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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- APPRENTICESHIPS

Introduced By: Senators Cano, Goodwin, Ciccone, Lombardi, and Goldin

Date Introduced: March 21, 2019

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

SECTION 1. Sections 5-6-24, 5-6-24.1 and 5-6-34 of the General Laws in Chapter 5-6 entitled "Electricians" are hereby amended to read as follows:

5-6-24. Apprentices -- Registration.

(a) This chapter does not forbid the employment of one properly limited-registered apprentice electrician working with and under the direct personal supervision of a licensed journeyperson electrician. Additionally, this chapter does not forbid the employment of: (1) One properly registered apprentice burnerperson working with and under the direct personal supervision of a licensed burnerperson; (2) One properly registered apprentice fire alarm installer working with and under the direct personal supervision of a licensed fire alarm installer; or (3) Two (2) properly registered apprentice electrical sign installers in training, working with and under the direct personal supervision of a licensed electrical sign installer; (4) One properly registered apprentice maintenance electrician working with and under the direct personal supervision of a valid Class C or Class D license holder; or (5) One properly registered apprentice lightning-protection installer in training, working with and under the direct personal supervision of a licensed lightning-protection installer (LPI). Apprentices are required to register with the division of professional regulation immediately upon employment with a properly licensed electrical contractor or lightning-protection contractor.

(b) Indentured apprentice electricians are required to work a minimum of eight thousand (8,000) hours over a period of time of not less than four (4) years and successfully complete one
hundred forty-four (144) hours of related instruction per year in an indentured apprenticeship program approved by the Rhode Island department of labor and training, to qualify for the journeyperson “B” electrician examination; provided, however, apprentices may receive credit for one hundred forty-four (144) hours of classroom training gained in a vocational school authorized by the board of education and approved by the Rhode Island department of labor and training apprenticeship council. Provided, that the test applicant has possessed, for at least four (4) years prior to the filing of the application, a certificate of registration in full force and effect from the department of labor and training of Rhode Island specifying the person as an indentured apprentice, and the application of an applicant is accompanied by an affidavit or affidavits of his or her employer or former employers or other reasonably satisfactory evidence showing that the applicant has been actually engaged in electrical work as an apprentice in Rhode Island during those four (4) years; or the application is accompanied by an affidavit or other reasonably satisfactory evidence showing that the applicant has successfully completed a course of study in a recognized college or university and has pursued a course of electrical technology for at least two (2) academic years or is the recipient of an associate degree in electrical technology, and has thereafter been indentured by the department of labor and training as an apprentice for at least two (2) years and employed as an indentured apprentice by a duly licensed electrician master in this state for a period of two (2) years; or a showing that the applicant possesses a certificate of license issued under the laws of another state, based on training equal to that required by the state of Rhode Island. Limited registered apprentice electricians shall be required to work a minimum of four thousand (4,000) hours over a period of time of not less than two (2) years.

(c) Indentured apprentice maintenance electricians are required to work a minimum of six thousand (6,000) hours over a period of time of not less than three (3) years and successfully complete one hundred forty-four (144) hours of related instruction per year in an indentured apprenticeship program approved by the Rhode Island department of labor and training, to qualify for the journeyperson “M” electrician examination. Provided, however, that the test applicant has possessed for at least three (3) years prior to the filing of the application a certificate of registration in full force and effect from the department of labor and training specifying the person as an indentured apprentice, and the application of an applicant is accompanied by an affidavit or affidavits of his or her employer or former employers or other reasonably satisfactory evidence showing that the applicant has been actually engaged in electrical work as an apprentice in Rhode Island during those three (3) years. Class M journeyperson electricians may qualify to take the journeyperson “B” electrician examination upon registering as a fourth year apprentice and becoming employed by a properly licensed Class A electrical contractor for that period of
Apprentice lightning protection installers are required to work a minimum of four thousand (4,000) hours over a period of time of not less than two (2) years to qualify for the lightning protection installer (LPI) examination. Provided, that the test applicant has possessed for at least two (2) years prior to the filing of the application a certificate of registration in full force and effect from the department of labor and training specifying the person as an apprentice lightning protection installer, and the application of an applicant is accompanied by an affidavit or affidavits of his or her employer or former employers or other reasonably satisfactory evidence showing that the applicant has been actually engaged in lightning protection work as an apprentice during those two (2) years.

5-6-24.1. Apprentices certified by other states Reciprocal recognition of electrical apprentices registered in other states.

