by the Governor. Four members shall be representatives of employes and four members shall be representatives of employers and three members shall be representatives of the general public. Members of the council, other than the ex-officio members, shall be appointed for a term of four years and until their successors are appointed, except that two of the original members shall be appointed for a term of one year, two for a term of two years, and two for a term of three years, and two for a term of four years. Members of the council shall be eligible for reappointment. In case of a vacancy, the Governor shall make an appointment for the unexpired term. A Deputy Secretary of the Department of Labor and Industry, the Director of the State Employment Service of the Bureau of Employment Security of the Department of Labor and Industry, the Executive Director of the Advisory Board on Problems of Older Workers of the Department of Labor and Industry, and the Coordinator of Industrial Education of the Department of Public Instruction, and Chief of the Bureau of Rehabilitation of the Department of Labor and Industry, shall be ex-officio members of the council but shall not be entitled to vote, except that in the event of a tie vote, the Deputy Secretary of Labor and Industry shall have the right to cast the tie-breaking vote. The council shall organize immediately upon its appointment, and annually thereafter, by the election of one of its members as chairman and another as vice-chairman, one of whom shall be a representative of employes and the other a representative of employers. Each member of the State Apprenticeship and Training Council, except ex-officio members, shall receive actual traveling expenses and per diem compensation at the rate of twenty-five dollars (\$25) per day for the time actually devoted to the business of the council.

Section 4. Powers and Duties.

(a) The council shall

(1) establish standards for apprenticeship in conformity with the provisions of this act and applicable statutes and regulations of the Federal Government;

(2) adopt such rules and regulations, subject only to the approval of the Secretary of Labor and Industry, as may be necessary to carry out the intent and purpose of this act;

(3) compile such data on population and employment trends, industrial production, vocational and industrial education and job requirements as may be deemed necessary to carry out the intent and purpose of this act;

(4) to terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements or order modifications of such agreements;

(5) maintain close liaison with Bureau of Apprenticeship and Training, the United States Department of Labor, the State Board of Vocational Education, the Department of Public Instruction, the Department of Commerce, Bureau of Rehabilitation of the Department of Labor and Industry, and Juvenile Forestry Camps under the Department of Public Welfare, and such other agencies which carry on programs closely related to the purposes of this act;

(6) conduct studies, surveys and investigations of the special problems of retraining or training unemployed or employed persons to improve or modernize work skills and make appropriate recommendations to cooperating agencies described above, local community organizations, local school boards and the Secretary of Labor and Industry;

(7) act as a convening agency in local communities to bring together local representatives of employes, employers, educational agencies and industrial development agencies in order to promote closer local cooperation in establishing better apprenticeship and other training programs including programs for employed persons who wish to improve and modernize their work skills;

(8) use appropriate media of information and education to acquaint employers, employes and the public at large with the advantages and availability of apprenticeship and other occupational training programs;

(9) study the effectiveness of apprenticeship agreements and make recommendations in accordance with the provisions of such agreements for their improvement; and

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

(b) The council shall make a report to the Secretary of the Department of Labor and Industry, on or before February fifteenth, each year, indicating the extent of apprenticeship and other occupational training programs during the previous year, trends in employment requiring adjustments in apprenticeship training and other occupational programs, needs for expansion of apprenticeship and other occupational training programs, activities of the council and such recommendations as are in accord with the purposes of this act.

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

Compiler's Note: The Department of Commerce, referred to in subsec. (a), was renamed the Department of Community and Economic Development by Act 58 of 1996.

Section 5. Meetings.

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

Section 6. Administration.

The Secretary of the Department of Labor and Industry shall appoint a Director of Apprenticeship and Training who shall be responsible to the Secretary of Labor and Industry in carrying out the provisions of this act and who shall serve as ex-officio secretary of the council. The Secretary of the Department of Labor and Industry is authorized to appoint or make available to the Director of Apprenticeship and Training such clerical, technical and professional services necessary to the performance of his duties.

Section 7. Director Duties.

The Director of Apprenticeship and Training shall carry out the purposes of this act. His duties shall include, but shall not be limited to,

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

Section 8. Limitation.

The provisions of this act shall apply only to persons, copartnerships, associations, corporations and political subdivisions, and employer associations or organizations or associations of employes as voluntarily elect to conform with its provisions.

Section 9. General Repeal.

All acts or parts of acts inconsistent herewith are hereby repealed.

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