

2019 -- S 0726

=====  
LC001045  
=====

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:

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

3           **5-6-24. Apprentices -- Registration.**

4           (a) This chapter does not forbid the employment of one properly limited-registered  
5 apprentice electrician working with and under the direct personal supervision of a licensed  
6 journeyman electrician. Additionally, this chapter does not forbid the employment of: (1) One  
7 properly registered apprentice journeyman working with and under the direct personal  
8 supervision of a licensed journeyman; (2) One properly registered apprentice fire alarm installer  
9 working with and under the direct personal supervision of a licensed fire alarm installer; or (3)  
10 Two (2) properly registered apprentice electrical sign installers working with and under the direct  
11 personal supervision of a licensed electrical sign installer; (4) One properly registered apprentice  
12 maintenance electrician working with and under the direct personal supervision of a valid Class C  
13 or Class D license holder; or (5) One properly registered apprentice lightning-protection installer  
14 working with and under the direct personal supervision of a licensed lightning-protection installer  
15 (LPI). Apprentices are required to register with the division of professional regulation  
16 immediately upon employment with a properly licensed electrical contractor or lightning-  
17 protection contractor.

18           (b) ~~Indentured apprentice electricians are required to work a minimum of eight thousand~~  
19 ~~(8,000) hours over a period of time of not less than four (4) years and successfully complete one~~

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

22 (c) ~~Indentured apprentice maintenance electricians are required to work a minimum of six~~  
23 ~~thousand (6,000) hours over a period of time of not less than three (3) years and successfully~~  
24 ~~complete one hundred forty four (144) hours of related instruction per year in an indentured~~  
25 ~~apprenticeship program approved by the Rhode Island department of labor and training, to qualify~~  
26 ~~for the journey person "M" electrician examination. Provided, however, that the test applicant has~~  
27 ~~possessed for at least three (3) years prior to the filing of the application a certificate of~~  
28 ~~registration in full force and effect from the department of labor and training specifying the~~  
29 ~~person as an indentured apprentice, and the application of an applicant is accompanied by an~~  
30 ~~affidavit or affidavits of his or her employer or former employers or other reasonably satisfactory~~  
31 ~~evidence showing that the applicant has been actually engaged in electrical work as an apprentice~~  
32 ~~in Rhode Island during those three (3) years. Class M journey person electricians may qualify to~~  
33 ~~take the journey person "B" electrician examination upon registering as a fourth year apprentice~~  
34 ~~and becoming employed by a properly licensed Class A electrical contractor for that period of~~

1 ~~time.~~

2 (d) ~~Apprentice lightning protection installers are required to work a minimum of four~~  
3 ~~thousand (4,000) hours over a period of time of not less than two (2) years to qualify for the~~  
4 ~~lightning protection installer (LPI) examination. Provided, that the test applicant has possessed~~  
5 ~~for at least two (2) years prior to the filing of the application a certificate of registration in full~~  
6 ~~force and effect from the department of labor and training specifying the person as an apprentice~~  
7 ~~lightning protection installer, and the application of an applicant is accompanied by an affidavit~~  
8 ~~or affidavits of his or her employer or former employers or other reasonably satisfactory evidence~~  
9 ~~showing that the applicant has been actually engaged in lightning protection work as an~~  
10 ~~apprentice during those two (2) years.~~

11 **5-6-24.1. Apprentices certified by other states Reciprocal recognition of electrical**  
12 **apprentices registered in other states.**

13 ~~Any apprentice electrician holding an apprentice certificate, license, or equivalent~~  
14 ~~document issued by another state shall register with and obtain the approval of the division of~~  
15 ~~professional regulation in the department of labor and training prior to being permitted to work or~~  
16 ~~serve as an electrician's apprentice in this state. Provided, no approval shall be granted unless the~~  
17 ~~applicant demonstrates to the board that the applicant is currently enrolled in one hundred forty-~~  
18 ~~four (144) hours of electrical related classroom instruction per year for not less than four (4) years~~  
19 ~~in an indentured apprenticeship program approved by the department of labor and training. [An](#)~~  
20 ~~[electrical apprentice registered with a registration agency outside of Rhode Island, as defined in](#)~~  
21 ~~[29 C.F.R. 29.2, shall obtain reciprocal recognition from the department of labor and training](#)~~  
22 ~~[pursuant to § 28-45-16, prior to being permitted to work as an electrical apprentice in Rhode](#)~~  
23 ~~[Island.](#)~~

24 **5-6-34. Certification of electric sign contractors and electric sign installers.**

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

1 for prosecution for making electric sign installations, services, maintenance, or tests, without a  
2 license for the first six (6) months after July 1, 1991.

