

CHAPTER NO. 272

HOUSE BILL NO. 214

INTRODUCED BY DOZIER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE HOUSE

January 17, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 2, 1979	Committee recommend bill do pass as amended and be placed on Consent Calendar. Report adopted.
February 3, 1979	Printed and placed on members' desks.
February 7, 1979	Third reading, passed and placed on Consent Calendar. Transmitted to second house.

IN THE SENATE

February 8, 1979	Introduced and referred to Committee on Labor and Employment Relations.
March 2, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 5, 1979	Second reading, concurred in.
March 7, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 8, 1979	Returned from second house Concurred in as amended.
March 14, 1979	Second reading, amendments adopted.

March 15, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS
 6 RELATING TO APPRENTICESHIP PROGRAMS, REQUIRING THE
 7 DEPARTMENT OF LABOR AND INDUSTRY TO PROVIDE ASSISTANCE IN
 8 DEVELOPING ON-THE-JOB TRAINING PROGRAMS WHEN APPRENTICESHIP
 9 PROGRAMS DO NOT EXIST AND TO PERFORM DUTIES REQUIRED BY
 10 FEDERAL REGULATIONS WHEN CONSISTENT WITH STATE LAW; REDUCING
 11 THE HOURLY EMPLOYMENT REQUIREMENTS, CHANGING THE
 12 INSTRUCTIONAL PROVISIONS, AND ADDING A PROVISION ON
 13 APPRENTICE: JOURNEYMAN RATIOS IN APPRENTICESHIP AGREEMENTS;
 14 AND PERMITTING CREDIT FOR PRIOR TRAINING OR EXPERIENCE OF
 15 APPRENTICES; AMENDING SECTIONS 39-6-101 AND 39-6-106, MCA."

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 39-6-101, MCA, is amended to read:
 19 "39-6-101. Duties of department. (1) The department of
 20 labor and industry shall:

21 (a) encourage and promote the making of apprenticeship
 22 agreements conforming to the standards established by or in
 23 accordance with this chapter;

24 (b) register such apprenticeship agreements as are in
 25 the best interests of the apprenticeship and conform to the

1 standards established by or in accordance with this chapter;
 2 (c) keep a record of apprenticeship agreements and,
 3 upon performance thereof, issue certificates of completion
 4 of apprenticeship; and

5 (d) terminate or cancel any apprenticeship agreements
 6 in accordance with the provisions of such agreements; and

7 ~~(e) provide assistance for the development of~~
 8 ~~on-the-job training programs in nonapprenticeable~~
 9 ~~occupations;~~

10 ~~(2) Subject to the approval of the federal committee~~
 11 ~~on apprenticeship, the department shall:~~

12 ~~(a) establish standards for apprenticeship~~
 13 ~~agreements in conformity with the provisions of this~~
 14 ~~chapter;~~

15 ~~(b) issue such rules as may be necessary to carry~~
 16 ~~out the intent and purposes of this chapter; and~~

17 ~~(c) perform such other duties as are hereinafter~~
 18 ~~imposed may be required by federal regulations, provided~~
 19 ~~that such federal regulations are not in conflict with this~~
 20 ~~chapter.~~

21 (3) Not less than once every 2 years, the department
 22 shall make a report through the governor of its activities
 23 and findings to the legislature, which shall be made
 24 available to the public."

25 Section 2. Section 39-6-106, MCA, is amended to read:

1 "39-6-106. Standards for apprenticeship agreements.
 2 (1) Standards for apprenticeship agreements are as follows:
 3 ~~(1)(a)~~ a statement of the trade or craft to be taught
 4 and the required hours for completion of apprenticeship,
 5 which shall be not less than ~~4,000~~ 2,000 hours of reasonably
 6 continuous employment;
 7 ~~(2)(b)~~ a statement of the processes in the trade or
 8 craft divisions in which the apprentice is to be taught and
 9 the approximate amount of time to be spent at each process;
 10 ~~(3)(c)~~ a statement of the number of hours to be spent
 11 by the apprentice ~~in work and the number of hours to be~~
 12 spent in related and supplemental instruction, which
 13 ~~instruction shall~~ is recommended to be not less than 144
 14 hours per year;
 15 ~~(4)(d)~~ a statement that apprentices shall be not less
 16 than 16 years of age;
 17 ~~(5)(e)~~ a statement of the progressively increasing
 18 scale of wages to be paid the apprentice;
 19 ~~(6)(f)~~ provision for a period of probation during
 20 which the department of labor and industry ~~when authorized~~
 21 ~~by the department~~ shall be directed to terminate an
 22 apprenticeship agreement at the request in writing of any
 23 party thereto. After the probationary period, the
 24 ~~department when authorized by the department~~ shall be
 25 empowered to terminate the registration of an apprentice

1 upon agreement of the parties.
 2 ~~(7)(g)~~ provision that the services of the department
 3 may be utilized for consultation regarding the settlement of
 4 differences arising out of the apprenticeship agreement
 5 where such differences cannot be adjusted locally or in
 6 accordance with the established trade procedure;
 7 ~~(8)~~ ~~provision that if an employer is unable to fulfill~~
 8 ~~his obligation under the apprenticeship agreement he may~~
 9 ~~transfer such obligation to another employer~~
 10 (h) provision for the specification of the ratio of
 11 apprentices to journeymen;
 12 ~~(9)(i)~~ such additional standards as may be prescribed
 13 in accordance with the provisions of this chapter.
 14 (2) An apprentice who, prior to entering into an
 15 agreement, has had training or experience in the trade or
 16 craft in which he is employed as an apprentice may be
 17 granted full or partial credit for the training or
 18 experience on the recommendation of the employer or the
 19 joint apprenticeship committee and with the approval of the
 20 department."

