

2009 DRAFTING REQUEST

Bill

Received: **02/26/2010**

Received By: **gmalaise**

Wanted: **Today**

Identical to LRB:

For: **Spencer Coggs (608) 266-2500**

By/Representing: **Adam Plotkin**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Employ Priv - job training**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Coggs@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

State apprenticeship program; membership of state apprenticeship council; apprenticeship contracts; penalties

Instructions:

See attached--draft companion to -3898/3

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 02/26/2010	jdye 02/26/2010		_____			State
/1			jfrantze 02/26/2010	_____	sbasford 02/26/2010	sbasford 02/26/2010	

FE Sent For:

*at
intro*

<END>

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1/2	gmalaise	1/26 jld	J	2/26			

FE Sent For:

<END>

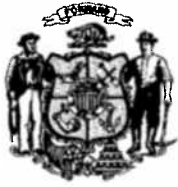
Malaise, Gordon

From: Feldman, Andrew - DWD [Andrew.Feldman@dwd.wisconsin.gov]
Sent: Friday, February 26, 2010 10:49 AM
To: Malaise, Gordon
Cc: Plotkin, Adam
Subject: Authorization

Gordon, we authorize Sen. Coggs access to the bill file for LRB 3898/3.

Thanks,

Andy Feldman
Executive Assistant
WI Dept. of Workforce Development
(608) 266-2284
<http://www.dwd.state.wi.us/>



State of Wisconsin
2009 - 2010 LEGISLATURE

In 2126
Today
(Companion - No Change)
~~2009 ASSEMBLY BILL~~

44381

LRB-389873
GMM:jld&wlj:jf
keep

X

Regen

1 AN ACT *to repeal* 106.01 (2), 106.01 (4), 106.01 (5) (intro.), 106.01 (5) (a), 106.01
2 (5) (b), 106.01 (5) (c), 106.01 (5) (e), 106.01 (5) (f), 106.01 (5) (g), 106.01 (5i) (a),
3 106.01 (5i) (b) and 106.01 (5k); *to renumber and amend* 15.227 (13), 106.001
4 (3), 106.01 (3), 106.01 (5) (d), 106.01 (5i) (am) 1., 106.01 (5i) (am) 2., 106.01 (5i)
5 (c), 106.01 (5j), 106.01 (6) and 106.01 (10); *to amend* 15.157 (15) (a), 15.157 (15)
6 (c), 101.136 (4) (a), 101.136 (6) (a) 1., 101.136 (6) (c) 2., 103.70 (1), 104.08 (2m),
7 106.001 (1), 106.001 (2), 106.01 (7), 106.01 (8), 106.01 (9), 106.02, 106.025 (2),
8 106.03, 106.13 (3), 145.01 (3), 145.07 (7) (a), 445.095 (3) and 454.10 (1); *to*
9 *repeal and recreate* 106.01 (title); and *to create* 15.227 (13) (a) 1. to 6. and
10 (b), 106.001 (2m), 106.001 (4), 106.001 (5), 106.001 (6), 106.001 (7), 106.01 (5m)
11 (title), 106.01 (6) (title), 106.01 (6) (d) and 106.01 (11) of the statutes; **relating**
12 **to:** apprentice contracts, the appointment and composition of the Wisconsin

ASSEMBLY BILL

- 1 Apprenticeship Council, requiring the exercise of rule-making authority, and
2 providing a penalty.
-

Analysis by the Legislative Reference Bureau**INTRODUCTION**

Under current law, any person 16 years of age or over may enter into an indenture, which is a contract whereby the person (apprentice) is to receive from his or her employer, in consideration for the apprentice's services, instruction in any trade, craft, or business. This bill makes various changes relating to the formation and assignment of an apprentice contract, the related instruction that must be provided under an apprentice contract, the procedures for terminating an apprentice contract, and the penalties for nonperformance of an apprentice contract. The bill also makes certain changes relating to the appointment and composition of the Wisconsin Apprenticeship Council.

APPRENTICE CONTRACTS

Formation of apprentice contract. Under current law, an apprentice may enter into an indenture with an employer or with an organization of employees, association of employers, or other similar responsible agency (organization). An indenture must contain the names of the parties; the date of birth of the apprentice; a statement of the trade, craft, or business that the apprentice is to be taught and the time when the apprenticeship will begin and end; an agreement stating the number of hours to be spent in related instruction; an agreement as to the procedures, methods, or plans to be taught; and a statement of the compensation to be paid to the apprentice.

