

CHAPTER 106

MASTER AND APPRENTICE

106.01 Designation of "indenture" and "apprentice"
106.02 Carpenters' apprentices.

106.03 Real estate apprenticeships excluded

106.01 Designation of "indenture" and "apprentice". (1) The term "apprentice" shall mean any person, 16 years of age or over, who shall enter into any contract of service, express or implied, whereby the person is to receive from or through the person's employer, in consideration for the person's services in whole or in part, instruction in any trade, craft or business.

(2) Every contract or agreement entered into by an apprentice with an employer shall be known as an indenture; such indenture shall be in writing and shall be executed in triplicate, one copy of which shall be delivered to the apprentice, one to be retained by the employer and one to be filed with the department at Madison.

(3) Any minor, 16 years of age or over, or any adult, may, by the execution of an indenture, bind himself or herself as hereinafter provided for a term of service not less than one year.

(4) Every indenture shall be signed:

(a) By the apprentice.

(b) If the apprentice has not reached age 18, also by the father or mother; and if both the father and mother are dead or legally incapable of giving consent, then

(c) By the guardian of the minor, if any.

(d) If there is no parent or guardian with authority to sign then by a deputy of the department.

(e) By the employer.

(5) Every indenture shall contain:

(a) The names of the parties.

(b) The date of the birth of the person indentured.

(c) A statement of the trade, craft or business which the apprentice is to be taught, and the time at which the apprenticeship shall begin and end.

(d) An agreement stating the number of hours to be spent in work, and the number of hours to be spent in instruction. During the first 2 years of an apprenticeship, the apprentice's period of instruction shall be not less than 4 hours per week or the equivalent. If the apprenticeship is for a longer period than 2 years, the total hours of instruction shall be not less than 400 hours. The total number of hours of instruction and service shall not exceed 55 per week; provided, that nothing in this paragraph shall be construed to forbid overtime work as provided in sub. (7) of this section.

(e) An agreement as to the processes, methods or plans to be taught, and the approximate time to be spent at each process, method or plan.

(f) A statement of the compensation to be paid the apprentice.

(g) An agreement that a certificate shall be given the apprentice at the conclusion of the apprentice's indenture, stating the terms of indenture.

(5i) (a) The proper persons described in sub. (4) (a) to (d) may enter into such an indenture with any organization of employees, association of employers or other similar responsible agency in this state. Such organization, association or other agency shall thereupon, with the written consent of the other parties to the indenture, and the written acceptance thereof by the proposed employer, assign the indenture to the proposed employer, and the proposed employer and the apprentice named in the indenture shall be bound by the terms thereof. Such consent and acceptance shall be executed in triplicate and one copy of each shall be delivered, respectively to the department, to the employer and to the

apprentice and in each case shall be attached to the proper indenture. The approval of the department shall first be had in each transaction. Such organization, association or other agency shall have the exclusive right to assign the indenture and the apprentice shall not be permitted to enter into any other indenture. The period transpiring before assignment to an employer shall not be credited toward the period of apprenticeship.

(b) Any employer may assign the employer's indenture, with the approval of the department and the written consent of the other parties thereto, to any association of employers, organization of employees or any other similar responsible agency in this state. The period of time in which such association, organization or other agency shall be such assignee shall not be credited as time served by the apprentice. After such assignment the association, organization or other agency shall, with the approval of the department and the written consent of the apprentice, assign the indenture to an employer but the apprentice shall not be bound by the assignment unless the employer accepts, by the employer's signed instruments, the terms of the indenture and that the employer will complete the employer's unperformed obligations thereunder; each such consent and acceptance shall be executed in triplicate and one of each, respectively, shall be delivered to the department, to the assignee employer and to the apprentice and in each case shall be attached to the proper indenture. Upon acceptance the employer shall for all purposes be deemed a party to the indenture.

(c) Any employer, with the written consent, executed in triplicate, of the other parties to the indenture and the approval of the department, may assign such indenture to another employer whose written acceptance shall be upon the instrument of consent. One copy of such consent and acceptance shall be delivered, respectively, to the apprentice, to the assignee employer and to the department and shall in each case be attached to the indenture in their respective possessions. After assignment, the new employer shall perform the unperformed obligations of the indenture. The department shall continue to have jurisdiction over the indenture assigned pursuant to this subsection and the parties bound after such assignment.

(5j) The department may, and it shall have power on its own motion, or on the complaint of any person, after due notice and a hearing had, make findings and issue orders declaring any indenture, contract or agreement at an end if it shall be proved at such hearing that any apprentice, employer or such organization, association or other agency is unable to continue with the obligations under the contract or has breached the same. Upon the termination of the indenture, the apprentice released therefrom shall be free to enter into a new indenture under such conditions and terms as the department may approve and which are not inconsistent with this section.

(5k) The department shall, upon request, furnish a copy of any instrument required to be filed with it under this section, to any party whose name appears on such instrument.

(6) The employer shall pay for the time the apprentice is receiving related instruction for no fewer hours than specified in sub. (5) (d) at the same rate per hour as for services. Nothing herein shall prohibit an agreement between the parties requiring the apprentice to take additional instruction on the apprentice's own time in excess of the number of hours required by statute. Attendance at school shall be certified by the teacher in charge.

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(7) An apprentice may be allowed to work overtime. All time in excess of the hours of labor as limited to the particular craft, industry, or business and as to the particular employer, shall be considered overtime. For overtime the apprentice's rate of pay shall be increased by the same percentage as the journeyman's rate for overtime is increased in the same industry or establishment.

(8) If either party to an indenture shall fail to perform any of the stipulations thereof, the nonperforming party shall forfeit not less than one dollar nor more than \$100, such forfeiture to be collected on complaint of the department, and paid into the state treasury. Any indenture may be annulled by the department upon application of either party and good cause shown.

(9) It shall be the duty of the department, and it shall have power, jurisdiction and authority, to investigate, ascertain, determine and fix such reasonable classifications and to issue rules and regulations, and general or special orders and to hold hearings and make findings and render orders thereon as shall be necessary to carry out the intent and purposes of s. 106.01. Such hearings, investigations, classifications, findings and orders shall be made pursuant to the proceeding in ss. 101.01 to 101.25, which are hereby made a part hereof, so far as not inconsistent with s. 106.01; and every order of the department shall have the same force and effect as the orders issued pursuant to said ss. 101.01 to 101.25 and the penalties therein shall apply to and be imposed for

any violations of s. 106.01, excepting as to the penalties provided in s. 106.01 (8). Said orders shall be subject to review in the manner provided in ch. 227.

(10) It shall be the duty of all school officers and public school teachers to cooperate with the department and employers of apprentices to furnish, in a public school or any school supported in whole or in part by public moneys, such instruction as may be required to be given apprentices.

History: 1971 c. 228 s. 43; 1977 c. 29 s. 16.51; 1977 c. 273; 1993 a. 492.

Department was necessary party to action by city employe for allegedly discriminatory annulment of apprentice indenture *Tillman v. City of Milwaukee*, 715 F.2d 354 (1983).

106.02 Carpenters' apprentices. After July 1, 1943, every person, regardless of age, commencing a carpentry apprenticeship, shall be indentured under and be subject to s. 106.01, except that if the apprentice is 18 years or more of age the apprentice's signature only shall be necessary to bind the apprentice. Such apprenticeship shall be for a period of 4 years, except that the department may upon the application of the apprentice or the employer, or both, extend such term for not to exceed one year.

History: 1971 c. 213 s. 5; 1993 a. 492.

106.03 Real estate apprenticeships excluded. This chapter shall not apply to apprenticeships under ch. 452.