

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.

House BILL NO. 214

INTRODUCED BY Doyer

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

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

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

Section 1. Section 39-6-101, MCA, is amended to read:

"39-6-101. Duties of department. (1) The department of labor and industry shall:

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

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

standards established by or in accordance with this chapter;

(c) keep a record of apprenticeship agreements and, upon performance thereof, issue certificates of completion of apprenticeship; and

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

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

(f) establish standards for apprenticeship agreements in conformity with the provisions of this chapter;

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

(h) perform such other duties as are--hereinafter imposed may be required by federal regulations, provided that such federal regulations are not in conflict with this chapter.

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

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

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1 *39-6-106. Standards for apprenticeship agreements.
2 (1) Standards for apprenticeship agreements are as follows:
3 (a) a statement of the trade or craft to be taught;
4 (b) and the required hours for completion of apprenticeship;
5 (c) which shall be not less than ~~4,000~~ 2,000 hours of reasonably
6 continuous employment;

7 ~~271b1~~ 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 ~~that~~ is 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 sheet is recommended to be not less than 144
14 hours per year;

15 ~~441d1~~ a statement that apprentices shall be not less
16 than 16 years of age;

17 ~~that~~ a statement of the progressively increasing
18 scale of wages to be paid the apprentice;

19 ~~to~~ provision for a period of probation during
20 which the department of labor and industry--when--authorized
21 by--the--department~~s~~ 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~~s~~ shall be
25 empowered to terminate the registration of an apprentice

1 upon agreement of the parties.

2 ~~77101~~ 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;

10 (b) provision for the specification of the ratio of
11 apprentices to journeymen

12 ~~to fill~~ such additional standards as may be prescribed
13 in accordance with the provisions of this chapter.

121 An apprentice who prior to entering into an
122 agreement, has had training or experience in the trade or
123 craft in which he is employed as an apprentice may be
124 granted full or partial credit for the training or
125 experience on the recommendation of the employer or the
126 joint apprenticeship committee and with the approval of the
127 department."

-End-

Approved by Committee
on Labor & Employment
Relations

1 standards established by or in accordance with this chapter;

2 (c) keep a record of apprenticeship agreements and, upon performance thereof, issue certificates of completion of apprenticeship; and

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

4 (e) provide assistance for the development of on-the-job training programs in nonapprenticeable occupations;

5 ~~627--Subject-to-the-approval-of-the--federal--committee on-apprenticeship--the-department-shall~~

6 ~~627~~ establish standards for apprenticeship agreements in conformity with the provisions of this chapter;

7 ~~627~~ issue such rules as may be necessary to carry out the intent and purposes of this chapter; and

8 ~~627~~ perform such other duties as are--hereinafter imposed ~~may be required by federal regulations~~, provided that such federal regulations are not in conflict with this chapter.

9 f37121 Not less than once every 2 years, the department shall make a report through the governor of its activities and findings to the legislature, which shall be made available to the public.*

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

1 *39-6-106. Standards for apprenticeship agreements.

2 III Standards for apprenticeship agreements are as follows:

3 f3916 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 f3917 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 f3918 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 f3919 a statement that apprentices shall be not less
 16 than 16 years of age;

17 f39110 a statement of the progressively increasing
 18 scale of wages to be paid the apprentice;

