

<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b> <b>ADVISORY SYSTEM</b> <b>U.S. DEPARTMENT OF LABOR</b> <b>Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> Registered Apprenticeship
	<b>CORRESPONDENCE SYMBOL</b> OA
	<b>DATE</b> March 9, 2026

**ADVISORY: OFFICE OF APPRENTICESHIP CIRCULAR NO. 2026-02**

**TO:** NATIONAL APPRENTICESHIP SYSTEM STAKEHOLDERS  
OFFICE OF APPRENTICESHIP STAFF  
STATE APPRENTICESHIP AGENCIES  
STATE CTE DIRECTORS  
STATE EDUCATION AGENCY HEADS  
STATE WORKFORCE AGENCY HEADS

**FROM:** MEGAN BAIRD  
Acting Administrator, Office of Apprenticeship

**SUBJECT:** Roles and Functions of State Apprenticeship Agencies and State Apprenticeship Councils

**1. Purpose.**

To promote the uniform and consistent application of the provisions of Title 29 of the Code of Federal Regulations (CFR) at part 29 (part 29) that address the roles of State Apprenticeship Agencies (SAAs) and State Apprenticeship Councils (SACs or Councils) by removing bureaucratic obstacles to the registration of apprenticeship programs.

This Circular provides greater clarity surrounding the scope of regulatorily permissible functions and duties of SAAs and SACs. Its ultimate aim is to improve access to in-demand training programs, grow America’s talent supply, and aid the reindustrialization agenda set forth by President Trump and outlined in [America’s Talent Strategy](#).

**2. Action Requested.**

The Office of Apprenticeship (OA) expects that all officials employed by SAAs, as well as all individuals who are members of SACs, will familiarize themselves with the content of this Circular, and be prepared to undertake the actions described in the “Guidance” section below in instances where current apprenticeship-related laws and/or practices of their SAA State fail to adhere to the regulatory provisions of part 29. OA staff and other Registered Apprenticeship stakeholders should also familiarize themselves with the content of this Circular.

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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### *The Roles of State Apprenticeship Agencies and State Apprenticeship Councils*

Pursuant to 29 CFR 29.13(a)(2), each SAA is required to establish a SAC “to assist the State Apprenticeship Agency,” and the regulations at 29 CFR 29.2 state that a SAC “is ineligible for recognition as the State’s Registration Agency.”

As an external, non-governmental body, a SAC may be either regulatory or advisory in nature. As stipulated by 29 CFR 29.2, a *regulatory* SAC may promulgate apprenticeship law at the direction of the SAA, while an *advisory* SAC is confined to providing “advice and guidance to the State Apprenticeship Agency on the operation of the State’s apprenticeship system.” Critically, § 29.13(a)(2) further stipulates that a SAC—whether regulatory or advisory in nature—must exclusively operate “under the direction of the State Apprenticeship Agency.”

In describing the composition of the SAC’s membership, § 29.13(a)(2) states that the SAC must consist of an “equal number of representatives of employer and employee organizations,” and must also include public members (not to exceed the number named to represent either employer or employee organizations) who are familiar with apprenticeable occupations.

In addition to these regulatory requirements, OA as a general matter recommends that SAC membership be broadly reflective of the State’s Registered Apprenticeship ecosystem, and OA encourages representation of those industries or occupations that might be characterized as new or emerging in the apprenticeship system.

### *The Role of Registration Agencies - Policy and Oversight*

Consistent with the purposes of the National Apprenticeship Act of 1937, the regulations at part 29 require registration agencies to exercise a variety of key administrative, policy, and oversight functions pertaining to Registered Apprenticeship that are detailed in part 29, including but not limited to the following activities:

- evaluating and vetting an occupation to determine whether it is apprenticeable;
- accepting, reviewing, and approving (or disapproving) applications received from potential sponsors for the registration, for Federal purposes, of their Registered Apprenticeship programs;
- reviewing and approving a program’s standards of apprenticeship (including amendments to existing program standards);
- conducting periodic reviews of Registered Apprenticeship programs to assess their compliance with applicable regulatory requirements;
- establishing procedures for the cancellation or deregistration of programs; and
- providing technical assistance to Registered Apprenticeship program sponsors, participating employers, and other stakeholders.

### *The Exercise of Regulatory Functions by SAAs*

In accordance with 29 CFR 29.13, SAAs must retain decision-making authority and discretion in exercising all of the essential Registration Agency functions detailed above and may neither assign nor relinquish such responsibilities to external entities such as SACs. As expressed in the preamble to the 2008 final rule, a direct and collaborative relationship between the Federal and State government agencies that regulate and oversee Registered Apprenticeships is critical for the effective functioning of the National Apprenticeship System in the United States.

Consistent with the language of part 29, SAAs—acting as impartial and disinterested governmental bodies that are accountable to the elected executive authority within their respective States—are best suited to fairly and impartially carry out the administrative and oversight duties with respect to Registered Apprenticeships that have been delegated to such SAAs by the Department. While many SAAs have admirably fulfilled their oversight and administrative responsibilities over the years in accordance with the current regulatory requirements established at § 29.13, the Department also recognizes that several SAAs may not be operating in accordance with the current regulation with respect to the proper role and functions of a SAC. Despite the clear regulatory requirement that a SAC (functioning either in a regulatory or advisory capacity) operate exclusively under the direction of a SAA, the Department is concerned that the authority to evaluate, approve, or register apprenticeship standards or programs in a number of SAA States may have been improperly ceded—either in law or in practice—to SACs.

