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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- APPRENTICE PROGRAMS

Introduced By: Senators Metts, Picard, and Lombardo

Date Introduced: March 24, 2011

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-45-2, 28-45-3, 28-45-9, 28-45-10, 28-45-13, 28-45-13.1, 28-
2 45-15, 28-45-16, 28-45-17 and 28-45-18 of the General Laws in Chapter 28-45 entitled
3 "Apprenticeship Programs in Trade and Industry" are hereby amended to read as follows:

4 **28-45-2. Apprenticeship council.** -- (a) The director of labor and training, with the
5 advice and consent of the governor, shall appoint a state apprenticeship council composed of four
6 (4) representatives each from employer and employee organizations respectively and one public
7 member. One of the employer representatives shall represent a business employing less than fifty
8 (50) employees. The council shall, by majority vote, elect from its membership a chairperson, a
9 vice-chairperson, and a secretary. The vice-chairperson shall act in the absence or inability of the
10 chairperson.

11 (b) Upon the expiration of the terms of the council's present membership, the director of
12 labor and training, with the advice and consent of the governor, shall appoint members to the
13 apprenticeship council for initial terms, and those members shall hold office until their successors
14 are appointed and have qualified, as follows:

15 (1) One representative each from employer and employee organizations respectively, for
16 an initial term of one year;

17 (2) One representative each from employer and employee organizations respectively, for
18 an initial term of two (2) years;

19 (3) One representative each from employer and employee organizations respectively, for

1 an initial term of three (3) years; and

2 (4) One representative each from employer and employee organizations respectively, for
3 an initial term of four (4) years.

4 (5) One public member, representing a community organization, for an initial term of
5 four (4) years.

6 (c) Upon the expiration of those initial terms, members shall be appointed for terms of
7 four (4) years, and shall hold office until their successors are appointed and have qualified. Any
8 vacancy shall be filled by appointments by the director of labor and training, with the advice and
9 consent of the governor, for the unexpired portion of the term. The commissioner of elementary
10 and secondary education, the director of labor and training shall be members of the council, ex-
11 officio, without vote.

12 (d) The council may, by majority vote, designate any consultants that it may deem
13 necessary and desirable to assist it in the performance of its duties.

14 (e) Members of the board shall not be compensated for their service on the board.

15 **28-45-3. Powers and duties.** -- (a) ~~The council shall meet as often as may be necessary,~~
16 ~~but not less than five (5) times a year; may adopt rules and regulations; may establish additional~~
17 ~~standards for apprenticeship agreements; and may request the services of any state or federal~~
18 ~~agency or department which may be of assistance in carrying out the purposes of this chapter.~~
19 The department of labor and training is the agency with responsibility and accountability for
20 apprenticeship within Rhode Island for federal purposes. The council shall be a regulatory council
21 and part of the department of labor and training. The council shall promulgate regulations
22 consistent with 29 C.F.R. 29 and 30 at the direction of the director of the department of labor and
23 training and shall provide advice and guidance to the director of the department of labor and
24 training on the operation of the Rhode Island apprenticeship program. Enforcement of
25 apprenticeship rules and regulations shall be the duty of the director of the department of labor
26 and training. In addition, the council shall:

27 (1) Adopt rules and regulations to insure equality of opportunity in apprenticeship
28 programs pursuant to the Rhode Island state plan for equal opportunity in apprenticeship;

29 (2) Establish trade, craft, or industrial standards for apprenticeship or training agreements
30 in cooperation with a joint employer and employee groups in conformity with 29 C.F.R. 29.5;

31 (3) Establish program performance standards in 29 C.F.R. 29.6;

32 (4) Hold at least four (4) regular public meetings each year; any additional meetings
33 considered necessary shall be held at the call of the chairperson, or at the written request of a
34 majority of the members of the council;

1 (5) Formulate and publish rules of procedure for the function of local, regional, and state
2 joint apprenticeship committees and for the filling of vacancies on those committees;

3 (6) Adopt rules and regulations concerning the following:

4 (i) The contents of apprenticeship agreements in conformity with 29 C.F.R. 29.7;