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

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

10 **5-6-24.2. Apprentices -- Exam requirements.**

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

18 **5-6-24.3. Credit for electrical license exams.**

19 (a) For the purposes of granting electrical licenses, the electrical board of examiners  
20 must grant written approval of decisions made by an apprenticeship sponsor to grant credit for  
21 prior learning or experience toward the term of the apprenticeship pursuant to § 28-45-9(2)(xii).

22 (b) The term of a time-based electrician (Class B) apprenticeship program shall be eight  
23 thousand (8,000) hours of on-the-job learning. The term of a time-based maintenance electrician  
24 (Class M) apprentice shall be six thousand (6,000) hours of on-the-job learning. Lightning  
25 protection installers (LPI) in training are required to work a minimum of four thousand (4,000)  
26 hours of on-the-job learning.

27 (c) An apprentice who has successfully completed a course of study in a recognized  
28 college, university, or trade school and has completed a course of electrical technology for at least  
29 two (2) academic years or is the recipient of an associate degree in electrical technology may be  
30 granted credit for four thousand (4,000) hours of on-the-job learning and two (2) years of related  
31 technical instruction toward completion of their apprenticeship. Sponsors may grant full credit  
32 towards the term of the apprenticeship for relevant instruction and work-based learning  
33 completed in a high school electrical technology program, pursuant to § 28-45-9, with the written  
34 approval of the state board of examiners of electricians.

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

3 **5-20-5. "Apprentice plumber" defined.**

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

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

10 **5-70-5. Form of license and registration.**

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

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

18 (ii) Qualification shall be evidenced by passing the examination(s) for any or all of the  
19 categories of telecommunications systems described in this chapter, and applicants who hold an  
20 equivalent out-of-state license, as determined by this board, issued by another state shall be  
21 allowed to take the Rhode Island form TSC license examination. Applicants for TSC license who  
22 hold no equivalent form of TSC license issued in another state and show evidence of three (3)  
23 years of verifiable and continuous contracting experience, immediately preceding the date of  
24 application and are registered to conduct business in the state of Rhode Island, will be allowed to  
25 take the Rhode Island form of TSC examination. Applicants who do not meet these qualifications  
26 shall have been licensed as a Rhode Island telecommunication systems technician for a minimum  
27 of three (3) consecutive years, immediately preceding the date of application, in order to qualify  
28 to take the TSC examination, and shall have been registered to conduct business in the state of  
29 Rhode Island.

30 (iii) The holding of a TSC license shall entitle the holder individually to contract for,  
31 engage in, and/or perform the actual work of designing, installing the type(s) of  
32 telecommunications systems for which they were granted certification. No individual shall be  
33 required to hold more than one form of license.

34 (2)(i) Telecommunications systems technician. TST license shall be issued to any person

1 who passes the examination(s) as defined within this chapter for any or all of the categories of  
2 telecommunications systems described in this chapter.

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

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

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

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

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

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

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

29 ~~CHAPTER 28-3~~

30 ~~Employment of Women and Children~~

31 CHAPTER 28-3

32 EMPLOYMENT OF MINORS

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



1 **28-4-5. Effect of indenture as against parties.**

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

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

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

20 **28-4-7. Determination of petition or complaint -- Enforcement of order.**

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

27 SECTION 8. Sections 28-27-4.1, 28-27-4.2, 28-27-4.3, 28-27-5.1, 28-27-5.2, 28-27-11  
28 and 28-27-18 of the General Laws in Chapter 28-27 entitled "Mechanical Trades" are hereby  
29 amended to read as follows:

30 **28-27-4.1. "Journeyman refrigeration technician" defined.**

31 "Journeyman refrigeration technician" means any person who has completed a ~~five (5)~~  
32 ~~year apprentice program~~ ten thousand (10,000) hour registered apprenticeship program and/or has  
33 passed a refrigeration technician examination and who by him or herself does work in  
34 refrigeration/air conditioning subject to provisions of this chapter and the rules, regulations, and



1 licensing criteria promulgated hereunder.