19 f39111 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 f39112 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 f39113 ~~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 IH1 PROVIS10 THATI11 E12 13 E14 PROVIS15 THATI16 E17 PROVIS18 THATI19 E10 PROVIS11 THATI12 E13 PROVIS14 THATI15 E16 PROVIS17 THATI18 E19 PROVIS10 THATI11 E12 PROVIS13 THATI14 E15 PROVIS16 THATI17 E18 PROVIS19 THATI10 E11 PROVIS12 THATI13 E14 PROVIS15 THATI16 E17 PROVIS18 THATI19 E10 PROVIS11 THATI12 E13 PROVIS14 THATI15 E16 PROVIS17 THATI18 E19 PROVIS10 THATI11 E12 PROVIS13 THATI14 E15 PROVIS16 THATI17 E18 PROVIS19 THATI10 E11 PROVIS12 THATI13 E14 PROVIS15 THATI16 E17 PROVIS18 THATI19 E10 PROVIS11 THATI12 E13 PROVIS14 THATI15 E16 PROVIS17 THATI18 E19 PROVIS10 THATI11 E12 PROVIS13 THATI14 E15 PROVIS16 THATI17 E18 PROVIS19 THATI10 E11 PROVIS12 THATI13 E14 PROVIS15 THATI16 E17 PROVIS18 THATI19 E10 PROVIS11 THATI12 E13 PROVIS14 THATI15 E16 PROVIS17 THATI18 E19 PROVIS10 THATI11 E12 PROVIS13 THATI14 E15 PROVIS16 THATI17 E18 PROVIS19 THATI10 E11 PROVIS12 THATI13 E14 PROVIS15 THATI16 E17 PROVIS18 THATI19 E10 PROVIS11 THATI12 E13 PROVIS14 THATI15 E16 PROVIS17 THATI18 E19 PROVIS10 THATI11 E12 PROVIS13 THATI14 E15 PROVIS16 THATI17 E18 PROVIS19 THATI10 E11 PROVIS12 THATI13 E14 PROVIS15 THATI16 E17 PROVIS18 THATI19 E10 PROVIS11 THATI12 E13 PROVIS14 THATI15 E16 PROVIS17 THATI18 E19 PROVIS10 THATI11 E12 PROVIS13 THATI14 E15 PROVIS16 THATI17 E18 PROVIS19 THATI10 E11 PROVIS12 THATI13 E14 PROVIS15 THATI16 E17 PROVIS18 THATI19 E10 PROVIS11 THATI12 E13 PROVIS14 THATI15 E16 PROVIS17 THATI18 E19 PROVIS10 THATI11 E12 PROVIS13 THATI14 E15 PROVIS16 THATI17 E18 PROVIS19 THATI10 E11 PROVIS12 THATI13 E14 PROVIS15 THATI16 E17 PROVIS18 THATI19 E10 PROVIS11 THATI12 E13 PROVIS14 THATI15 E16 PROVIS17 THATI18 E19 PROVIS10 THATI11 E12 PROVIS13 THATI14 E15 PROVIS16 THATI17 E18 PROVIS19 THATI10 E11 PROVIS12 THATI13 E14 PROVIS15 THATI16 E17 PROVIS18 THATI19 E10 PROVIS11 THATI12 E13 PROVIS14 THATI15 E16 PROVIS17 THATI18 E19 PROVIS10 THATI11 E12 PROVIS13 THATI14 E15 PROVIS16 THATI17 E18 PROVIS19 THATI10 E11 PROVIS12 THATI13 E14 PROVIS15 THATI16 E17 PROVIS18 THATI19 E10 PROVIS11 THATI12 E13 PROVIS14 THATI15 E16 PROVIS17 THATI18 E19 PROVIS10 THATI11 E12 PROVIS13 THATI14 E15 PROVIS16 THATI17 E18 PROVIS19 THATI10 E11 PROVIS12 THATI13 E14 PROVIS15 THATI16 E<u

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

-End-

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 ~~and~~ 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 (1) establish standards for apprenticeship

13 agreements in conformity with the provisions of this

14 chapter;

15 (2) issue such rules as may be necessary to carry

16 out the intent and purposes of this chapter; and

17 (3) 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

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:

1 "39-6-106. Standards for apprenticeship agreements.

2 III Standards for apprenticeship agreements are as follows:

3 1 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~~ 2,100 hours of reasonably

6 continuous employment;

7 2 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 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 4 a statement that apprentices shall be not less

16 than 16 years of age;

17 5 a statement of the progressively increasing

18 scale of wages to be paid the apprentice;

19 6 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 ~~1~~ 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 ~~2~~ 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 10 ~~3~~ PROVISION THAT IF AN EMPLOYER IS UNABLE TO FULFILL

11 11 HIS OBLIGATION UNDER THE APPRENTICESHIP AGREEMENT, HE MAY

12 12 TRANSFER THE OBLIGATION TO ANOTHER EMPLOYER IF THE OTHER

13 13 EMPLOYER HAS BEEN APPROVED AS A TRAINING FACILITY;

14 14 ~~4~~ 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 OR AS

18 ESTABLISHED BY AN INDUSTRY PRACTICE;

19 19 ~~5~~ such additional standards as may be

20 20 prescribed in accordance with the provisions of this

21 21 chapter.

22 22 ~~6~~ 21 An apprentice who prior to entering into an

23 23 agreement has had training or experience in the trade or

24 24 craft in which he is employed as an apprentice may be

25 25 granted full or partial credit for the training or

1 experience on the recommendation of the employer or the
2 joint apprenticeship committee and with the approval of the
3 departments."

-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"