5 (ii) Criteria for apprenticeable occupations as provided by 29 C.F.R. 29.4;

6 (iii) Reciprocal approval for federal purposes to apprentices, apprenticeship programs and
7 standards that are registered in other states by the U.S. department of labor or another state
8 apprenticeship program recognized by the U.S. department of labor if such reciprocity is
9 requested by the apprenticeship program sponsor;

10 (iv) The cancellation and/or deregistration of programs, and for temporary suspension,
11 cancellation, and/or deregistration of apprenticeship agreements as provided in 29 C.F.R. 29.8
12 and 29.9;

13 (v) The standards of apprenticeship, program performance standards, apprenticeship
14 agreements, deregistration of registered apprenticeship programs, reinstatement of apprenticeship
15 programs, and reciprocal approval of apprentices from other states.

16 (b) ~~Additionally, the council shall~~ The department of labor and training in accord with its
17 regulations and this chapter shall:

18 (1) Encourage the promotion, expansion, and improvement of programs of
19 apprenticeship training and pre-apprenticeship and the making of apprenticeship agreements;

20 (2) Bring about the settlement of differences arising out of an apprenticeship agreement
21 when those differences cannot be adjusted locally or in accordance with established trade
22 procedure;

23 (3) Supervise the execution of agreements and maintenance of standards;

24 (4) Register or terminate or cancel the registration of apprenticeship programs and
25 apprenticeship agreements;

26 (5) Issue certificates of completion of apprenticeship as shall be authorized by the
27 council;

28 (6) Keep a record of apprenticeship programs and apprentice agreements and their
29 disposition;

30 ~~(7) Cooperate with the board of regents for elementary and secondary education and the~~
31 ~~local school authorities in the organization and establishment of classes of related and~~
32 ~~supplemental instruction for apprentices employed under approved agreements;~~

33 ~~(8)~~(7) Render any assistance and submit any information and data that may be requested
34 by employers, employees, and joint apprenticeship committees engaged in the formulation and

1 operation of programs of apprenticeship, particularly in regard to work schedules, wages,
2 conditions of employment, apprenticeship records, and number of apprentices;

3 ~~(9)~~(8) Adopt rules and regulations to insure nondiscrimination in all phases of
4 apprenticeship and employment during apprenticeship;

5 ~~(10)~~(9) ~~Establish and register~~ Register trade, craft, or industrial standards for
6 apprenticeship or training agreements in cooperation with joint employer and employee groups
7 and in conformity with this chapter, or approve and register trade, craft, or industrial standards for
8 agreements submitted which are in conformity with this chapter, and disapprove those standards
9 or agreements submitted which are not in conformity with this chapter, to the extent deemed
10 appropriate;

11 ~~(11)~~(10) Establish committees and approve nominations to existing committees which
12 are submitted in conformity with this chapter;

13 ~~(12)~~(11) Terminate registration of committees for failure of the committee to abide by
14 the provisions of this chapter; and

15 ~~(13)~~(12) Perform any other duties that are described and imposed by this chapter; .

16 ~~(14) Hold at least four (4) regular public meetings each year. Any additional meetings~~
17 ~~considered necessary shall be held on call of the chairperson, or at the written request of a~~
18 ~~majority of the members of the council; and~~

19 ~~(15) Formulate and publish rules of procedure for the function of local, regional, and state~~
20 ~~joint apprenticeship committees and for the filling of vacancies on those committees.~~

21 **28-45-9. Standards of apprenticeship programs.** -- An apprenticeship program, to be
22 eligible for approval and registration with the ~~council~~ department of labor and training, shall
23 conform to regulations issued by the department of labor and training and 29 C.F.R. 29 and 29
24 C.F.R. 30 and shall conform to the following standards:

25 (1) The program is an organized, written plan embodying the terms and conditions of
26 employment, training, and supervision of one or more apprentices in the apprenticeable
27 occupation, as defined in this chapter and subscribed to by a sponsor who has undertaken to carry
28 out the apprentice training program.