This bill defines or redefines certain terms relating to apprenticeships. Specifically, the bill:

1. Replaces the term "indenture" with the term "apprentice contract" and specifies that an apprentice contract is between the apprentice, the Department of Workforce Development (DWD), and the sponsor of the apprenticeship program or an apprenticeship committee acting as the agent of the sponsor.

2. Replaces the term "organization" with the term "sponsor" and redefines that term to mean any employer, organization of employees, association of employers, committee, or other person operating an apprenticeship program and in whose name the apprenticeship program is approved by DWD.

3. Defines an "apprenticeship committee" as a joint apprenticeship committee, which consists of both employer and employee representatives, or a nonjoint apprenticeship committee, which consists only of employer representatives, designated by a sponsor to administer an apprenticeship program.

4. Defines an "apprenticeship program" as a program approved by DWD providing for the employment and training of apprentices in a trade, craft, or business that includes a plan containing all of the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices as required under the subchapter of the statutes relating to apprenticeship programs.

ASSEMBLY BILL

The bill also requires DWD to promulgate rules providing procedures for approving and rescinding approval of an apprenticeship program.

The bill also eliminates the statutory provisions specifying the provisions that must be included in an indenture and instead requires DWD to promulgate rules specifying the provisions that are required to be included in an apprentice contract.

Assignment of apprentice contract. Current law requires an organization that has entered into an indenture, with the written consent of the other parties to the indenture and the written acceptance of the proposed employer of the apprentice, to assign the indenture to the proposed employer, who is then bound by the terms of the indenture. Similarly, current law permits an employer that has entered into an indenture, with the approval of DWD and the written consent of the other parties to the indenture, to assign the indenture to an organization, which, with the approval of DWD and the written consent of the apprentice, must reassign the indenture to another employer that agrees to perform the unperformed obligations of the indenture. Current law also permits an employer that has entered into an indenture, with the written consent of the other parties to the indenture and the approval of DWD, to assign the indenture to another employer, who must then perform the unperformed obligations of the indenture.

This bill requires a sponsor that is not the proposed employer of an apprentice, or an apprenticeship committee that is acting as the agent of a sponsor, with the written acceptance of the proposed employer of the apprentice, to assign an apprentice contract to the proposed employer, who is then bound by the terms of the apprentice contract. The bill also permits the sponsor or the apprenticeship committee that entered into an apprentice contract to reassign the apprentice contract to a different employer who agrees to perform the unperformed obligations of the apprentice contract.

Related instruction. Current law requires an apprentice to receive not less than four hours per week of related instruction during the first two years of an apprenticeship, to receive a total of not less than 400 hours of related instruction if the apprenticeship is for longer than two years, and to be paid for no fewer than those hours of related instruction at the same rate per hour as the apprentice is paid for services performed. Current law, however, does not prohibit an agreement between the parties requiring the apprentice to take additional instruction on his or her own time in excess of those required hours of related instruction.

This bill requires a sponsor to provide for an apprentice not less than 144 hours per year of related instruction during the first two years of the apprenticeship, not less than a total of 400 hours of related instruction over the term of the apprenticeship if the apprenticeship is for longer than two years, and, if the apprentice is receiving classroom instruction, not less than four hours of related instruction or the equivalent during each week that the school providing the classroom instruction is in session. The bill also requires an employer to pay an apprentice for not less than the number of hours of related instruction required under the bill or under the apprentice contract, whichever is greater, at the same rate per hour as the employer pays the apprentice for services performed, but does not prohibit an agreement between the parties requiring the apprentice to take

ASSEMBLY BILL

additional instruction on his or her own time in excess of the number of hours of related instruction required under the bill or under the apprentice contract, whichever is greater. In addition, the bill requires the provider of related instruction to submit reports on grades and attendance to DWD and the sponsor in accordance with standards set by DWD.

Termination of apprentice contract. Under current law, DWD may declare an indenture to be at an end if after due notice and hearing it is proved at the hearing that any apprentice, employer, or organization that is a party to the indenture is unable to continue with the obligations under the indenture or has breached the indenture.

