ARTICLE 47:09

STATE APPRENTICESHIP AGENCY

Chapter

47:09:01 General provisions.

47:09:02 Registered apprenticeship programs.

47:09:03 Complaints.

CHAPTER 47:09:01

GENERAL PROVISIONS

Section

47:09:01:01 (Effective December 14, 2026) Definitions.

47:09:01:01. (Effective December 14, 2026) Definitions. Words and phrases defined in SDCL 60-15-1 have the same meaning when used in this article.

Source:

General Authority: SDCL 60-15-3.

Law Implemented: SDCL 60-15-1.

CHAPTER 47:09:02

REGISTERED APPRENTICESHIP PROGRAMS

Section

47:09:02:01 (Effective December 14, 2026) Program standards.

47:09:02:02 (Effective December 14, 2026) Registration.

47:09:02:03 (Effective December 14, 2026) Program review.

47:09:02:04 (Effective December 14, 2026) Apprenticeship agreements.

47:09:02:05 (Effective December 14, 2026) Reciprocity.

47:09:02:06 (Effective December 14, 2026) Deregistration.

47:09:02:07 (Effective December 14, 2026) Reinstatement.

47:09:02:01. (Effective December 14, 2026) Program standards. A registered apprenticeship program must meet the minimum standards established in 29 C.F.R. § 29.5 (January 1, 2026) and only apprenticeable occupations may be the subject of a registered apprenticeship program.

A registered apprenticeship program shall have a ratio of one journeyworker for each apprentice, except as approved by the state office of apprenticeship. The state office of apprenticeship may approve a different ratio based upon the request of the sponsor where appropriate. In making this determination to allow deviation from the standard ratio, the state office of apprenticeship shall consider the details of the individual program, labor market information, factors unique to the specific industry, and any specific occupational hazards.

Source:

General Authority: SDCL 60-15-3.

Law Implemented: SDCL 60-15-2(1)(3), 60-15-3(1)(2).

47:09:02:02. (Effective December 14, 2026) Registration. A sponsor for a program seeking registration as a registered apprenticeship program shall submit an application to the state office of apprenticeship using the format designated by the office. The state office of apprenticeship shall determine whether the application complies with the requirements of this article and register the program upon that determination. The application must contain:

(1) A written plan for the sponsor's proposed registered apprenticeship program with all terms and conditions for the qualification, recruitment, selection, employment, and training of an apprentice, and all required components outlined in 29 C.F.R. § 29.5 (January 1, 2026);

(2) The sponsor's organization name, address, and point of contact for apprenticeship and apprenticeship-related complaints;

(3) A copy of any active collective bargaining agreement for the sponsor's organization;

(4) The federal tax employer identification number of the sponsor's organization;

(5) The category of the sponsor's organization selected from a list provided by the office;

(6) The number of employees working for the sponsor's organization;

(7) The number of journeyworkers employed by the sponsor's organization for the apprenticeable occupation;

(8) The sponsor organization's North American Industrial Classification System, 2022, code;

(9) The name and qualifications of any person providing related instruction, as defined by 29 C.F.R. § 29.2 (January 1, 2026);

(10) Documentation to support any claim for previous experience credit; and

(11) Documentation of an interim credential, if offered by the program, which is issued by the state office of apprenticeship to demonstrate apprentice competency.

Source:

General Authority: SDCL 60-15-3.

Law Implemented: SDCL 60-15-2(1)(3), 60-15-3(1)(2)(4).

Reference: North American Industry Classification System, 2022 edition, Office of Management and Budget. Copies may be viewed and printed free of charge at https://www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf.

47:09:02:03. (Effective December 14, 2026) Program review. The performance standards for a registered apprenticeship program are as outlined in 29 C.F.R. § 29.6 (January 1, 2026).

The state office of apprenticeship shall review all programs for quality and conformity with the requirements of this article within the first year of registration, at the end of the first full training cycle, and may review a program more than once during this period as necessary. A provisionally approved program becomes permanently registered upon a satisfactory review. Any subsequent review of a permanently registered program must be conducted at least once every five years but may be conducted more frequently at the sole discretion of the state office of apprenticeship. In performing a review pursuant to this section, the state office of apprenticeship may:

(1) Obtain any record relevant to the apprenticeship program;

(2) Conduct an on-site inspection during normal business hours; and

(3) Perform interviews with the apprentice, sponsor, or any other individual involved in the program.

If a program is not administered in compliance with this article, the state office of apprenticeship must offer guidance, direction, or resource identification to aid the sponsor with necessary corrections to the administration of the program. The state office of apprenticeship may initiate deregistration procedures consistent with 29 C.F.R. § 29.8 (January 1, 2026).