29 (2) The program standards contain the equal opportunity pledge prescribed in 29 CFR
30 30.3(b) and, when applicable, an affirmative action plan in accordance with 29 CFR 30.4, a
31 selection method authorized in 29 CFR 30.5, or similar requirements expressed in a state plan for
32 equal employment opportunity in apprenticeship adopted pursuant to 29 CFR Part 30 and
33 approved by the U.S. department of labor, and provisions concerning the following:

34 (i) The employment and training of the apprentice in a skilled trade;

1 (ii) ~~A term of apprenticeship not less than two thousand (2,000) hours of work~~
2 ~~experience, consistent with training requirements as established by industry practice~~ A term of
3 apprenticeship not less than two thousand (2,000) hours of work experience, consistent with
4 training requirements as established by industry practice, which for an individual apprentice may
5 be measured either through the completion of the industry standard for on-the-job learning (at
6 least two thousand (2,000) hours) (time-based approach), the attainment of competency
7 (competency-based approach), or a blend of the time-based and competency-based approaches
8 (hybrid approach);

9 (A) The time-based approach measures skill acquisition through the individual
10 apprentice's completion of at least two thousand (2,000) hours of on-the-job learning as described
11 in a work process schedule;

12 (B) The competency-based approach measures skill acquisition through the individual
13 apprentice's successful demonstration of acquired skills knowledge, as verified by the program
14 sponsor. Programs utilizing this approach must still require apprentices to complete an on-the-job
15 learning component of registered apprenticeship. The program standards must address how on-
16 the-job learning will be integrated into the program, describe competencies, and identify an
17 appropriate means of testing and evaluation for such competencies;

18 (C) The hybrid approach measures the individual apprentice's skill acquisition through a
19 combination of specified minimum number of hours of on-the-job learning and the successful
20 demonstration of competency as described in a work process schedule; and

21 (D) The determination of the appropriate approach for the program standards is made by
22 the program sponsor, subject to approval by the registration agency of the determination as
23 appropriate to the apprenticeable occupation for which the program standards are registered.

24 (iii) An outline of the work processes in which the apprentice will receive supervised
25 work experience and training on the job, and the allocation of the approximate time to be spent in
26 each major process;

27 (iv) Provision for organized, related, and supplemental instruction in technical subjects
28 related to the trade. A minimum of one hundred forty-four (144) hours for each year of
29 apprenticeship is recommended. ~~The instruction may be given in a classroom or through trade,~~
30 ~~industrial, or correspondence courses of equivalent value, or other forms of self-study approved~~
31 ~~by the apprenticeship council;~~ This instruction in technical subjects may be accomplished through
32 media, such as classroom, occupational or industry courses, electronic media, or other instruction
33 approved by the department of labor and training; every apprenticeship instructor must:

34 (A) Meet the Rhode Island department of elementary and secondary education

1 requirements for a vocational-technical instructor, or be a subject matter expert, which is an
2 individual, such as a journey worker, who is recognized within an industry as having expertise in
3 a specific occupation; and

4 (B) Have training in teaching techniques and adult learning styles, which may occur
5 before or after the apprenticeship instructor has started to provide the related technical instruction.

6 (v) ~~A progressively increasing schedule of wages to be paid the apprentice consistent~~
7 ~~with the skill acquired which shall average, over the required hours or years for completion, not~~
8 ~~less than approximately one half (1/2) of the journeyperson's rate. The entry wage shall be not~~
9 ~~less than the minimum wage prescribed by the Fair Labor Standards Act, 29 U.S.C. section 201 et~~
10 ~~seq., where applicable, unless a higher wage is required by other applicable federal law, state law,~~
11 ~~respective regulations, or by collective bargaining agreement~~ A statement of the progressively
12 increasing scale of wages to be paid the apprentice consistent with the skill acquired, the entry
13 wage to be not less than the minimum wage prescribed by the federal and state labor standards
14 act, where applicable, unless a higher wage is required by other applicable federal law, state law,
15 respective regulations, or by collective bargaining agreement;

16 (vi) Periodic review and evaluation of the apprentice's progress in job performance and
17 related instruction, and the maintenance of appropriate progress records;