-End-

Approved by Committee
on Labor & Employment
Relations

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 22 agreements conforming to the standards established by or in
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 24 (b) register such apprenticeship agreements as are in
 25 the best interests of the apprenticeship and conform to the

1 standards established by or in accordance with this chapter;
 2 (c) keep a record of apprenticeship agreements and,
 3 upon performance thereof, issue certificates of completion
 4 of apprenticeship; and
 5 (d) terminate or cancel any apprenticeship agreements
 6 in accordance with the provisions of such agreements; and
 7 ~~(e) provide assistance for the development of~~
 8 ~~on-the-job training programs in nonapprenticeable~~
 9 ~~occupations;~~
 10 ~~(2) Subject to the approval of the federal committee~~
 11 ~~on apprenticeship, the department shall~~
 12 ~~(f) (i) establish standards for apprenticeship~~
 13 ~~agreements in conformity with the provisions of this~~
 14 ~~chapter;~~
 15 ~~(b) (g) issue such rules as may be necessary to carry~~
 16 ~~out the intent and purposes of this chapter; and~~
 17 ~~(e) (h) perform such other duties as are hereinafter~~
 18 ~~imposed may be required by federal regulations, provided~~
 19 ~~that such federal regulations are not in conflict with this~~
 20 ~~chapter.~~
 21 (3)(2) Not less than once every 2 years, the
 22 department shall make a report through the governor of its
 23 activities and findings to the legislature, which shall be
 24 made available to the public."
 25 Section 2. Section 39-6-106, MCA, is amended to read:

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4 and the required hours for completion of apprenticeship,
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6 continuous employment;

7 (b) a statement of the processes in the trade or
8 craft divisions in which the apprentice is to be taught and
9 the approximate amount of time to be spent at each process;

10 (c) a statement of the number of hours to be spent
11 by the apprentice ~~in work and the number of hours to be~~
12 ~~spent~~ in related and supplemental instruction, which
13 ~~instruction shall be recommended to be not less than~~ 144
14 hours per year;

15 (d) a statement that apprentices shall be not less
16 than 16 years of age;

17 (e) a statement of the progressively increasing
18 scale of wages to be paid the apprentice;

19 (f) provision for a period of probation during
20 which the department of labor and industry, ~~when authorized~~
21 ~~by the department,~~ shall be directed to terminate an
22 apprenticeship agreement at the request in writing of any
23 party thereto. After the probationary period, the
24 department, ~~when authorized by the department,~~ shall be
25 empowered to terminate the registration of an apprentice

1 upon agreement of the parties.

2 ~~(g)~~ provision that the services of the department
3 may be utilized for consultation regarding the settlement of
4 differences arising out of the apprenticeship agreement
5 where such differences cannot be adjusted locally or in
6 accordance with the established trade procedure;

7 ~~(h) provision that if an employer is unable to fulfill~~
8 ~~his obligation under the apprenticeship agreement he may~~
9 ~~transfer such obligation to another employer~~

10 (H) PROVISION THAT IF AN EMPLOYER IS UNABLE TO FULFILL
11 HIS OBLIGATION UNDER THE APPRENTICESHIP AGREEMENT, HE MAY
12 TRANSFER THE OBLIGATION TO ANOTHER EMPLOYER IF THE OTHER
13 EMPLOYER HAS BEEN APPROVED AS A TRAINING FACILITY;

14 (I) provision for the specification of the ratio of
15 apprentices to journeymen. THE DEPARTMENT WILL CONTINUE TO
16 HONOR AND RECOGNIZE RATIO PROVISIONS AS ESTABLISHED IN
17 EXISTING LABOR/MANAGEMENT BARGAINING AGREEMENTS.

18 ~~(j)~~ such additional standards as may be
19 prescribed in accordance with the provisions of this
20 chapter.

21 (2) An apprentice who, prior to entering into an
22 agreement, has had training or experience in the trade or
23 craft in which he is employed as an apprentice may be
24 granted full or partial credit for the training or
25 experience on the recommendation of the employer or the

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1 joint apprenticeship committee and with the approval of the
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2 joint apprenticeship committee and with the approval of the
3 department."

-End-

March 2, 1979

SENATE STANDING COMMITTEE REPORT
(Labor & Employment Relations)

That House Bill No. 214 be amended as follows:

1. Page 5, line 17.

Following: "AGREEMENTS"

Insert: "or as established by an industry practice"