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Department of Labor



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July 24, 1981

U. S. Department of Labor	:	Distribution:	:	Subject:	Code: 650
Employment and Training Administration	:		:	Partial Exemption from the Provisions of Title 29 CFR Part 30 for Registration of Apprenticeship Programs with State and Local Governments	
Bureau of Apprenticeship And Training	:	A-542	:		
Washington, D. C. 20213	:	A-543	:		
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Purpose: To inform the National Office staff, Regional and State Directors, BAT, of the partial exemption from the provision of Title 29 CFR Part 30 for registered programs of apprenticeship with State and local governments.

Background: In November 1971, the issue of whether State and local government sponsors of registered programs of apprenticeship would be subject to the provision of Title 29 CFR Part 30 was raised as the result of an inquiry from Thomas Augustine, Regional Director, Region V, BAT, concerning the City of Detroit, Michigan Operating Engineers Apprenticeship Program.

On November 6, 1971, Associate Solicitor William Kilberg rendered the following opinion in a letter to James P. Mitchell, Deputy Administrator, BAT:

"We have examined Tom Augustine's comments regarding the affirmative action program submitted by the Detroit Civil Service Commission for the Operating Engineer Apprenticeship Program.

Unless BAT decides to amend 29 C.F.R. Part 30, we believe that coverage of public employee apprenticeship programs in State and local governments under the present regulations should be limited, by means of the exemption route (§30.19), to requiring State and local government apprenticeship sponsors to observe the provisions of 29 C.F.R. §30.3(a) establishing the basic duty of nondiscrimination and equal treatment, §30.3(b), inclusion of the equal opportunity pledge in the sponsor's standards, and §30.8(a) and (e) for recordkeeping. On the other hand, State and local government sponsors should not be required to adopt an affirmative action program (including goals and timetables) under §30.4 or a selection procedure under §30.5. This position is consistent with the current OFCC policy concerning Federal contracts with State or local governments. Under 41 C.F.R. §60-1.5(a)(4), such entities must observe the standard equal opportunity contractual clause while remaining exempt from maintaining a written affirmative action program."

Action: An ONIP inquiry to the Office of the Solicitor confirmed that the opinion rendered by former Associate Solicitor William Kilberg has not been modified or rescinded and remains in effect. This bulletin may be used for reference in registering programs of apprenticeship with State and local government sponsors.

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Bureau of Apprenticeship & Training