18 (vii) The numeric ratio of apprentices to journeypersons consistent with proper
19 supervision, training, safety, and continuity of employment, and applicable provisions in
20 collective bargaining agreements, except where the ratios are expressly prohibited by the
21 collective bargaining agreement. The ratio language shall be specific and clear as to application in
22 terms of jobsite, work force, department or plant;

23 (viii) A probationary period reasonable in relation to the full apprenticeship term, with
24 full credit given for the period toward completion of apprenticeship the probationary period shall
25 not exceed twenty-five percent (25%) of the length of the program or one year, whichever is
26 shorter;

27 (ix) Adequate and safe equipment and facilities for training and supervision, and safety
28 training for apprentices on the job and in related instruction;

29 (x) The minimum qualifications required by a sponsor for persons entering the
30 apprenticeship program, with an eligible starting age not less than sixteen (16) years;

31 (xi) The placement of an apprentice under a written apprenticeship agreement that
32 conforms to the requirements of this chapter. The agreement shall directly, or by reference,
33 incorporate the standards of the program as part of the agreement;

34 (xii) The granting of advanced standing or credit for ~~demonstrate competency~~ acquired

1 experience, training, or skills for all applicants equally, with commensurate wages for any
2 progression step so granted;

3 (xiii) ~~Transfer of employer's training obligation when the employer is unable to fulfill his~~
4 ~~or her obligation under the apprenticeship agreement to another employer under the same~~
5 ~~program with consent of the new employer, the apprentice, and the apprenticeship council; The~~
6 ~~transfer of an apprentice between apprenticeship programs and within an apprenticeship program~~
7 ~~must be based on agreement between the apprentice and the affected apprenticeship committees~~
8 ~~or program sponsors, and must comply with the following requirements:~~

9 (A) The transferring apprentice must be provided a transcript of related instruction and
10 on-the-job learning by the committee or program sponsor;

11 (B) Transfer must be to the same occupation; and

12 (C) A new apprenticeship agreement must be executed when the transfer occurs between
13 program sponsors.

14 (xiv) Assurance of qualified training personnel and adequate supervision on the job;

15 (xv) Recognition for successful completion of apprenticeship evidenced by an
16 appropriate certificate issued by the department of labor and training;

17 (xvi) Program standards that utilize the competency-based or hybrid approach for
18 progression through an apprenticeship and that choose to issue interim credentials must clearly
19 identify the interim credentials, demonstrate how these credentials link to the components of the
20 apprenticeable occupation, and establish the process for assessing an individual apprentice's
21 demonstration of competency associated with the particular interim credential; further, interim
22 credentials must only be issued for recognized components of an apprenticeable occupation,
23 thereby linking interim credentials specifically to the knowledge, skills, and abilities associated
24 with those components of the apprenticeable occupation.

25 ~~(xvi)~~(xvii) Identification of the department of labor and training registration agency;

26 ~~(xvii)~~(xviii) Provision for the registration, cancellation, and deregistration of the
27 program, and requirement for the prompt submission of any modification or amendment to ~~the~~ the
28 department of labor and training;

29 ~~(xviii)~~(xix) Provision for registration of apprenticeship agreements, modifications, and
30 amendments; notice to the ~~apprenticeship council~~ department of labor and training of persons
31 who have successfully completed apprenticeship programs; and notice of transfers, cancellations,
32 suspensions, and terminations of apprenticeship agreements ~~and causes for the cancellations,~~
33 ~~suspensions or terminations~~ and a statement of the reasons thereof;

34 ~~(xix)~~(xx) Authority for the ~~termination~~ cancellation of an apprenticeship agreement

1 during the probationary period by either party without stated cause. Cancellation during the
2 probationary period will not have an adverse impact on the sponsor's completion rate;

3 (xxi) Compliance with 29 CFR 30k, including the equal opportunity pledge prescribed in
4 29 CFR 30.3(b); an affirmative action plan complying with 29 CFR 30.4; and a method for the
5 selection of apprentices authorized by 29 CFR 30.5, or compliance with parallel requirements
6 contained in a state plan for equal opportunity in apprenticeship adopted under 29 CFR part 30
7 and approved by the department. The apprenticeship standards must also include a statement that
8 the program will be conducted, operated and administered in conformity with applicable
9 provisions of 29 CFR part 30, as amended, or if applicable, an approved state plan for equal
10 opportunity in apprenticeship;

