



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 02-087

AN ORDER to amend DWD 295.07 (4), relating to the apprenticeship probationary period.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

06-13-2002 RECEIVED BY LEGISLATIVE COUNCIL.

07-02-2002 REPORT SENT TO AGENCY.

RS:NZ

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



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CLEARINGHOUSE RULE 02-087

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. DWD 295.07 (4), the wording is ambiguous as to whether the indenture must state that the probationary period may be up to 25% of the indenture hours of the apprenticeship, or whether the indenture must state the specific length of the probationary period, which may be up to 25% of the indenture hours.

State of Wisconsin
Department of Workforce Development
Division of Workforce Solutions

DWD 295.07 (4)
Apprenticeship Probationary Period

The Wisconsin Department of Workforce Development proposes an order to amend s. DWD 295.07 (4), relating to the apprenticeship probationary period.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Sections 106.01(9) and 227.11, Stats.

Statutes interpreted: Section 106.01, Stats.

The proposed rule provides that the apprenticeship probationary period shall be up to 25% of the indenture hours of the apprenticeship and may not exceed 12 calendar months. The current rule provides that the apprenticeship probationary period may not exceed 6 months.

The department, in consultation with the Wisconsin Apprenticeship Advisory Council, is proposing this change for the following reasons:

- When the current rule was promulgated, most apprenticeship programs were 3 years or less years in length. Now 5 years is more the norm.
- There has been significant growth in the number of apprentices and local committees are having a difficult time reviewing all the apprentices in time to meet the six month deadline.
- Six months does not give apprentices sufficient time to correct their deficiencies, and some potentially good apprentices are not being given a chance to improve.
- In the past most apprentices were indentured in early summer, just before school begins. It is now customary to bring apprentices in year round. In some cases, committees are unable to assess an apprentice's ability in their related instruction. For example, if apprentices are hired in February, they may not start school until August, so in that example the probationary period is over before the apprentice has begun school.

The Wisconsin Apprenticeship Advisory Council has surveyed all the state trade committees and there is overwhelming support for this change in all sectors of the apprenticeship program.

SECTION 1. DWD 295.07 (4) is amended to read:

which may be
DWD 295.07 (4) The indenture shall state the extent of the probationary period ~~in~~
~~hours if possible~~ as up to 25% of the indenture hours of the apprenticeship but in no case
shall it exceed ~~6~~ 12 calendar months. The probationary period shall constitute part of the
apprenticeship period. During the probationary period apprenticeship agreements are
voidable by either party upon written notice to the department.

EFFECTIVE DATE. This rule shall take effect on the first day of the month
following publication in the Wisconsin administrative register as provided in s.
227.22(2)(intro.), Stats.

LRB or Bill No./Adm. Rule No. -
DWD 295.07(4)
Amendment No. if Applicable

FISCAL ESTIMATE
DOA-2048 N(R03/97)

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

Subject
Apprenticeship Probationary Period

Fiscal Effect
 State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

| | | |
|--|---|--|
| 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities |
| 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |

Fund Sources Affected GPR FED PRO PRS SEG SEG-S

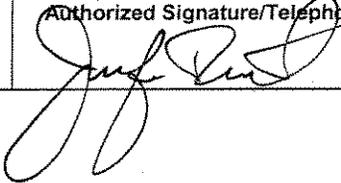
Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The proposed changes affect apprentices and employers with apprentices and do not affect state or local government.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)
DWD/Elaine Pridgen 267-9403

Authorized Signature/Telephone No.


Date
6/10/12

FISCAL ESTIMATE WORKSHEET

2002 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
DWD 295.07(4)

Amendment No.