Source:

General Authority: SDCL 60-15-3.

Law Implemented: SDCL 60-15-2(1)(3), 60-15-3(4)(5)(6).

47:09:02:04. (Effective December 14, 2026) Apprenticeship agreements. A sponsor shall submit an apprenticeship agreement to the state office of apprenticeship for review no later than forty-five days after the apprentice's start date in a program. An apprenticeship agreement must contain all elements outlined in 29 C.F.R. § 29.7 (January 1, 2026). A sponsor shall notify the state office of apprenticeship within forty-five days following a change to an apprenticeship agreement, a transfer from a program, or the completion of a program by an apprentice. An apprenticeship agreement may be suspended or canceled only as outlined in 29 C.F.R. § 29.7(h) (January 1, 2026).

Source:

General Authority: SDCL 60-15-3.

Law Implemented: SDCL 60-15-2(1)(3), 60-15-3(3)(4)(9).

47:09:02:05. (Effective December 14, 2026) Reciprocity. A sponsor may apply to the state office of apprenticeship for reciprocal approval of an apprenticeship program that is registered with another registration agency. The sponsor shall submit the application in the format designated by the state office of apprenticeship and shall demonstrate that the program meets the wage and hour provisions of SDCL chapters 60-11 and 60-12 and the apprentice ratio standards described in § 47:09:02:01.

Source:

General Authority: SDCL 60-15-3.

Law Implemented: SDCL 60-15-2(1)(3), 60-15-3(1)(2)(10).

47:09:02:06. (Effective December 14, 2026) Deregistration. The state office of apprenticeship may deregister a registered apprenticeship program as outlined in 29 C.F.R. §§ 29.8 and 29.10 (January 1, 2026) or cancel the registration at the request of the sponsor.

Source:

General Authority: SDCL 60-15-3.

Law Implemented: SDCL 60-15-2(1)(3), 60-15-3(8).

47:09:02:07. (Effective December 14, 2026) Reinstatement. A registered apprenticeship program that has been deregistered may apply for reinstatement. The sponsor shall submit a new apprenticeship application in accordance with § 47:09:02:02 and provide adequate evidence to demonstrate to the state office of apprenticeship that the program is compliant with this article as outlined in 29 C.F.R. § 29.9 (January 1, 2026).

Source:

General Authority: SDCL 60-15-3.

Law Implemented: SDCL 60-15-2(1)(3), 60-15-3(1)(2)(4)(8).

CHAPTER 47:09:03

COMPLAINTS

Section

47:09:03:01 (Effective December 14, 2026) Complaint process.

47:09:03:02 (Effective December 14, 2026) Investigation.

47:09:03:01. (Effective December 14, 2026) Complaint process. A complaint against a registered apprenticeship program must be submitted in writing to the state office of apprenticeship. The state office of apprenticeship shall review the complaint using the procedure outlined in 29 C.F.R. § 29.12(b) to (e), inclusive (January 1, 2026).

Source:

General Authority: SDCL 60-15-3.

Law Implemented: SDCL 60-15-2(1)(4), 60-15-3(7).

47:09:03:02. (Effective December 14, 2026) Investigation. Upon receipt of a complaint, the state office of apprenticeship must conduct an initial review of the complaint. If the state office of apprenticeship determines that the complaint is outside its jurisdiction, the complaint must be rejected without investigation. The state office of apprenticeship may refer a rejected complaint to another state or federal agency that may have jurisdiction.

If the state office of apprenticeship determines that the complaint alleges a violation of this article, the office must provide a copy of the complaint to the sponsor of the program. The sponsor has fifteen days to respond. If the sponsor does not provide a timely response, the state office of apprenticeship must resolve the complaint solely on the basis of the allegations in the complaint. If the sponsor responds, and the state office of apprenticeship determines that additional information is necessary to resolve the complaint, the office must request the information from the appropriate party. If the state office of the apprenticeship determines after an investigation that the complaint fails to establish probable cause of a violation of this article, the complaint must be dismissed.

If the complaint alleges illegal discrimination under an applicable federal or state civil rights law, the state office of apprenticeship must attempt to identify the most appropriate federal or state entity responsible for investigating the claim and forward a copy of the complaint to that entity.

If the complaint is not rejected or dismissed, the state office of apprenticeship must render an opinion on the complaint in the manner outlined in 29 C.F.R. § 29.12(d) (January 1, 2026).

Source:

General Authority: SDCL 60-15-3.

Law Implemented: SDCL 60-15-2(1)(4), 60-15-3(7).