



BENEFIT NEWS BRIEFS

DOL Launches Apprenticeship and Training Plans Resource Webpage

In [Client Bulletins 2011-63](#) and [2011-76](#) we discussed Department of Labor's (DOL) audits of Apprenticeship and Training Plans and in [Client Bulletin 2012-18](#) we discussed the DOL Guidance in *Field Assistance Bulletin (FAB) 2012-01 on Using Plan Assets For Graduation Ceremonies And Program Marketing*.

Since then, the DOL has launched a webpage with resources for Apprenticeship and Training Plans at: <http://www.dol.gov/ebsa/apprenticeshipplans.html>. By way of background, the DOL provided an overview of the law concerning apprenticeship programs and the various agencies within the DOL that are involved in overseeing these programs.

The *National Apprenticeship Act of 1937* (also known as "*the Fitzgerald Act*"), established the DOL's role to safeguard the welfare of apprentices, ensure equality of access to apprenticeship programs and provide integrated employment and training information to sponsors and the local employment and training community.

The Employment and Training Administration (ETA) administers the *National Apprenticeship Act* including the regulatory framework for registration of apprenticeship programs and administration of the National Apprenticeship System. The ETA homepage is: <http://www.doleta.gov>.

The Office of Labor-Management Standards (OLMS) administers and enforces most provisions of the *Labor-Management Reporting and Disclosure Act of 1959 (LMRDA)*. The OLMS homepage is: <http://www.dol.gov/olms>.

The Employee Benefits Security Administration (EBSA) oversees apprenticeship and training programs that cover private sector workers and are financed out of trust funds. The EBSA homepage is <http://www.dol.gov/ebsa>.

These plans are governed under the *Employee Retirement Security Act of 1974 (ERISA)* as apprenticeship or other training programs are included in the definition of "employee welfare benefit plan" under *ERISA*. According to the DOL, most private sector collectively bargained apprenticeship and training programs are covered by *ERISA* because the *Labor-Management Relations Act (LMRA)* requires that the expenses of any joint labor/management apprenticeship committee be paid for from monies placed in a separate fund.

ERISA sets standards of conduct for those who manage an employee benefit plan and its assets, including fiduciary responsibilities, submitting reports to the government and disclosing information to workers participating in the plans. *ERISA*-covered apprenticeship and training plans can be exempted from several *ERISA* requirements including annual reporting (Form 5500 Annual Report), audits, disclosures (Summary Plan Description, Summary of Material Modifications, etc.) and recordkeeping requirements if specified conditions are met.

However, even if exempt from certain reporting requirements, the plan fiduciaries are still subject to the fiduciary responsibility standards of *ERISA*.

The [FAQs](#) provided on the DOL apprenticeship and training plan webpage give a general overview of the fiduciary responsibilities under *ERISA*. A specially prepared copy of the FAQs with a table of contents is available by "[clicking here](#)."

For more information on the fiduciary responsibilities applicable to *ERISA*-covered apprenticeship and training programs using the plan's assets for graduation ceremonies and program marketing, see [Field Assistance Bulletin 2012-01](#).

According to the DOL, having and adhering to strong financial controls and written policies and procedures regarding travel, reimbursement, and credit card use are among the best ways for *ERISA*-covered apprenticeship plans to comply with their fiduciary responsibilities. OLMS has developed resources to help create effective policies available at www.dol.gov/olms/regs/compliance/comptips.htm.

Additional information and resources for apprenticeship and training plans is available at the International Foundation of Employee Benefit Plans (IFEBC) website at: <http://www.ifebp.org/Resources/Apprenticeships/default.htm>.

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