Subject
Apprenticeship Probationary Period

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

| II. Annualized Costs: | | Annualized Fiscal impact on State funds from: | |
|---|--|---|-----------------|
| | | Increased Costs | Decreased Costs |
| A. State Costs by Category | | | |
| State Operations - Salaries and Fringes | | \$0 | \$0 - |
| (FTE Position Changes) | | 0 (FTE) | 0 |
| State Operations - Other Costs | | 0 | 0 |
| Local Assistance | | 0 | 0 |
| Aids to Individuals or Organizations | | 0 | 0 |
| TOTAL State Costs by Category | | \$0 | \$ |
| B. State Costs by Source of Funds | | | |
| GPR | | \$0 | \$0- |
| FED | | 0 | 0 |
| PRO/PRS | | 0 | 0 |
| SEG/SEG-S | | 0 | 0 |
| III. State Revenues - | | | |
| Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | | Increased Rev. | Decreased Rev. |
| GPR Taxes | | \$ | \$ - |
| GPR Earned | | | - |
| FED | | | - |
| PRO/PRS | | | - |
| SEG/SEG-S | | | - |
| TOTAL State Revenues | | \$0 | \$0- |

NET ANNUALIZED FISCAL IMPACT

| | STATE | LOCAL |
|------------------------|-------|-------|
| NET CHANGE IN COSTS | 0 | 0 |
| NET CHANGE IN REVENUES | \$0 | \$0 |

Agency/Prepared by: (Name & Phone No.)
DWD/ Elaine Priddgen 267-9403

Authorized Signature/Telephone No.



Date

6/10/02

Scott McCallum
Governor

Jennifer Alexander
Secretary



OFFICE OF THE SECRETARY

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**State of Wisconsin
Department of Workforce Development**

August 23, 2002

President of the Senate
220 South, State Capitol
Madison, Wisconsin 53702

Speaker of the Assembly
211 West, State Capitol
Madison, Wisconsin 53702

Notice of Administrative Rules in Final Draft Form

Clearinghouse rule number: 02-087

Rule number: DWD 295

Relating to: Apprenticeship probationary period

Dear Senator Risser and Representative Jensen:

I have enclosed proposed rules in final draft form and a rule report as required by s. 227.19(3), Stats., for referral to the appropriate legislative standing committees. If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,


Jennifer Alexander
Secretary

Scott McCallum
Governor

Jennifer Alexander
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY

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Rule Analysis for Legislative Review

Proposed rules relating to the apprenticeship probationary period

DWD 295

CR 02-87

Need for rules

The proposed rule extends the apprenticeship probationary period from a period that may not exceed 6 months to a period that shall be up to 25% of the hours of the apprenticeship and may not exceed 12 months. The proposed extension of the apprenticeship probationary period is in response to needs expressed by management, labor, and apprenticeship committees.

Public hearing response

A public hearing was held in Madison on July 17, 2002. There were 27 comments and registrations in support of the proposed rule and no opposition.

Response to Legislative Council staff recommendations

All comments were accepted.

Final regulatory flexibility analysis

A final regulatory flexibility analysis is not required because the rule will not a significant economic impact on a substantial number of small businesses.

Department contacts

Karen P. Morgan, Bureau Director
Bureau of Apprenticeship Standards
Division of Workforce Solutions
266-3133

Elaine S. Pridgen
Administrative Rules Coordinator
Office of Legal Counsel
267-9403

State of Wisconsin
Department of Workforce Development
Division of Workforce Solutions

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- Six months does not give apprentices sufficient time to correct their deficiencies, and some potentially good apprentices are not being given a chance to improve.
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The Wisconsin Apprenticeship Advisory Council has surveyed all the state trade committees and there is overwhelming support for this change in all sectors of the apprenticeship program.

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EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Hearing Summary

Proposed rules affecting s. DWD 295.07(4) Apprenticeship Probationary Period

CR02-087

A public hearing was held in Madison on July 17, 2002. The hearing record remained open until July 19 for the receipt of written comments.

Commenting in support of the rule:

