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## **MEMORANDUM**

**TO:** Apprenticeship Program Sponsors

**FROM:** Kevin O’Farrell, Ph.D.

**DATE:** November 19, 2024

**SUBJECT:** Organizations that can serve as Registered Apprenticeship Sponsors

The purpose of this memorandum is to provide policy and guidance regarding organizations eligible to participate in registered apprenticeship programs as well as limitations on staffing agencies and leasing agencies in apprenticeship.

### RELATED TERMS:

*Sponsor:* any person, association, committee or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

*Leasing Agency:* Employee leasing is a contractual arrangement between a leasing agency (also known as a “professional employer organization” or PEO) and a client company. Under such arrangements, the PEO typically becomes the official employer of record, while other employer responsibilities are typically shared between the leasing agency and the client company.

*Staffing Agency:* A staffing firm supplies employees to work on (long-term) assignments. Employees are recruited, screened and assigned by the staffing firm.

### BACKGROUND AND PROCEDURE:

Federal regulations (Title 29 CFR Part 29) define an apprenticeship sponsor as “any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.” Section (s.) 446.071, Florida Statutes (F.S.), expands on this definition to include that a sponsor may be a “committee, a group of employers, an employer, a group of employees, an educational institution, a local workforce board, a community or faith-based organization, an association, or any combination thereof.” Sponsorship requires that the program comply with the applicable provisions of Title 29 CFR §§ 29 and 30, which may be achieved through partnerships between sponsors and employers who are actively training apprentices.

Kevin O’Farrell, Ph.D.  
Chancellor of Career and Adult Education

In Bulletin 2010-17 (and as restated in Bulletin 2016-26), U.S. Department of Labor Office of Apprenticeship (USDOL-OA) announced that “[a]pprenticeship programs proposed for registration with USDOL-OA by leasing agencies or entities providing leased employees as apprentices do not meet the provisions of Title 29, CFR Part 29 or Title 29, CFR Part 30, as qualifying program sponsors, and therefore are not eligible for participation in the Registered Apprenticeship System.” In reviewing the content of these 2010 and 2016 Bulletins, however, USDOL-OA has concluded that the foregoing statement concerning the registration eligibility of staffing and leasing agencies may be construed by some applicants as overbroad in scope, and inconsistent with the types of program sponsors described in the previous paragraph. Per Bulletin 2016-26, in certain instances, leasing and staffing agencies may act as (de facto) apprenticeship intermediaries by enabling employers to identify qualified candidates for apprenticeship training programs.

#### GENERAL PROCEDURE CONCERNING LEASING/STAFFING AGENCIES AND RELATED ENTITIES:

The Florida Department of Education (FDOE), Office of Apprenticeship, may accept applications for registration from leasing or staffing agencies - or employers that utilize leasing or staffing agencies - with the requirement that the apprenticeship program provide for long-term employment of the apprentice for placement with partner companies (i.e., employer/companies contracted for staffing services). The Office of Apprenticeship will require review and clearance by the Director of Apprenticeship and will be considered on a case-by-case basis. If it is deemed satisfactory for inclusion in the Registered Apprenticeship System, the Director of Apprenticeship shall authorize the regional apprenticeship and training representative to proceed with registering the program. For approval and registration with the FDOE Office of Apprenticeship, all leasing, staffing or related entities must comply with the requirements contained in Title 29 CFR §§ 29 and 30, s. 446.011-019, F.S., and Chapter 6A-23.001-011, F.A.C.

For their part, leasing and staffing agencies must conduct periodic reviews of each apprentice’s progress to ensure that all individuals who are formally enrolled in that agency’s apprenticeship programs are provided with a reasonable opportunity to complete the full training cycle for a relevant occupation. In this connection, leasing and staffing agencies (and any associated employers) must maintain appropriate progress records for the apprentices enrolled in their apprenticeship programs in accordance with the requirements of Title 29 CFR §29.5(b)(6), and Rule 6A-23.004(2)(f), F.A.C. In addition, leasing and staffing agencies must make every effort to secure employer acceptance agreements with their client employers to ensure that apprentices are afforded a reasonable opportunity to complete apprenticeship training programs with the agency’s client employers.

EXCEPTION TO PROCEDURE:

Standards for apprenticeship programs submitted by leasing or staffing agencies (or employers that utilize such agencies) involving construction-related occupations are excluded from consideration. The FDOE Office of Apprenticeship, including regional apprenticeship offices, are authorized to disapprove program registration applications submitted by employee leasing or staffing organizations that involve construction-related occupations based upon the existing field guidance contained in USDOL-OA Bulletins 2010-17 and 2016-26.

The department is pursuing inclusion of this policy in future rule development.

For questions, please contact Kathryn Wheeler, Director of Apprenticeship, at [Apprenticeship@fldoe.org](mailto:Apprenticeship@fldoe.org) or 850-245-0454.

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