This bill permits DWD to terminate an apprentice contract if after due notice and investigation it is proved that any apprentice, employer, or sponsor that is a party to the apprentice contract is unable to continue with the obligations under the apprentice contract or has breached the apprentice contract. Under the bill, no hearing is required unless the apprentice, employer, or sponsor requests a hearing.

Nonperformance of apprentice contract. Under current law, if either party to an indenture fails to perform any of the stipulations of the indenture, the nonperforming party may be required to forfeit not less than \$1 nor more than \$100.

This bill increases that penalty to not less than \$100 nor more than \$1,000 and applies that penalty to an apprentice, sponsor, or assignee employer that fails to perform any of the stipulations of an apprentice contract.

WISCONSIN APPRENTICESHIP COUNCIL***Appointment and composition of Wisconsin Apprenticeship Council.***

Under current law, there is created in DWD a Wisconsin Apprenticeship Council (council) whose members are appointed by the Labor and Industry Review Commission (LIRC). This bill requires the council to consist of nine representatives of employers, nine representatives of employees, one representative of the Technical College System (TCS), one representative of the Department of Public Instruction (DPI), two members who represent the public interest, and one permanent classified employee of DWD to serve as nonvoting chairperson of the council. The bill also requires the secretary of workforce development, rather than LIRC, to appoint the members of the council, except that the bill requires the representative of the TCS to be appointed by the director of the TCS and the representative of the DPI to be appointed by the state superintendent of public instruction. In addition, the bill requires all members of the council to be familiar with apprenticeable occupations.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 **SECTION 1.** 15.157 (15) (a) of the statutes, as created by 2009 Wisconsin Act 16,
2 is amended to read:

3 15.157 **(15)** (a) Two members who represent major insulation companies that
4 sponsor an apprenticeship training program in installing and maintaining thermal
5 system insulation that is approved by the department and that meets the
6 requirements of the department of workforce development under subch. I of ch. 106.

7 **SECTION 2.** 15.157 (15) (c) of the statutes, as created by 2009 Wisconsin Act 16,
8 is amended to read:

9 15.157 **(15)** (c) Two members who are mechanics with at least 10 years of
10 experience in the area of heat and frost insulation and who have successfully
11 completed training in installing and maintaining thermal system insulation under
12 an apprenticeship program that is approved by the department and that meets the
13 requirements of the department of workforce development under subch. I of ch. 106.

14 **SECTION 3.** 15.227 (13) of the statutes is renumbered 15.227 (13) (a) (intro.) and
15 amended to read:

16 15.227 **(13)** (a) (intro.) There is created in the department of workforce
17 development a Wisconsin apprenticeship council ~~appointed by the labor and~~
18 ~~industry review commission.~~ consisting of all of the following:

19 **SECTION 4.** 15.227 (13) (a) 1. to 6. and (b) of the statutes are created to read:

20 15.227 **(13)** (a) 1. Nine representatives of employers, appointed by the
21 secretary of workforce development.

22 2. Nine representatives of employees, appointed by the secretary of workforce
23 development.

24 3. One representative of the technical college system, appointed by the director
25 of the technical college system.

ASSEMBLY BILL

1 4. One representative of the department of public instruction, appointed by the
2 state superintendent of public instruction.

3 5. Two members who represent the public interest, appointed by the secretary
4 of workforce development.

5 6. One permanent classified employee of the department of workforce
6 development, appointed by the secretary of workforce development, who shall serve
7 as nonvoting chairperson.

8 (b) All members of the Wisconsin apprenticeship council shall be persons who
9 are familiar with apprenticeable occupations.

10 **SECTION 5.** 101.136 (4) (a) of the statutes, as created by 2009 Wisconsin Act 16,
11 is amended to read:

12 101.136 (4) (a) The department shall employ a person who has at least 10 years
13 of experience as a mechanic, and who has successfully completed an apprenticeship
14 program in installing and maintaining thermal system insulation that is approved
15 by the department and that meets the requirements of the department of workforce
16 development under subch. I of ch. 106, as the state inspector. The state inspector
17 shall work under the direct supervision of the secretary or his or her designee.