11 ~~-(xx) A statement that the program will be conducted, operated, and administered in~~
12 ~~conformity with applicable provisions of 29 CFR Part 30, or a state EEO in apprenticeship plan~~
13 ~~adopted pursuant to 29 CFR Part 30 and approved by the U.S. Department of Labor;~~

14 ~~(xxi)(xxii)~~ Name and address, telephone number and e-mail address (if applicable) of the
15 appropriate authority under the program to receive, process, and make disposition of complaints;

16 ~~(xxii)(xxiii)~~ Recording and maintenance of all records concerning apprenticeship as may
17 be required by the office of apprenticeship ~~U.S. bureau of apprenticeship and training,~~
18 ~~employment and training administration~~ or the ~~apprenticeship council~~ department of labor and
19 training and other applicable law.

20 **28-45-10. Definitions.** -- For the purposes of this chapter:

21 (1) "Apprenticeship agreement" means a written agreement complying with 29 CFR 29.7
22 between an apprentice and either ~~his or her employer~~ the apprenticeship program sponsor, or an
23 apprenticeship committee acting as agent for ~~employer(s)~~ the program sponsor(s), which
24 ~~agreement~~ contains the terms and conditions of the employment and training of the apprentice.

25 (2) "Apprenticeable occupation" ~~means a skilled trade which~~ possesses all of the
26 following characteristics:

27 (i) It is customarily learned in a practical way through a structured, systematic program
28 of on the job supervised ~~training~~ learning.

29 (ii) It is clearly identified and commonly recognized throughout an industry.

30 (iii) It involves the progressive attainment of manual, mechanical, or technical skills and
31 knowledge, which is in accordance with the industry standard for the occupation, that requires the
32 completion of at least a minimum of two thousand (2,000) hours of on the job ~~work~~ to attain
33 experience.

34 (iv) It requires related instruction to supplement the on the job ~~training~~ learning.

1 [\(3\) "Council" means the apprenticeship council as established by section 28-45-2.](#)

2 [\(4\) "OA" means office of apprenticeship.](#)

3 [\(5\) "Secretary" means secretary of the U.S. department of labor.](#)

4 **28-45-13. Standards of apprenticeship agreements.** -- All apprenticeship agreements
5 submitted for approval and registration with the council shall contain explicitly or by reference:

6 (1) Names and signatures of the contracting parties (apprentice and the program sponsor
7 or employer), and the signature of a parent or guardian if the apprentice is a minor.

8 (2) The date of birth of apprentice.

9 (3) Name and address of the program sponsor and apprenticeship council.

10 (4) A statement of the [occupation](#), trade or craft in which the apprentice is to be trained,
11 and the beginning date and term (duration) of apprenticeship.

12 (5) A statement showing:

13 (i) The number of hours to be spent by the apprentice in work on the job [in a time-based](#)
14 [program or a description of the skill sets to be attained by completion of a competency-based](#)
15 [program, including the on-the-job learning component; or the minimum number of hours to be](#)
16 [spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid](#)
17 [program.](#)

18 (ii) The number of hours to be spent in related and supplemental instruction ~~that is in~~ [in](#)
19 [technical subjects related to the occupation which is](#) recommended to be not less than one
20 hundred forty-four (144) hours per year.

21 (6) A statement setting forth a schedule of the work processes in the [occupation](#) ~~trade~~ or
22 industry divisions in which the apprentice is to be trained and the approximate time to be spent at
23 each process.

24 (7) A statement of the graduated scale of wages to be paid the apprentice and whether or
25 not the required ~~school time~~ [related instruction](#) shall be compensated.

26 (8) Statements providing:

27 (i) For a specific period of probation ~~not exceeding six (6) months or one thousand~~
28 ~~(1000) hours on the job~~ during which time the [department of labor and training, without adverse](#)
29 [impact on the sponsor](#) apprenticeship agreement may be terminated by either party to the
30 agreement upon written notice ~~to the apprenticeship council.~~

31 (ii) That, after the probationary period, the agreement may be cancelled at the request of
32 the apprentice, or may be suspended, cancelled, or terminated by the sponsor, for good cause,
33 with due notice to the apprentice and a reasonable opportunity for corrective action, and with
34 written notice to the apprentice and to the ~~apprenticeship council~~ [department of labor and training](#)

1 of the final action taken.

