



ADMINISTRATIVE RULES OF MONTANA

24.21.302 FEDERAL REGULATIONS INCORPORATED BY REFERENCE

- (1) The department adopts and incorporates by reference the following federal regulations for use in the operation of its state apprenticeship and training program:
 - (a) 29 CFR section 29.2, definitions, as in effect on May 11, 2020. The department expressly excludes from this adoption the definitions of "apprentice," "apprenticeship agreement," and "department";
 - (b) 29 CFR section 29.3, eligibility and criteria for registration of an apprenticeship program, as in effect on May 11, 2020;
 - (c) 29 CFR section 29.4, criteria for apprenticeable occupations, as in effect on July 1, 2010;
 - (d) 29 CFR section 29.5, standards of apprenticeship, as in effect on January 18, 2017;
 - (e) 29 CFR section 29.6, program performance standards, as in effect on May 11, 2020;
 - (f) 29 CFR section 29.7, apprenticeship agreement, as in effect on January 18, 2017;
 - (g) 29 CFR section 29.8, deregistration of a registered program, as in effect on January 18, 2017;
 - (h) 29 CFR section 29.9, reinstatement of program registration, as in effect on October 29, 2008;
 - (i) 29 CFR section 29.10, hearings for deregistration, as in effect on July 1, 2010, except that the appellate provisions of 29 CFR section 29.10(c) will not apply to the extent they are in conflict with the judicial review provisions of the Montana Administrative Procedure Act (Title 2, chapter 4, part 7, MCA);
 - (j) 29 CFR section 29.11, limitations, as in effect on May 11, 2020;
 - (k) 29 CFR section 29.13, recognition of state apprenticeship agencies, as in effect on May 11, 2020; and
 - (l) 29 CFR part 30, equal employment opportunity in apprenticeship and training, as in effect on January 18, 2017.
- (2) The department is not formally adopting by reference the various other portions of 29 CFR part 29 because those portions either address matters related to the internal operations of government or are otherwise addressed by the administrative rules contained in this subchapter. As an example, the provisions of 29 CFR 29.12 regarding complaint procedures, are addressed in ARM 24.21.416, and more generally under the Montana Administrative Procedure Act.
- (3) Copies of the regulations incorporated by reference are available as follows:

- (a) A printed copy of the regulations incorporated by reference is available for inspection and purchase at cost from the department and the U.S. Government printing office. The address for the department is listed in ARM 24.21.202. The address of the U.S. Government printing office is: U.S. Government Bookstore, 710 North Capitol Street N.W., Washington, D.C.
- (b) An electronic copy of the regulations incorporated by reference is available via the internet by following the links at the following web sites:
 - (i) <http://apprenticeship.mt.gov/> (Montana Department of Labor and Industry web site);
or
 - (ii) https://www.ecfr.gov/cgi-bin/text-idx?SID=aa3a46a8d66797945403b9672a8ba62a&mc=true&tpl=/ecfrbrowse/Title29/29cfr29_main_02.tpl (National Archives and Records Administration web site).

Authorizing statute(s): 2-4-201, 39-6-101, MCA

Implementing statute(s): 2-4-201, 39-6-101, MCA

History: NEW, 2010 MAR p. 2962, Eff. 12/24/10; AMD, 2019 MAR p. 1381, Eff. 8/24/19; AMD, 2020 MAR p. 2419, Eff. 12/25/20.