Any apprentice electrician holding an apprentice certificate, license, or equivalent document issued by another state shall register with and obtain the approval of the division of professional regulation in the department of labor and training prior to being permitted to work or serve as an electrician's apprentice in this state. Provided, no approval shall be granted unless the applicant demonstrates to the board that the applicant is currently enrolled in one hundred forty-four (144) hours of electrical related classroom instruction per year for not less than four (4) years in an indentured apprenticeship program approved by the department of labor and training. An electrical apprentice registered with a registration agency outside of Rhode Island, as defined in 29 C.F.R. § 29.2, shall obtain reciprocal recognition from the department of labor and training pursuant to § 28-45-16, prior to being permitted to work as an electrical apprentice in Rhode Island.

5-6-34. Certification of electric sign contractors and electric sign installers.

(a) After July 1, 1991, and at any time prior to January 1, 1992, the division shall, without examination, upon payment of the fees provided in this chapter, issue a certificate "ACF or CF" to any applicant for the certificate who presents satisfactory evidence that he or she has the qualifications for the type of license applied for, and who has been engaged in the occupation or business of installing, servicing, maintaining, and testing of electric signs covered by the license within this state for a period of five (5) years in the case of a certificate "ACF" and three (3) years in the case of a certificate "CF" prior to July 1, 1991. Any person who, being qualified to obtain a certificate "ACF or CF" under this section, is prevented from making application for it because of service in the armed forces of the United States during the period between July 1, 1991, and January 1, 1992, has three (3) months after discharge to make an application. No person is liable
for prosecution for making electric sign installations, services, maintenance, or tests, without a
license for the first six (6) months after July 1, 1991.

(b) Any apprentice electric sign installer in training having completed a training period of
not less than two (2) years is eligible to take a journeyperson's examination; provided, after
September 1, 1995, and at any time prior to March 1, 1996, any apprentice employed and
sponsored by a sign company is eligible to take a journeyperson's examination, notwithstanding
the previously mentioned training period.

SECTION 2. Chapter 5-6 of the General Laws entitled "Electricians" is hereby amended
by adding thereto the following sections:

5-6-24.2. Apprentices -- Exam requirements.
To be eligible for each class of electrical licensing exam, applicants must complete all the
requirements of an applicable registered apprenticeship program in Rhode Island, except the
licensing exam, or possess an electrician's license issued under the laws of another jurisdiction.
Apprentices must submit to the division of professional regulation their transcripts of related
technical instruction and the work record books from their employer(s) or other reasonably
satisfactory evidence showing that the applicant completed the instruction and on-the-job learning
as enumerated in the applicable standards of apprenticeship found in § 28-45-9.

5-6-24.3. Credit for electrical license exams.
(a) For the purposes of granting electrical licenses, the electrical board of examiners
must grant written approval of decisions made by an apprenticeship sponsor to grant credit for
prior learning or experience toward the term of the apprenticeship pursuant to § 28-45-9(2)(xii).
(b) The term of a time-based electrician (Class B) apprenticeship program shall be eight
thousand (8,000) hours of on-the-job learning. The term of a time-based maintenance electrician
(Class M) apprentice shall be six thousand (6,000) hours of on-the-job learning. Lightning
protection installers (LPI) in training are required to work a minimum of four thousand (4,000)
hours of on-the-job learning.
(c) An apprentice who has successfully completed a course of study in a recognized
college or university and has completed a course of electrical technology for at least two (2)
academic years or is the recipient of an associate degree in electrical technology may be granted
credit for two hundred eighty-eight (288) hours of related technical academic instruction toward
completion of their apprenticeship.
(d) An apprentice who has successfully completed a course of study in a recognized trade
school that provides a minimum of two hundred eighty-eight (288) hours of related technical
academic instruction may be granted credit for two hundred eighty-eight (288) hours of related
technical academic instruction toward completion of their apprenticeship.

(e) Sponsors may grant credit for one hundred forty-four (144) hours toward the term of the apprenticeship for relevant technical academic instruction completed in a high school electrical technology program, pursuant to § 28-45-9, with the written approval of the state board of examiners of electricians.

SECTION 3. Section 5-20-5 of the General Laws in Chapter 5-20 entitled "Plumbers, Irrigators, and Water System Installers" is hereby amended to read as follows:

5-20-5. "Apprentice plumber" defined.

"Apprentice plumber," as used in this chapter, means any employee, who is registered as an apprentice plumber in accordance with chapter 45 of title 28 and whose principal occupation is service with a master plumber with a view to learning the art or trade of maintenance, installation, or repair of plumbing, as defined in § 5-20-2.

SECTION 4. Section 5-70-5 of the General Laws in Chapter 5-70 entitled "Telecommunications" is hereby amended to read as follows:

5-70-5. Form of license and registration.