2 (9) A reference incorporating as part of the agreement the standards of the apprenticeship
3 program as it exists on the date of the agreement and as it may be amended during the period of
4 the agreement.

5 (10) A statement that the apprentice will be accorded equal opportunity in all phases of
6 apprenticeship employment, and training, without discrimination because of race, color, religion,
7 national origin, or sex.

8 (11) ~~Provision that the services of the apprenticeship council may be utilized for~~
9 ~~consultation regarding the settlement of differences arising out of the apprenticeship agreement~~
10 ~~where those differences cannot be adjusted locally or in accordance with the established tread~~
11 ~~procedure.~~ Name and address, phone and e-mail (if applicable) of the appropriate authority, if
12 any, designated under the program to receive, process and make disposition of controversies or
13 differences arising out of the apprenticeship agreement when the controversies or differences
14 cannot be adjusted locally or resolved in accordance with the established procedure or applicable
15 collective bargaining provisions.

16 **28-45-13.1. Apprenticeship registration -- Fees. --** A fee of twenty-four dollars
17 (\$24.00) shall be paid by each indentured apprentice, except those apprentices who are registered
18 in school-to-career apprenticeship programs only, not registered as an apprentice with the
19 division of professional regulation of the department of labor and training, except those
20 apprentices who are registered in school-to-career apprenticeship programs only, requesting
21 approval and registration with the ~~state apprenticeship council~~ department of labor and training.
22 All state approved apprentice certificates that are not registered and renewable through the
23 division of professional regulation of the department of labor and training shall become due for
24 renewal annually for a renewal fee of twenty-four dollars (\$24.00). All apprenticeship certificates
25 issued by the division of professional regulation of the department of labor and training shall
26 expire on the indentured date of the individual qualifying for the certificate.

27 **28-45-15. Deregistration of program. – (a)** Deregistration of a program may be effected
28 upon the voluntary action of the sponsor by a request for cancellation of the registration, or upon
29 reasonable cause, by the ~~council~~ department of labor and training instituting formal deregistration
30 proceedings in accordance with provisions of 29 CFR 7.

31 (b) The department of labor and training may cancel the registration of an apprenticeship
32 program by written acknowledgment of such request stating the following:

33 (1) The registration is canceled at sponsor's request, and effective date thereof;

34 (2) That, within fifteen (15) days of the date of the acknowledgment, the sponsor shall

1 notify all apprentices of such cancellation and the effective date; that such cancellation
2 automatically deprives the apprentice of his/her individual registration; and that the deregistration
3 of the program removes the apprentice from coverage for federal purposes which require the
4 secretary of the U.S. department of labor's approval of an apprenticeship program.

5 (c) The department of labor and training shall conduct formal deregistration proceedings
6 as follows:

7 (1) Deregistration proceedings may be undertaken when the apprenticeship program is
8 not conducted, operated, and administered in accordance with the registered provisions or the
9 requirements of this chapter, except that deregistration proceedings for violation of equal
10 opportunity requirements shall be processed in accordance with the provisions under 29 CFR part
11 30, as amended;

12 (2) Where it appears the program is not being operated in accordance with the registered
13 standards or with the requirements of this chapter, the department of labor and training shall so
14 notify the program sponsor in writing;

15 (3) Notice to the sponsor must contain the following elements:

16 (i) Be sent by registered or certified mail, with return receipt requested;

17 (ii) State the shortcoming(s) and the remedy required; and

18 (iii) State that a determination of reasonable cause for deregistration will be made unless
19 corrective action is effected within thirty (30) days.