2 **28-27-4.2. "Journeyman pipefitter," "journeyman sprinkler fitter," and**  
3 **"journeyman sheet metal worker" defined.**

4 (a) "Journeyman pipefitter" means any person who has completed a ~~five (5) year~~  
5 ~~apprentice program~~ ten thousand (10,000) hour registered apprenticeship program and/or has  
6 passed a journeyman examination and who by himself or herself does work on pipefitting  
7 systems subject to provisions of this chapter. The rules, regulations, and licensing criteria guide  
8 promulgated under this chapter referencing Class II limited journeyman licenses shall require  
9 completion of an ~~accepted formal technical program approved~~ apprenticeship program registered  
10 with ~~by~~ the department of labor and training.

11 (b) "Journeyman sheet metal worker" means any person who has completed ~~a four (4)~~  
12 ~~year apprentice program~~ an eight thousand (8,000) hour registered apprenticeship program and/or  
13 has passed a journeyman sheet metal worker examination and who by himself or herself does  
14 sheet metal work subject to provisions of this chapter and the rules, regulations, and licensing  
15 criteria promulgated under this chapter.

16 (c) "Journeyman sprinkler fitter" means any person who has completed ~~a four (4) year~~  
17 ~~apprentice program~~ an eight thousand (8,000) hour registered apprenticeship program and/or has  
18 passed a journeyman sprinkler fitter examination and who by himself or herself does work in  
19 fire protection sprinkler systems subject to provisions of this chapter and the rules, regulations,  
20 and licensing criteria promulgated under this chapter.

21 **28-27-4.3. "Pipefitter apprentice," "refrigeration/air conditioning apprentice,"**  
22 **"journeyman sprinkler fitter apprentice," and "journeyman sheet metal worker**  
23 **apprentice" defined -- Duration of apprentice programs.**

24 (a) ~~"Journeyman sheet~~ Sheet metal worker apprentice" means any person at least  
25 eighteen (18) years of age who is learning or working at the ~~businesses~~ business of sheet metal  
26 work under the direct supervision of a sheet metal contractor or journeyman sheet metal worker  
27 ~~under a~~ and is registered ~~state sanctioned~~ as a sheet metal worker apprentice, ~~program in~~  
28 accordance with chapter 45 of title 28.

29 (b) ~~"Journeyman sprinkler~~ Sprinkler fitter apprentice" means any person at least  
30 eighteen (18) years of age who is learning or working at the business of fire protection sprinkler  
31 systems under the direct supervision of a master or journeyman sprinkler fitter ~~under a~~ and is  
32 registered ~~state sanctioned~~ as a sprinkler fitter apprentice, in accordance with chapter 45 of title  
33 28 program.

34 (c) "Pipefitter apprentice" means any person at least eighteen (18) years of age who is

1 learning or working at the business of pipefitting under the direct supervision of a master  
2 pipefitter or journeyperson pipefitter ~~under a~~ registered as a pipefitter ~~state-sanctioned~~ apprentice,  
3 in accordance with chapter 45 of title 28 ~~program~~.

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

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

11 (e) Pipefitter, refrigeration, sprinkler fitter and sheet metal worker apprenticeship  
12 programs require a ten thousand (10,000) hour term, except as detailed in § 28-27-4.2, for all  
13 Class II limited licenses. For licensing purposes, decisions by an apprenticeship sponsor to grant  
14 credit for prior learning or experience toward the term of the apprenticeship pursuant to chapter  
15 45 of title 28 shall also require the written approval of the mechanical board within the  
16 department of labor and training. Students in a recognized college, university, or trade school  
17 who have pursued a course of pipefitting or refrigeration/air conditioning, sheet metal, or fire  
18 protection sprinkler systems for at least two (2) academic years or are recipients of an associate  
19 degree in pipefitting or refrigeration/air conditioning, or fire protection sprinkler systems will  
20 receive credit for four thousand (4,000) hours of on-the-job learning.

21 ~~**28-27-5.1. Practices for which a journeyperson or apprentice license required**~~

22 **Practices for which a journeyperson license or apprentice registration is required.**

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

29 (b) A person holding a valid license under this chapter shall not be required to obtain an  
30 additional license under this chapter to perform sheet metal work when AC air handling  
31 equipment is ten (10) tons or less or when heating equipment does not exceed 250,000 BTUs.