Three (3) major forms of license shall be issued with the two (2) higher licenses carrying certification for one or more of the four (4) category(s), as defined within this chapter, for which qualified:

(1)(i) Telecommunications system contractor. TSC license shall be issued to any person qualified under this chapter representing themselves, individually, or a firm or corporation engaging in or about to engage in, the business of designing, installing, altering, servicing, and/or testing telecommunications systems.

(ii) Qualification shall be evidenced by passing the examination(s) for any or all of the categories of telecommunications systems described in this chapter, and applicants who hold an equivalent out-of-state license, as determined by this board, issued by another state shall be allowed to take the Rhode Island form TSC license examination. Applicants for TSC license who hold no equivalent form of TSC license issued in another state and show evidence of three (3) years of verifiable and continuous contracting experience, immediately preceding the date of application and are registered to conduct business in the state of Rhode Island, will be allowed to take the Rhode Island form of TSC examination. Applicants who do not meet these qualifications shall have been licensed as a Rhode Island telecommunications technician for a minimum of three (3) consecutive years, immediately preceding the date of application, in order to qualify to take the TSC examination, and shall have been registered to conduct business in the state of Rhode Island.
(iii) The holding of a TSC license shall entitle the holder individually to contract for, engage in, and/or perform the actual work of designing, installing the type(s) of telecommunications systems for which they were granted certification. No individual shall be required to hold more than one form of license.

(2)(i) Telecommunications systems technician. TST license shall be issued to any person who passes the examination(s) as defined within this chapter for any or all of the categories of telecommunications systems described in this chapter.

(ii) The holding of a TST license shall entitle the holder individually to perform the actual work of installing, altering, servicing, and/or testing the type(s) of telecommunications systems for which they were granted certification. All the work performed shall be under the supervision of the holder of a TSC license.

(3)(i) Telecommunications system limited installer. TSLI license shall be issued to any person who passes the examination as defined within this chapter and as described in this section.

(ii) The holding of a TSLI license shall entitle the holder to perform the actual work of installation of wiring, low voltage surface raceway, enclosures, and wiring devices directly associated with a telecommunications system. Connection to, installation of, or servicing of telecommunications devices shall only be performed under the direct supervision of a holder of a TST or TSC license.

(4)(i) Trainee/telecommunications apprentices. Registered trainees/telecommunications apprentices may be employed to perform the actual work of installation of wiring, low voltage surface raceway, enclosures, and wiring devices directly associated with a telecommunications system under the direct supervision of a holder of a TST or TSC license.

(ii) Trainee/telecommunications apprentices shall be required to register with the licensing authority subsequent to employment by a person, firm, or corporation licensed as a TSC under this chapter; and prior to being permitted to perform any actual installation work.

(iii) The registered trainees/telecommunications apprentices shall not be permitted to make connection to, install, or service telecommunications devices. No more than two (2) registered trainees/telecommunications apprentices can be directly supervised by a single TSC or TST license holder.

SECTION 5. The title of Chapter 28-3 of the General Laws entitled “Employment of Women and Children” is hereby amended to read as follows:

CHAPTER 28-3
Employment of Women and Children

CHAPTER 28-3

EMPLOYMENT OF MINORS

SECTION 6. Section 28-3-18 of the General Laws in Chapter 28-3 entitled "Employment of Women and Children" is hereby amended to read as follows:

28-3-18. Enforcement of provisions -- Prosecution of violations. The division of labor standards has full power to enforce §§ 28-3-1 -- 28-3-20, and has all the powers of the division of compliance inspection insofar as those powers relate to and affect women and children minors. All actions, suits, complaints, and prosecutions for the violation of any of the provisions of these sections shall be brought by and in the name of the director of labor and training or the chief of the division of labor standards in the department of labor and training; or by and in the name of any duly authorized representative of the director of labor and training.

SECTION 7. Chapter 28-4 of the General Laws entitled "Indenture of Apprentices" is hereby repealed in its entirety.

CHAPTER 28-4

Indenture of Apprentices

28-4-1. Power of minor to execute indenture. Any minor being sixteen (16) years of age or over, or who, being under sixteen (16) years of age, has a limited permit to work given him or her by or under the direction of the school committee where the minor resides under the provisions of chapter 3 of this title, may, by execution of an indenture, bind himself or herself as provided in this chapter, for a term of service of not less than one year.

28-4-2. Parties to sign indenture. Every indenture shall be signed:

(1) By the minor;

(2) By the parents, or either one of them, as the natural guardians or guardian of the minor; or by the duly appointed legal guardian of the person, or of the person and estate of the minor, if any; or by the person having the legal custody of the minor;

(3) By the employer.