20 (d) Upon request by the sponsor for good cause, the thirty (30) day term may be extended
21 for another thirty (30) days. During the period for correction, the sponsor shall be assisted in
22 every reasonable way to achieve conformity;

23 If the required correction is not effected within the allotted time, the department of labor
24 and training shall send a notice to the sponsor, by registered or certified mail, return receipt
25 requested, stating the following:

26 (1) The notice is sent pursuant to this subsection;

27 (2) Certain deficiencies (stating them) were called to the sponsor's attention and remedial
28 measures requested, with dates of such occasions and letters; and that the sponsor has failed or
29 refused to effect correction;

30 (3) Based upon the stated deficiencies and failure of remedy, a determination of
31 reasonable cause has been made and the program may be deregistered unless, within fifteen (15)
32 days of the receipt of this notice, the sponsor requests a hearing;

33 (4) If a request for a hearing is not made, the entire matter may be decided by the
34 department of labor and training.

1 (f) If the sponsor requests a hearing, the department of labor and training shall transmit to
2 the U.S. department of labor, administrator, OA, a report containing all pertinent facts and
3 circumstances concerning the nonconformity, including the findings and recommendation for
4 deregistration, and copies of all relevant documents and records. Statements concerning
5 interviews, meetings and conferences shall include the time, date, place, and persons present. The
6 administrator shall make a final order on the basis of the record before him. The administrator
7 will refer the matter to the office of administrative law judges. An administrative law judge will
8 convene a hearing in accordance with 29 CFR 29.10, and issue a decision as required in 29 CFR
9 29.10(c).

10 (g) At his/her discretion, the secretary may allow the sponsor a reasonable time to
11 achieve voluntary corrective action. If the secretary's decision is that the apprenticeship program
12 is not operating in accordance with the registered provisions or requirements of this part, the
13 apprenticeship program shall be deregistered. In each case in which reregistration is ordered, the
14 secretary shall make public notice of the order and shall notify the sponsor.

15 (h) Every order of deregistration shall contain a provision that the sponsor shall, within
16 fifteen (15) days of the effective date of the order, notify all registered apprentices of the
17 deregistration apprentice or his/her individual registration; and that the deregistration removes the
18 apprentice from coverage for federal purposes which require the secretary of labor's approval of
19 an apprenticeship program.

20 (i) Any apprenticeship program deregistered pursuant to this part may be reinstated upon
21 presentation of adequate evidence that the apprenticeship program is operating in accordance with
22 this part. Such evidence shall be presented to the administrator, BAT, if the sponsor had not
23 requested a hearing, or to the secretary, if an order of deregistration was entered pursuant to a
24 hearing.

25 (j) Within ten (10) days of his/her receipt of a request for a hearing, the secretary shall
26 designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by
27 registered mail, return receipt requested, to the appropriate sponsor. Such notice shall include:

28 (1) A reasonable time and place of hearing;

29 (2) A statement of the provisions of this part pursuant to which the hearing is to be held;
30 and

31 (3) A concise statement of the matters pursuant to which the action forming the basis of
32 the hearing is proposed to be taken.

33 (k) The hearing officer shall regulate the course of the hearing. Hearings shall be
34 informally conducted. Every party shall have the right to counsel, and a fair opportunity to

1 present his/her case, including such cross-examination as may be appropriate in the
2 circumstances. Hearing officers shall make their proposed findings and recommended decisions
3 to the secretary upon the basis of the record before him.

4 **28-45-16. Reciprocity.** -- (a) When a sponsor of an apprenticeship program which is
5 registered and operating in a neighboring state requests registration from the department of labor
6 and training to train apprentices for work projects in this state, the sponsor shall be granted
7 registration providing the sponsor conforms with the regulations and standards of the state of
8 Rhode Island.

9 (b) An apprentice registered in an approved registered apprenticeship program in a
10 neighboring state will be awarded certification of registration for state purposes upon request and
11 on the condition that the neighboring state's sponsorship program is registered with the
12 appropriate state apprentice agency.

13 (c) The ~~state apprenticeship council~~ department of labor and training shall have the
14 authority to expand or limit the number of states that are subject to the provisions of subsection
15 (a) of this section by regulation through the promulgation of rules and regulations.