32 (c) A holder of a journeyperson license shall only be entitled to work as an employee of  
33 the properly licensed master permit holder in accordance with this chapter.

34 **28-27-5.2. Issuance of P.J.F. journeyperson oil burnerperson's license.**

1 (a) Any person who has previously qualified for the electrician's F certificate and the  
2 P.J.F. II limited to oil individually, and presently holds both licenses, may convert to the single  
3 P.J.F. limited journeyman II oil burner's license by application to the division on an  
4 approved application and with payment of the applicable fee as detailed in this section. This  
5 licensee cannot be self-employed and is limited to domestic oil burner service work, burner, tank,  
6 and oil line installation. Persons seeking an initial P.J.F. limited journeyman II oil burner  
7 license must show proof of completion of a ~~trade-sponsored~~ registered apprenticeship program or  
8 a trade related program offered by a recognized college, university, or trade school. All programs  
9 must have prior approval of the department of labor and training before licenses are issued.

10 (b) The person seeking P.J.F. licensing must be employed by a master pipefitting  
11 contractor class II as detailed under § 28-27-4.

12 (c) The above provisions are similar for most limited licenses under chapter 27 of this  
13 title.

14 (d) Fees shall be as follows:

- 15 ~~(1) Apprenticeship fee is thirty dollars (\$30.00) with birth-month licensing;~~
- 16 ~~(2)~~(1) License fee is seventy-two dollars (\$72.00) with birth-month licensing;
- 17 ~~(3)~~(2) Renewal fee is seventy-two dollars (\$72.00) with birth-month licensing;

18 (e) The fees collected shall be deposited as general revenues.

19 **28-27-11. Journeyman license -- Test fees -- License fees and qualifications --**  
20 **Filing deadline for journeyman.**

21 (a) No application for a journeyman's test shall be filed by the department nor shall any  
22 applicant be permitted to take the examination for a license as a journeyman unless:

- 23 (1) The test application is accompanied by a test fee as outlined in § 28-27-17.
- 24 (2) Upon passing of a journeyman test, payment of a license fee as outlined in § 28-27-  
25 17 is required and the journeyman license will be issued as provided in § 28-27-15.
- 26 (3) The applicant is a registered apprentice in accordance with chapter 45 of title 28  
27 having completed all the requirements for completion of the apprenticeship except the licensing  
28 exam. ~~has possessed for at least five (5) years prior to the filing of the application a certificate of~~  
29 ~~registration in full force and effect from the department of labor and training specifying the~~  
30 ~~person as a registered apprentice, and the application of an applicant:~~

31 ~~(4)~~(4) For licensing purposes, decisions by an apprenticeship sponsor to grant credit for  
32 prior learning or experience toward the term of the apprenticeship pursuant to chapter 45 of title  
33 28 shall also require the written approval of the appropriate licensing authority. ~~Is accompanied~~  
34 ~~by an affidavit or affidavits of~~ The applicant provides documentation of related technical

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

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

15 ~~(iii)~~ [\(5\) The application is](#) ~~Is~~ accompanied by an affidavit or other reasonably satisfactory  
16 evidence showing that the applicant possesses a certificate of license issued under the laws of  
17 another state specifying that person as a journeyman.

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

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

22 **28-27-18. Registration of apprentices.**

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

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

32 SECTION 9. Sections 28-45-1, 28-45-3, 28-45-9, 28-45-10, 28-45-13, 28-45-14 and 28-  
33 45-16 of the General Laws in Chapter 28-45 entitled "Apprenticeship Programs in Trade and  
34 Industry" are hereby amended to read as follows:

1           **28-45-1. Purposes.**

2           The purposes of this chapter are:

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

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

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

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

14           **28-45-3. Powers and duties.**

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

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

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

28           (3) Establish program performance standards in conformity with 29 C.F.R. § 29.6;