28-4-3. Contents of indenture. Every indenture shall contain:

(1) The names of the parties;

(2) The date of birth of the minor;

(3) A statement of the trade, craft, or business which the minor is to be taught;
(4) An agreement that a certificate shall be given to the apprentice at the conclusion of his or her indenture, stating that he or she has completed the apprenticeship under the indenture.

28-4-4. Deeds in triplicate.

In every case there shall be three (3) deeds in the same form and tenor, executed by all parties, one to be kept by each party.

28-4-5. Effect of indenture as against parties.

All indentures made in accordance with the provisions of §§ 28-4-1—28-4-4 shall be good and effectual in law against all parties and the minor engaged by them, according to their tenor, except as to any of their provisions that the court, in which any suit or controversy relating to the articles of indenture may be heard, shall determine to be unjust or unreasonable.

28-4-6. Petition or complaint for breach of indenture — Summons.

Whenever a petition or complaint in writing and under oath is made to any judge of the district court that any master or apprentice, within a division where the court is situated, has willfully neglected or refused to comply with or perform the terms and provisions of any indenture, the judge, if satisfied that there is a reasonable cause for the petition or complaint, shall issue a summons requiring the master or apprentice to appear before the court at a time and place named in the summons to answer relative to the petition or complaint. The petitioner or complainant shall cause the summons to be served by some officer qualified to serve civil process upon the person complained of at least six (6) days before the time set for appearance and hearing by reading the summons to the person to be served, or by leaving an attested copy of it with the person to be served in his or her hands and possession, or at his or her last and usual place of abode with some person living there, or if the person to be served is a corporation, then, by leaving an attested copy of the summons with some officer of the corporation or at the office of the corporation with some person employed there.

28-4-7. Determination of petition or complaint — Enforcement of order.

Upon the hearing of a petition or complaint, the court may determine the controversy or matter complained of in a summary way, and discharge either party from the indenture and contract of apprenticeship, and may make any further order in the premises that the case may require and seems proper to the court. Any neglect or failure of any person, against whom any order is made, to do, perform, or comply with the order shall be contempt of court, and the court may enforce its order by proceedings for contempt.


"Journeyperson refrigeration technician" means any person who has completed a five (5) year apprentice program and/or has passed a refrigeration technician examination and who by himself or herself does work in refrigeration/air conditioning subject to provisions of this chapter and the rules, regulations, and licensing criteria promulgated hereunder.


(a) "Journeyperson pipefitter" means any person who has completed a five (5) year apprentice program and/or has passed a journeyperson examination and who by himself or herself does work on pipefitting systems subject to provisions of this chapter. The rules, regulations, and licensing criteria guide promulgated under this chapter referencing Class II limited journeyperson licenses shall require completion of an accepted formal technical program approved apprenticeship program registered with the department of labor and training.

(b) "Journeyperson sheet metal worker" means any person who has completed a four (4) year apprentice program and/or has passed a journeyperson sheet metal worker examination and who by himself or herself does sheet metal work subject to provisions of this chapter and the rules, regulations, and licensing criteria promulgated under this chapter.

(c) "Journeyperson sprinkler fitter" means any person who has completed a four (4) year apprentice program and/or has passed a journeyperson sprinkler fitter examination and who by himself or herself does work in fire protection sprinkler systems subject to provisions of this chapter and the rules, regulations, and licensing criteria promulgated under this chapter.


(a) "Journeyperson sheet metal worker apprentice" means any person at least eighteen (18) years of age who is learning or working at the business of sheet metal work under the direct supervision of a sheet metal contractor or journeyperson sheet metal worker under a state sanctioned apprenticeship program in accordance with chapter 45 of title 28.

(b) "Journeyperson sprinkler fitter apprentice" means any person at least
eighteen (18) years of age who is learning or working at the business of fire protection sprinkler
systems under the direct supervision of a master or journeyperson sprinkler fitter under a and is
registered state-sanctioned as a sprinkler fitter apprentice, in accordance with chapter 45 of title
28 program.

(c) "Pipefitter apprentice" means any person at least eighteen (18) years of age who is
learning or working at the business of pipefitting under the direct supervision of a master
pipefitter or journeyperson pipefitter under a and is registered as a pipefitter state-sanctioned
apprentice, in accordance with chapter 45 of title 28 program.

(d) Pipefitter, refrigeration, sprinkler fitter and sheet metal worker apprentice programs
are of a five (5) year duration, except as detailed in § 28-27-4.2, for all Class II limited licenses.