1. Michael R. Engelberger, President/Bus. Manger
Sheet Metal Workers Local #18
Milwaukee
2. Mike Chetney, Training Director
Joint Apprenticeship & Training for the
Electrical Industry
Milwaukee
3. James Greer, Coordinator
Northern Wisconsin Regional Council of
Carpentry
Madison
4. Clay Tschillard, JAC Training Director
National Electrical Contractors Association-
International Brotherhood of Electrical Workers
Apprenticeship & Training Joint
Apprenticeship Committee
Madison
5. Roy Sowatzke, Maintenance W.G.A.
Harley-Davidson
Waukesha
6. Peter Lentz, Executive Vice President
Sheet Metal & Air Conditioning Contractors
Association of Milwaukee, Inc.
Milwaukee
7. Mark L. Thomas, Executive Vice President
National Electrical Contractors Association,
Inc.-Wisconsin Chapter
Madison
8. Ronald E. Maassen, Chairman
Milwaukee Area Joint Apprenticeship and
Training Committee for the Electrical Industry
Wauwatosa
9. Robert D. Rayburn, Executive Vice President
National Electrical Contractors Association-
Milwaukee Chapter
Milwaukee
10. Harry Kreuser, Business Representative
Plumbers Local 75
Milwaukee
11. Charles Flach, President; David Seitz,
Executive Vice President; and Gail Gerhardt,
Executive Director
Mechanical Contractors Association of
Northwest Wisconsin, Inc.
Appleton
12. David Bultman, President; Marcie Marquardt,
Executive Director
Madison Area Mechanical and Sheet Metal
Contractors Association
Madison
13. Dale Arndt, President; Marcie Marquardt,
Executive Director
Madison Association of Plumbing Contractors,
Inc.
Madison
14. Joan S. Braun, Executive VP
Plumbing & Mechanical Contractors
Association of Milwaukee and Mechanical
Contractors Association of Wisconsin;
Management Co-Chair of Wisconsin
Apprenticeship Advisory Council; Local 601
Apprenticeship Committee-Milwaukee

Registering in support of the rule:

15. Gail J. Gerhardt, Executive Director
Mechanical Contractors Association
Appleton
16. Lois Dennee
AMP of Green Bay/MCAN Central Wisconsin
Appleton
17. John Brukbacher, Training Director
Southeast Wisconsin Carpentry Joint
Apprenticeship Training Committee
Milwaukee
18. Mary Watrud, Labor Co-Chair
Wisconsin Apprenticeship Advisory Council
Madison
19. James H. Cook, JAC Asst. Training Director
National Electrical Contractors Association-
Intl. Brotherhood of Electrical Workers
Apprenticeship
Madison
20. Bruce A. Steffel, Business Agent
Intl Brotherhood of Electrical Workers, Local
158
Green Bay
21. Jack A. Neuhauser, Business Agent
Sprinkler Fitters, Local 669
Pardeeville
22. Todd Blair, Vice Pres./Business Rep.
Sheet Metal Workers, Local 18
McFarland
23. Loyal O'Leary, Asst. Manager
National Electrical Contractors Association
Madison
24. John A. Peeters, Intl. Representative
PACE Intl. Union
25. Gary Hammen, President
Wisconsin Pipe Trades Assn./AFL-CIO
Madison
26. Corey Gall, Jt. Apprenticeship Comm. Member
Milwaukee Sprinkler Fitters
West Bend
27. Chris Schoenbeck, Secretary
Milwaukee Sprinkler Fitters Joint
Apprenticeship Committee
Richfield

There were no appearances or registrations against the proposed rule.

No modifications were made in response to hearing comments because all comments were in support of the proposed rule. There was general agreement that the proposed changes benefit employers, apprentices, and apprenticeship committees. Reasons given in support of the rule include the following:

Six months is not enough time to evaluate an apprentice's ability in mechanical and school skills. Apprenticeship programs now take in apprentices year-round. Some apprentices don't even begin school in their first 6 months so their academics aren't measured before their probation ends. Borderline individuals are having their apprenticeship cancelled rather than being given an opportunity to better acclimate themselves to the trade and to make personal changes that will allow them to continue with their career in the industry. The longer probationary period will allow apprentices time to get exposed to enough of the trade to see if the program is really what they expected and if the trade is a good fit for them, learn the skills necessary to do a good job, display what they have learned, improve, and succeed.

Programs are getting larger and apprenticeship committees need more time to review each apprentice before their probationary period is up and catch successes and problem areas. Both the committees and the apprentices need longer than six months to make sure the apprentices are in the right place.

Employers need more than six months to honestly evaluate the apprentice's performance. The economics of training and the cost to employers is being more heavily weighed. The longer probationary period will be more efficient for everyone. If an apprentice has made the wrong choice and it is past the probationary period, it is a long painful process to go through for all parties if things don't work out.

The six month probationary period has been a problem in all of the trades, not just a few small groups.