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

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

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

- 1 (i) The contents of apprenticeship agreements in conformity with 29 C.F.R. § 29.7;
- 2 (ii) Criteria for apprenticeable occupations as provided by 29 C.F.R. § 29.4;
- 3 (iii) Reciprocal approval for federal purposes to apprentices, apprenticeship programs and  
4 standards that are registered in other states by the U.S. department of labor or another state  
5 apprenticeship program recognized by the U.S. department of labor if such reciprocity is  
6 requested by the apprenticeship program sponsor;
- 7 (iv) The cancellation and/or deregistration of programs, and for temporary suspension,  
8 cancellation, and/or deregistration of apprenticeship agreements as provided in 29 C.F.R. §§ 29.8  
9 and 29.9;
- 10 (v) The standards of apprenticeship, program performance standards, apprenticeship  
11 agreements, deregistration of registered apprenticeship programs, reinstatement of apprenticeship  
12 programs, and reciprocal approval of apprentices from other states.
- 13 (b) The department of labor and training in accord with its regulations and this chapter  
14 shall:
- 15 (1) Encourage the promotion, expansion, and improvement of programs of apprenticeship  
16 training and pre-apprenticeship and the making of apprenticeship agreements;
- 17 (2) Bring about the settlement of differences arising out of an apprenticeship agreement  
18 when those differences cannot be adjusted locally or in accordance with established trade  
19 procedure;
- 20 (3) Supervise the execution of agreements and maintenance of standards;
- 21 (4) Register or terminate or cancel the registration of apprenticeship programs and  
22 apprenticeship agreements;
- 23 (5) Issue certificates of completion of apprenticeship;
- 24 (6) Keep a record of apprenticeship programs and apprentice agreements and their  
25 disposition;
- 26 (7) Render any assistance and submit any information and data that may be requested by  
27 employers, employees, and joint apprenticeship committees engaged in the formulation and  
28 operation of programs of apprenticeship, particularly in regard to work schedules, wages,  
29 conditions of employment, apprenticeship records, and number of apprentices;
- 30 (8) Adopt rules and regulations to insure nondiscrimination in all phases of  
31 apprenticeship and employment during apprenticeship;
- 32 (9) Register trade, craft, manufacturing, or industrial standards for apprenticeship or  
33 training agreements in cooperation with joint employer and employee groups and in conformity  
34 with this chapter, or approve and register trade, craft, manufacturing, or industrial standards for

1 agreements submitted which are in conformity with this chapter, and disapprove those standards  
2 or agreements submitted which are not in conformity with this chapter, to the extent deemed  
3 appropriate;

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

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

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

9 **28-45-9. Standards of apprenticeship programs.**

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

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

17 (2) The program standards contain the equal opportunity pledge prescribed in 29 C.F.R §  
18 30.3(b) and, when applicable, an affirmative action plan in accordance with 29 C.F.R. § 30.4, a  
19 selection method authorized in 29 C.F.R § ~~30.5~~ [30.10](#), or similar requirements expressed in a state  
20 plan for equal employment opportunity in apprenticeship adopted pursuant to 29 C.F.R. Part 30  
21 and approved by the U.S. department of labor, and provisions concerning the following:

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

23 (ii) A term of apprenticeship not less than two thousand (2,000) hours of work  
24 experience, consistent with training requirements as established by industry practice, which for an  
25 individual apprentice may be measured either through the completion of the industry standard for  
26 on-the-job learning (at least two thousand (2,000) hours) (time-based approach), the attainment of  
27 competency (competency-based approach), or a blend of the time-based and competency-based  
28 approaches (hybrid approach):

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

32 (B) The competency-based approach measures skill acquisition through the individual  
33 apprentice's successful demonstration of acquired skills and knowledge, as verified by the  
34 program sponsor. Programs utilizing this approach must still require apprentices to complete an

1 on-the-job learning component of registered apprenticeship. The program standards must address  
2 how on-the-job learning will be integrated into the program, describe competencies, and identify  
3 an appropriate means of testing and evaluation for such competencies;

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

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

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

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

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

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

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

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

32 (vii) The numeric ratio of apprentices to journeypersons consistent with proper  
33 supervision, training, safety, and continuity of employment, and applicable provisions in  
34 collective bargaining agreements, except where the ratios are expressly prohibited by the



1 collective bargaining agreement. The ratio language shall be specific and clear as to application in  
2 terms of jobsite, work force, department or plant;

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

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

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

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

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

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

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

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

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

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

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

29 (xvi) Program standards that utilize the competency-based or hybrid approach for  
30 progression through an apprenticeship and that choose to issue interim credentials must clearly  
31 identify the interim credentials, demonstrate how these credentials link to the components of the  
32 apprenticeable occupation, and establish the process for assessing an individual apprentice's  
33 demonstration of competency associated with the particular interim credential; further, interim  
34 credentials must only be issued for recognized components of an apprenticeable occupation,

1 thereby linking interim credentials specifically to the knowledge, skills, and abilities associated  
2 with those components of the apprenticeable occupation.