(d) "Refrigeration/air conditioning apprentice" means any person at least eighteen (18)
years of age who is learning and working at the business of refrigeration/air conditioning as a
refrigeration/air conditioning registered apprentice under the direct supervision of a
refrigeration/air conditioning master or journeyperson under a registered state-sanctioned
apprentice, in accordance with chapter 45 of title 28 program.

(e) For licensing purposes with regard to individuals who have completed pipefitter,
refrigeration, sprinkler fitter, and sheet metal worker apprenticeship programs, decisions by an
apprenticeship sponsor to grant credit for prior learning or experience toward the term of the
apprenticeship pursuant to chapter 45 of title 28 shall also require the written approval of the
mechanical board within the department of labor and training. Students in a recognized college,
university, or trade school who have pursued a course of pipefitting or refrigeration/air
conditioning, sheet metal, or fire protection sprinkler systems for at least two (2) academic years
or are recipients of an associate degree in pipefitting, refrigeration/air conditioning, or fire
protection sprinkler systems will receive credit for two hundred eighty-eight (288) hours of
related technical academic instruction.

28-27-5.1. Practices for which a journeyperson or apprentice license required

(a) No person shall engage to work as a pipefitter, refrigeration/air conditioning, or
sprinkler fitter journeyperson or apprentice, or journeyperson sheet metal worker or apprentice, or
shall advertise or represent in any form or matter that he or she is a journeyperson or apprentice,
unless that person possesses and carries on his or her person at all times while so engaged a valid
license or registration issued by the department of labor and training qualifying that person as a
journeyperson or apprentice.

(b) A person holding a valid license under this chapter shall not be required to obtain an
additional license under this chapter to perform sheet metal work when AC air handling equipment is ten (10) tons or less or when heating equipment does not exceed 250,000 BTUs.
(c) A holder of a journeyperson license shall only be entitled to work as an employee of the properly licensed master permit holder in accordance with this chapter.

(a) Any person who has previously qualified for the electrician's F certificate and the P.J.F. II limited to oil individually, and presently holds both licenses, may convert to the single P.J.F. limited journeyperson II oil burnerperson's license by application to the division on an approved application and with payment of the applicable fee as detailed in this section. This licensee cannot be self-employed and is limited to domestic oil burner service work, burner, tank, and oil line installation. Persons seeking an initial P.J.F. limited journeyperson II oil burner license must show proof of completion of a trade-sponsored registered apprenticeship program or a trade related program offered by a recognized college, university, or trade school. All programs must have prior approval of the department of labor and training before licenses are issued.
(b) The person seeking P.J.F. licensing must be employed by a master pipefitting contractor class II as detailed under § 28-27-4.
(c) The above provisions are similar for most limited licenses under chapter 27 of this title.
(d) Fees shall be as follows:
(1) Apprenticeship fee is thirty dollars ($30.00) with birth-month licensing;
(2) License fee is seventy-two dollars ($72.00) with birth-month licensing;
(3) Renewal fee is seventy-two dollars ($72.00) with birth-month licensing;
(e) The fees collected shall be deposited as general revenues.


(a) No application for a journeyperson’s test shall be filed by the department nor shall any applicant be permitted to take the examination for a license as a journeyperson unless:
(1) The test application is accompanied by a test fee as outlined in § 28-27-17.
(2) Upon passing of a journeyperson test, payment of a license fee as outlined in § 28-27-17 is required and the journeyperson license will be issued as provided in § 28-27-15.
(3) The applicant is a registered apprentice in accordance with chapter 45 of title 28 having completed all the requirements for completion of the apprenticeship except the licensing exam, has possessed for at least five (5) years prior to the filing of the application a certificate of registration in full-force and effect from the department of labor and training specifying the
person as a registered apprentice, and the application of an applicant:

(4) The applicant provides documentation of related technical instruction and work records from his or her employer or former employers or other reasonably satisfactory evidence showing that the applicant has completed the related instruction and on-the-job learning as enumerated in the standards of apprenticeship, been actually engaged in pipefitter- or refrigeration/air-conditioning, sheet metal or fire protection sprinkler systems work as an apprentice in the state of Rhode Island during those five (5) years;

(i) For licensing purposes, decisions by an apprenticeship sponsor to grant credit for prior learning or experience toward the term of the apprenticeship pursuant to chapter 45 of title 28 shall also require the written approval of the appropriate licensing authority. Is accompanied by an affidavit or affidavits of