16 (d) The department of labor and training shall accord reciprocal approval for federal
17 purposes to apprentices, apprenticeship programs and standards that are registered in other states
18 by the U.S. department of labor or a registration agency recognized by the U.S. department of
19 labor if such reciprocity is requested by the apprenticeship program sponsor; program sponsors
20 seeking reciprocal approval must meet Rhode Island wage and hour provisions and apprentice
21 ratio standards.

22 **28-45-17. Union participation.** -- Under a program proposed for registration by an
23 employer or employers' association, and where the standards, collective bargaining agreement, or
24 other instrument provides for participation by a union in any manner in the operation of the
25 substantive matters of the apprenticeship program, and that participation is exercised, written
26 acknowledgement of union agreement or "no objection" to the registration is required. Where no
27 participation is evidenced and practiced, the employer or employers' association shall
28 simultaneously furnish to the union, if any, which is the collective bargaining agent of the
29 employees to be trained, a copy of its application for registration and of the apprenticeship
30 program. The ~~apprenticeship council~~ department of labor and training shall provide a reasonable
31 time period of not less than thirty (30) days nor more than ~~sixty (60)~~ forty-five (45) days for
32 receipt of union comments, if any, before final action on the application for registration and/or
33 approval.

34 **28-45-18. Vocational school training.** -- (a) The board of regents for elementary and

1 secondary education may authorize vocational schools to provide apprenticeship classroom
2 training to students subject to the approval of the Rhode Island department of labor and training
3 ~~state apprenticeship council.~~

4 (b) In the event the board of regents authorizes state-certified apprenticeship training
5 under subsection (a), and a student successfully completes the vocational school program, then
6 the student shall receive apprentice credit, to be applied against a state-certified apprenticeship
7 program requirement set forth by the state apprenticeship council pursuant to section 28-45-13,
8 for one hundred forty-four (144) hours of apprenticeship classroom training.

9 SECTION 2. Sections 28-45-5, 28-45-7 and 28-45-8 of the General Laws in Chapter 28-
10 45 entitled "Apprenticeship Programs in Trade and Industry" are hereby repealed.

11 ~~**28-45-5. Organization in department of labor and training.** --- The apprenticeship
12 council as provided in section 28-45-2 shall function within the department of labor and training
13 as a separate organizational entity, as constituted, and with all the powers and duties provided in
14 section 28-45-3.~~

15 ~~**28-45-7. Related and supplemental instruction.** --- Related and supplemental instruction
16 for apprentices, coordination of instruction with work experiences, and the selection of teachers
17 and coordinators for that instruction shall be the responsibility of board of regents for elementary
18 and secondary education and local school committees. The board of regents for elementary and
19 secondary education shall be responsible and make provision subject to the department's decision
20 on the allotment of its funds for related and supplementary instruction for apprentices as may be
21 employed under apprenticeship programs registered and approved by the council.~~

22 ~~**28-45-8. Local, regional, and state joint apprenticeship committees.** --- Local and state
23 joint apprenticeship committees may be approved in any trade or group of trades, in cities,
24 regions of the state, or trade areas, by the council whenever the apprentice training needs of that
25 trade or group of trades or those regions justify that establishment. Those local, regional, or state
26 joint apprenticeship committees shall be composed of an equal number of employer and
27 employee representatives selected by the respective local or state employer and employee
28 organizations in that trade or group of trades, and any other advisory members representing local
29 boards or other agencies that may be deemed advisable. In a trade or group of trades in which
30 there is no bona fide employer or employee organization, a joint committee may be composed of
31 persons known to represent the interests of employers and of employees respectively, or a state
32 joint apprenticeship committee may be approved as, or the council may act itself as, the joint
33 committee in that trade or group of trades. Subject to the review of the council and in accordance
34 with the standards established by the council, those committees may devise standards for~~

1 ~~apprenticeship agreements and give any aid that may be necessary in their operation in their~~
2 ~~respective trades and localities.~~

3 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO LABOR AND LABOR RELATIONS – APPRENTICE PROGRAMS

1 This act would transfer many of the powers, duties and responsibilities from the
2 apprenticeship council to the department of labor and training. It would also change the state
3 standards for apprenticeship programs to satisfy federal laws and regulations.

4 This act would take effect upon passage.

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