The Department has observed that potential sponsors have experienced difficulties in seeking to register apprenticeship programs in States where SACs *impermissibly* exercise exclusive authority to approve or deny applications for program registration. Such challenges have involved, for example, the infrequency of SAC hearings to consider applications for registration, as well as repeated postponements of decisions from the SAC on whether to approve or deny program standards or registration. Such difficulties have also involved the absence of procedural due processes—including appeal rights and the lack of a formal written record—in those instances where a SAC has impermissibly issued a negative determination on a sponsor’s Registered Apprenticeship program standards or new occupation request.

These examples of improper conduct by certain SACs may help to explain why the speed of program registration in certain SAA states lags behind the pace of registrations in States administered by OA or in SAA jurisdictions where SACs are functioning consistent with part 29. In 2024, the Urban Institute published an analysis of program registration data from OA and SAA States and found that the number of apprenticeship programs registered in those SAA States identified by the study as having impermissibly delegated registration authority to their SACs were conspicuously lower than program registration in other SAA States and in OA States.<sup>2</sup> OA’s analysis of available Registered Apprenticeship Partners Information Database System (RAPIDS) data finds that these differences in program registration have persisted.

In instances where an applicant who otherwise appears to meet the existing regulatory requirements for program registration has encountered such inappropriate barriers to registration, the applicant may request (as some sponsors have done in the past) that the Department exercise its authority

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<sup>2</sup> For more information concerning this data, see K. Gardiner and S. Nayak, “State Apprenticeship Agencies: The Role of Apprenticeship Councils in Approving Registered Apprenticeships,” Urban Institute, June 2024, which may be viewed at: <https://www.urban.org/research/publication/state-apprenticeship-agencies-role-apprenticeship-councils-approving>.

under § 29.13(i) to register apprenticeship programs for Federal purposes in any State. The Department has utilized this authority in the past to address such specific circumstances. However, while permitted under part 29 regulation, such registration action by OA creates unnecessary administrative barriers for the sponsor, which is an outcome SAAs should be working in earnest to avoid.

#### 4. **Guidance.**

Given that the current operations of SAAs and SACs in various States and Territories may be inconsistent with the requirements at part 29, OA is issuing this Circular to provide all relevant stakeholders with greater clarity in delineating the proper scope of the functions and duties of SAAs and SACs.

To foster the adoption of uniform administrative practices among SAAs, to expedite and facilitate the registration process for program applicants, and to promote the expansion of Registered Apprenticeship programs across every State, SAAs must *not*—either in law or in practice—delegate, assign, or relinquish to an SAC any of the functions or discretionary authority conferred by the OA Administrator and described in § 29.13 and in this Circular. The inherent functions and discretionary authority that may not be assigned to, or exercised by, a SAC include:

- rendering occupational apprenticeability determinations;
- reviewing and approving (or disapproving) proposed standards of apprenticeship, applications to register an apprenticeship program, or modifications to existing program standards;
- monitoring, reviewing, or overseeing apprenticeship programs or standards of apprenticeship; and
- suspending or deregistering an apprenticeship program.

Similarly, SACs are expected to confine the scope of their activities to those defined in § 29.2. Because a SAC is not eligible to be recognized as the SAA, SACs must refrain from assuming or exercising any of the discretionary and inherently governmental regulatory and oversight functions with respect to apprenticeship that are properly vested in an SAA pursuant to § 29.13. The role of a SAC is confined to promulgating apprenticeship law at the direction of the SAA (in the case of a regulatory SAC) and furnishing the SAA with written, non-binding advice, recommendations, research, legislative or regulatory proposals, or reports concerning apprenticeship-related matters, provided that the provision of such non-binding advice and recommendations does not intrude upon any of the SAA's duties and functions described in § 29.13.

SAA States whose current apprenticeship-related laws or practices fail to conform with either the regulatory provisions of part 29 or the clarifying policy guidance in this Circular concerning the proper roles of SAAs and SACs are obligated to initiate and expedite corrective actions to remedy all areas of non-conformity. Such corrective actions may involve the enactment of legislation, the promulgation of regulations, and/or the issuance of policy-related guidance.

To encourage SAAs to undertake prompt corrective action, OA stands ready to provide advice and technical assistance to facilitate the alignment of State laws and practices with applicable regulatory provisions and related Circulars. While pursuing corrective actions, non-conforming SAAs are

reminded that, pursuant to § 29.13(b)(9), an SAA is obligated to submit all proposed modifications in legislation, regulations, policies and/or operational procedures to OA for review and concurrence prior to implementation. The Department believes that such constructive and collaborative engagement between OA and SAA States will strengthen the unity and efficient operation of the National Apprenticeship System, as well as remove unnecessary bureaucratic barriers to the accelerated expansion of the Registered Apprenticeship system.

Following the issuance of this Circular, and in accordance with the applicable provisions of part 29, including § 29.13(e), OA will continue to closely monitor SAA States to assess their compliance with those regulatory provisions of part 29 that outline the permissible activities of SACs. SAAs are reminded that if a SAC in their State undertakes or performs those activities and action that may only be exercised by a SAA, the OA Administrator is authorized to take appropriate administrative measures under the regulation, including directly registering apprenticeship programs within the State (pursuant to § 29.13(i)) and/or the initiation of derecognition proceedings (pursuant to § 29.13(f)).

## **5. Inquiries.**

If you have any questions concerning the content of this Circular, please contact the Office of Apprenticeship at [OA.Policy@dol.gov](mailto:OA.Policy@dol.gov).

## **6. References.**

- National Apprenticeship Act, 29 U.S.C. 50
- 29 CFR part 29