(ii) Is accompanied by an affidavit or other reasonably satisfactory evidence showing that the applicant has been registered as a student in a recognized college, university, or trade school and has pursued a course of pipefitter or refrigeration/air-conditioning, sheet metal or fire protection sprinkler systems for at least two (2) academic years or is the recipient of an associate degree in pipefitter or refrigeration/air-conditioning or fire protection sprinkler systems, and has thereafter been registered by the department of labor and training as an apprentice for at least three (3) years and employed as a registered apprentice by a duly licensed pipefitter or refrigeration/air-conditioning or fire protection sprinkler systems master or sheet metal contractors in this state for a period of three (3) years; or

(4)(5) The application is accompanied by an affidavit or other reasonably satisfactory evidence showing that the applicant possesses a certificate of license issued under the laws of another state specifying that person as a journeyperson.

(4) The licensing authority may grant an exemption to the requirements of subdivision (a)(3) on the basis of past experience.

(b) The test application is to be filed with the department at least fifteen (15) days prior to the examination date.


(a) Any person who has agreed to work under the supervision of a licensed pipefitter, refrigeration/air-conditioning, sprinkler fitter or sheet metal master under a state sanctioned apprenticeship program Apprentices shall be registered by the director of labor and training, in accordance with chapter 45 of title 28, and be issued a certificate of apprenticeship.

(b) The minimum formal training period for a P.J.F. limited class II license shall be one hundred sixty (160) hours of classroom and/or laboratory technical training, approved by the
department of labor and training as part of standards of apprenticeship. The fee schedules for the
P.J.F. limited license are detailed in § 28-27-5.2. All other sections of this chapter shall remain in
full force and effect.

SECTION 9. Sections 28-45-1, 28-45-3, 28-45-9, 28-45-10, 28-45-11, 28-45-13, 28-45-
14 and 28-45-16 of the General Laws in Chapter 28-45 entitled "Apprenticeship Programs in
Trade and Industry" are hereby amended to read as follows:

28-45-1. Purposes.

The purposes of this chapter are:

(1) To encourage employers, associations of employers, and organizations of employees
to voluntarily establish apprenticeship programs and the making of apprenticeship agreements;

(2) To create opportunities for young people to obtain employment and adequate training
in trades and industry with parallel instructions in related and supplementary education under
conditions that will equip them for profitable employment and citizenship;

(3) To cooperate with the promotion and development of apprenticeship programs and
systems in other states and with the federal committee on apprenticeship appointed under 29
U.S.C. § 50 et seq.;

(4) To provide for the registration and approval of apprenticeship programs and
apprenticeship agreements and for the issuance of state certificates of completion of
apprenticeship.


(a) The department of labor and training is the agency with responsibility and
accountability for apprenticeship within Rhode Island for federal purposes. The state
apprenticeship council shall be a regulatory council and part of the department of labor and
training. The council shall promulgate regulations consistent with 29 C.F.R. 29 and 30 at the
direction of the director of the department of labor and training and shall provide advice and
guidance to the director of the department of labor and training on the operation of the Rhode
Island apprenticeship program system. Enforcement of apprenticeship rules and regulations shall
be the duty of the director of the department of labor and training. In addition, the council shall:

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

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

(3) Establish program performance standards in conformity with 29 C.F.R. § 29.6;
(4) Hold at least four (4) regular public meetings each year; any additional meetings considered necessary shall be held at the call of the chairperson, or at the written request of a majority of the members of the council;

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

(6) Adopt rules and regulations concerning the following:
   (i) The contents of apprenticeship agreements in conformity with 29 C.F.R. § 29.7;
   (ii) Criteria for apprenticeable occupations as provided by 29 C.F.R. § 29.4;
   (iii) Reciprocal approval recognition for federal purposes to apprentices, apprenticeship programs, and apprenticeship standards that are registered in other states by the U.S. department of labor or another state apprenticeship program recognized by the U.S. department of labor if such reciprocity is requested by the apprenticeship program sponsor;
   (iv) The cancellation and/or deregistration of programs, and for temporary suspension, cancellation, and/or deregistration of apprenticeship agreements as provided in 29 C.F.R. §§ 29.8 and 29.9;
   (v) The standards of apprenticeship, program performance standards, apprenticeship agreements, deregistration of registered apprenticeship programs, reinstatement of apprenticeship programs, and reciprocal approval recognition of apprentices from other states.