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

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

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

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

14 (xxi) Compliance with 29 C.F.R. 30, including the equal opportunity pledge prescribed in  
15 29 C.F.R. § 30.3(b); an affirmative action plan complying with 29 C.F.R. § 30.4; and a method  
16 for the selection of apprentices authorized by 29 C.F.R. § ~~30.5~~ [30.10](#), or compliance with parallel  
17 requirements contained in a state plan for equal opportunity in apprenticeship adopted under 29  
18 C.F.R. part 30 and approved by the department. The apprenticeship standards must also include a  
19 statement that the program will be conducted, operated and administered in conformity with  
20 applicable provisions of 29 C.F.R. part 30, as amended, or if applicable, an approved state plan  
21 for equal opportunity in apprenticeship;

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

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

27 **28-45-10. Definitions.**

28 For the purposes of this chapter:

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

33 ~~(1)~~[\(2\)](#) "Apprenticeship agreement" means a written agreement complying with 29 C.F.R.  
34 § 29.7 between an apprentice and either the apprenticeship program sponsor, or an apprenticeship

1 committee acting as agent for the program sponsor(s), which contains the terms and conditions of  
2 the employment and training of the apprentice.

3 ~~(2)~~(3) "Apprenticeable occupation" which possesses all of the following characteristics:

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

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

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

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

12 (4) "Apprenticeship program" means a plan containing all terms and conditions for the  
13 qualification, recruitment, selection, employment and training of apprentices, as required under  
14 29 C.F.R. parts 29 and 30, including such matters as the requirement for a written apprenticeship  
15 agreement.

16 ~~(3)~~(5) "Council" means the apprenticeship council as established by § 28-45-2.

17 ~~(4)~~(6) "OA" means office of apprenticeship, U.S. department of labor.

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

22 ~~(5)~~(8) "Secretary" means secretary of the U.S. department of labor.

23 **28-45-13. Standards of apprenticeship agreements.**

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

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

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

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

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

34 (5) A statement showing:

1 (i) The number of hours to be spent by the apprentice in work on the job in a time-based  
2 program or a description of the skill sets to be attained by completion of a competency-based  
3 program, including the on-the-job learning component; or the minimum number of hours to be  
4 spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid  
5 program.

6 (ii) The number of hours to be spent in related and supplemental instruction in technical  
7 subjects related to the occupation which is recommended to be not less than one hundred forty-  
8 four (144) hours per year.

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

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

14 (8) Statements providing:

15 (i) For a specific period of probation during which time the apprenticeship agreement  
16 may be terminated by either party to the agreement upon written notice to the department of labor  
17 and training, without adverse impact on the sponsor; and

18 (ii) That, after the probationary period, the agreement may be cancelled at the request of  
19 the apprentice, or may be suspended, or terminated by the sponsor, for good cause, with due  
20 notice to the apprentice and a reasonable opportunity for corrective action, and with written  
21 notice to the apprentice and to the department of labor and training of the final action taken.

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

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

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

34 **28-45-14. State EEO plan.**

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

4 **28-45-16. Reciprocity.**

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

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

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

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

24 SECTION 10. Section 28-45-18 of the General Laws in Chapter 28-45 entitled  
25 "Apprenticeship Programs in Trade and Industry" is hereby repealed.

26 **~~28-45-18. Vocational school training.~~**

27 (a) ~~The board of regents for elementary and secondary education may authorize~~  
28 ~~vocational schools to provide apprenticeship classroom training to students subject to the~~  
29 ~~approval of the Rhode Island department of labor and training.~~

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

1 SECTION 11. This act shall take effect upon passage.

=====  
LC001045  
=====

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  
2 easier to understand and be more consistent with each other and applicable federal regulations.

3           This act would take effect upon passage.

=====  
LC001045  
=====