(b) The department of labor and training in accordance with its regulations and this chapter shall:
   (1) Encourage the promotion, expansion, and improvement of programs of apprenticeship training and pre-apprenticeship and the making of apprenticeship agreements;
   (2) Bring about the settlement of differences arising out of an apprenticeship agreement when those differences cannot be adjusted locally or in accordance with established trade procedure;
   (3) Supervise the execution of agreements and maintenance of standards;
   (4) Register or terminate or cancel the registration of apprenticeship programs and apprenticeship agreements;
   (5) Issue certificates of completion of apprenticeship;
   (6) Keep a record of apprenticeship programs and apprentice agreements and their disposition;
   (7) Render any assistance and submit any information and data that may be requested by employers, employees, and joint apprenticeship committees engaged in the formulation and operation of programs of apprenticeship, particularly in regard to work schedules, wages,
conditions of employment, apprenticeship records, and number of apprentices;

(8) Adopt rules and regulations to ensure nondiscrimination in all phases of apprenticeship and employment during apprenticeship;

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

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

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

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

28-45.9. Standards of apprenticeship programs.

An apprenticeship program, to be eligible for approval and registration with the department of labor and training, shall conform to regulations issued by the department of labor and training and 29 C.F.R. 29 and 29 C.F.R. 30 and shall conform to the following standards:

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

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

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

(ii) A term of apprenticeship not less than two thousand (2,000) hours of work experience, consistent with training requirements as established by industry practice, which for an individual apprentice may be measured either through the completion of the industry standard for on-the-job learning (at least two thousand (2,000) hours) (time-based approach), the attainment of competency (competency-based approach), or a blend of the time-based and competency-based approaches (hybrid approach):
(A) The time-based approach measures skill acquisition through the individual apprentice’s completion of at least two thousand (2,000) hours of on-the-job learning as described in a work process schedule;

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

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

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

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

(iv) Provision for organized, related, and supplemental instruction in technical subjects related to the trade. A minimum of one hundred forty-four (144) hours for each year of apprenticeship is recommended. This instruction in technical subjects may be accomplished through media, such as classroom, occupational or industry courses, electronic media, or other instruction approved by the department of labor and training; every apprenticeship instructor must:

(A) Meet the Rhode Island department of elementary and secondary education requirements for a vocational technical career and technical education instructor, or be a subject matter expert, which is an individual, such as a journey worker, who is recognized within an industry as having expertise in a specific occupation; and

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

(v) A statement of the progressively increasing scale of wages to be paid the apprentice consistent with the skill acquired, the entry wage to be not less than the minimum wage prescribed by the federal and state labor standards act, where applicable, unless a higher wage is required by other applicable federal law, state law, respective regulations, or by collective
bargaining agreement;

(vi) A provision for periodic review and evaluation of the apprentice's progress in job performance and related instruction, and the maintenance of appropriate progress records;

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

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

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

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

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

(xii) The granting of advanced standing or credit for demonstrated competency, previously acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted;

(xiii) The transfer of an apprentice between apprenticeship programs and within an apprenticeship program must be based on agreement between the apprentice and the affected apprenticeship committees or program sponsors, and must comply with the following requirements:

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

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

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

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

(xv) Recognition for successful completion of apprenticeship evidenced by an appropriate certificate issued by the department of labor and training;
(xvi) Program standards that utilize the competency-based or hybrid approach for progression through an apprenticeship and that choose to issue interim credentials must clearly identify the interim credentials, demonstrate how these credentials link to the components of the apprenticeable occupation, and establish the process for assessing an individual apprentice's demonstration of competency associated with the particular interim credential; further, interim credentials must only be issued for recognized components of an apprenticeable occupation, thereby linking interim credentials specifically to the knowledge, skills, and abilities associated with those components of the apprenticeable occupation.

(xvii) Identification of the department of labor and training as the registration agency;

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

(xix) Provision for registration of apprenticeship agreements, modifications, and amendments; notice to the department of labor and training of persons who have successfully completed apprenticeship programs; and notice of transfers, cancellations, suspensions, and terminations of apprenticeship agreements and a statement of the reasons therefore;

(xx) Authority for the cancellation of an apprenticeship agreement during the probationary period by either party without stated cause. Cancellation during the probationary period will not have an adverse impact on the sponsor's completion rate;

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

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

(xxiii) Recording and maintenance of all records concerning apprenticeship as may be required by the office of apprenticeship or the department of labor and training and other applicable law.

28-45-10. Definitions.

For the purposes of this chapter:
(1) "Apprentice" means a worker at least sixteen (16) years of age, except where a higher minimum age standard is otherwise fixed by law or by the apprenticeship program sponsor, who is employed to learn an apprenticeable occupation as provided in 29 C.F.R. § 29.4 under standards of apprenticeship fulfilling the requirement of 29 C.F.R. § 29.5.

(2) "Apprenticeship agreement" means a written agreement complying with 29 C.F.R. § 29.7 between an apprentice and either the apprenticeship program sponsor, or an apprenticeship committee acting as agent for the program sponsor(s), which contains the terms and conditions of the employment and training of the apprentice.

(3) "Apprenticeable occupation" which is an occupation that possesses all of the following characteristics:

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

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

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

(iv) It requires related instruction to supplement the on-the-job learning.

(4) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, as required under 29 C.F.R. Parts 29 and 30, including such matters as the requirement for a written apprenticeship agreement.

(5) "Council" means the state apprenticeship council as established by § 28-45-2.

(6) "OA" means office of apprenticeship, U.S. department of labor.

(7) "Registration agency" means the office of apprenticeship or a recognized state apprenticeship agency that has responsibility for registering apprenticeship programs and apprentices; providing technical assistance; and conducting reviews for compliance with 29 C.F.R. Parts 29 and 30 and quality assurance assessments.

(8) "Secretary" means secretary of the U.S. department of labor.


The provisions of this chapter shall apply only to registered apprenticeships and shall apply to a firm, person, corporation, or organization of employees or an association of employers only after that person, firm, corporation, or organization of employees or association of employers has voluntarily elected to conform to its provisions.

All apprenticeship agreements submitted for approval and registration with the department of labor and training shall contain, explicitly or by reference, standards adopted by the council, including:

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

(2) The date of birth of apprentice and on a voluntary basis the social security number of the apprentice.

(3) Name and address of the program sponsor and the registration agency.

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

(5) A statement showing:
   (i) The number of hours to be spent by the apprentice in work on the job in a time-based program or a description of the skill sets to be attained by completion of a competency-based program, including the on-the-job learning component; or the minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid program.
   (ii) The number of hours to be spent in related and supplemental instruction in technical subjects related to the occupation, which is recommended to be not less than one hundred forty-four (144) hours per year.

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

(7) A statement of the graduated scale of wages to be paid the apprentice and whether or not the required related instruction shall be compensated.

(8) Statements providing:
   (i) For a specific period of probation, during which time the apprenticeship agreement may be terminated by either party to the agreement upon written notice to the department of labor and training, without adverse impact on the sponsor; and
   (ii) That, after the probationary period, the agreement may be cancelled at the request of the apprentice, or may be suspended or terminated by the sponsor, for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and to the department of labor and training of the final action taken.

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

(10) A statement that the apprentice will be accorded equal opportunity in all phases of
apprenticeship employment and training, without discrimination because of race, color, religion,
national origin, or sex, sexual orientation, gender identity or expression, disability, age, or
country of ancestral origin, as enumerated in § 28-5-5.

(11) Name and address, phone telephone number, and e-mail address (if applicable) of
the appropriate authority, if any, designated under the program to receive, process, and make
disposition of controversies or differences arising out of the apprenticeship agreement when the
controversies or differences cannot be adjusted locally or resolved in accordance with the
established procedure or applicable collective bargaining provisions.


The apprenticeship program shall operate in conformance with state law, including the
EEO standards and regulations, the state plan for equal employment opportunity in registered
apprenticeship programs, adopted by the department of labor and training.

28-45-16. Reciprocity.

(a) When a sponsor of an active apprenticeship program which that is registered and
operating in a neighboring state with a registration agency, as defined by 29 C.F.R. § 29.2 and
located outside of Rhode Island requests registration reciprocal recognition from the department
of labor and training to train apprentices for work projects in this state, the sponsor apprentice
shall be granted registration providing recognition as long as the sponsor conforms complies with
the regulations and standards of the state of Rhode Island.

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

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

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

SECTION 10. Section 28-45-18 of the General Laws in Chapter 28-45 entitled

"Apprenticeship Programs in Trade and Industry" is hereby repealed.


(a) The board of regents for elementary and secondary education may authorize

vocational schools to provide apprenticeship classroom training to students subject to the

approval of the Rhode Island department of labor and training.

(b) In the event the board of regents authorizes state certified apprenticeship training

under subsection (a), and a student successfully completes the vocational school program, then

the student shall receive apprentice credit, to be applied against a state certified apprenticeship

program requirement set forth by the state apprenticeship council pursuant to § 28-45-13, for one

hundred forty-four (144) hours of apprenticeship classroom training.

SECTION 11. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO LABOR AND LABOR RELATIONS -- APPRENTICESHIPS

***

1 This act would comprehensively amend the state's apprenticeship laws to make them easier to understand and be more consistent with each other and applicable federal regulations.

2 This act would take effect upon passage.