18 **SECTION 6.** 101.136 (6) (a) 1. of the statutes, as created by 2009 Wisconsin Act
19 16, is amended to read:

20 101.136 (6) (a) 1. Except as provided in subd. 2., beginning on July 1, 2011, no
21 person may install or maintain thermal system insulation in any building unless
22 that person is a mechanic licensed by the department under this section, is working
23 under the direct supervision of a licensed mechanic, or is serving an apprenticeship
24 in the installation and maintenance of thermal system insulation that meets the
25 requirements specified under subch. I of ch. 106.

ASSEMBLY BILL

1 **SECTION 7.** 101.136 (6) (c) 2. of the statutes, as created by 2009 Wisconsin Act
2 16, is amended to read:

3 101.136 **(6)** (c) 2. He or she has successfully completed training in installing
4 and maintaining thermal system insulation under an apprenticeship program that
5 is approved by the department and that meets the requirements of the department
6 of workforce development under subch. I of ch. 106.

7 **SECTION 8.** 103.70 (1) of the statutes is amended to read:

8 103.70 **(1)** Except as otherwise provided in sub. (2) and in ss. 103.21 to 103.31,
9 103.78, 938.245 (2) (a) 5. b., 938.32 (1t) (a) 2., and 938.34 (5) (b) and (5g) (c), and as
10 may be provided under s. 103.79, a minor, may not be employed or permitted to work
11 at any gainful occupation or employment, unless indentured as employed under an
12 apprentice in accordance with contract under s. 106.01, or unless 12 years and over
13 and engaged in farming, or unless 14 years and over and enrolled in a youth
14 apprenticeship program under s. 106.13, shall not be employed or permitted to work
15 at any gainful occupation or employment or unless there is first obtained from the
16 department or a permit officer a written permit authorizing the employment of the
17 minor within those periods of time stated in the permit, which ~~shall~~ may not exceed
18 the maximum hours prescribed by law.

19 **SECTION 9.** 104.08 (2m) of the statutes is amended to read:

20 104.08 **(2m)** Any person working in a trade industry for which a living wage
21 has been established for minors, and who has no trade, shall be ~~indentured~~ employed
22 under an apprentice contract under s. 106.01.

23 **SECTION 10.** 106.001 (1) of the statutes is amended to read:

ASSEMBLY BILL

1 106.001 (1) “Apprentice” means any person who enters into an ~~indenture with~~
2 ~~an employer or organization~~ apprentice contract with the department and with a
3 sponsor or an apprenticeship committee acting as the agent of a sponsor.

4 **SECTION 11.** 106.001 (2) of the statutes is amended to read:

5 106.001 (2) “Indenture” “Apprentice contract” means any contract or
6 agreement of service, express or implied, between an apprentice, the department,
7 and a sponsor or an apprenticeship committee acting as the agent of a sponsor
8 whereby an apprentice is to receive from or through the apprentice’s employer, in
9 consideration for the apprentice’s services in whole or in part, instruction in any
10 trade, craft, or business.

11 **SECTION 12.** 106.001 (2m) of the statutes is created to read:

12 106.001 (2m) “Apprenticeship committee” means a joint apprenticeship
13 committee or a nonjoint apprenticeship committee designated by a sponsor to
14 administer an apprenticeship program.

15 **SECTION 13.** 106.001 (3) of the statutes is renumbered 106.001 (8) and amended
16 to read:

17 106.001 (8) ~~“Organization”~~ “Sponsor” means ~~an any employer, organization of~~
18 ~~employees, association of employers, committee, or other similar responsible agency~~
19 ~~in this state person operating an apprenticeship program and in whose name the~~
20 apprenticeship program is approved by the department.

21 **SECTION 14.** 106.001 (4) of the statutes is created to read:

22 106.001 (4) “Apprenticeship program” means a program approved by the
23 department providing for the employment and training of apprentices in a trade,
24 craft, or business that includes a plan containing all of the terms and conditions for
25 the qualification, recruitment, selection, employment, and training of apprentices as

ASSEMBLY BILL

1 required under this subchapter, including the apprentice contract requirements
2 under s. 106.01.

3 **SECTION 15.** 106.001 (5) of the statutes is created to read:

4 106.001 (5) “Employer” means any person employing an apprentice, whether
5 or not the person is a party to an apprentice contract with the apprentice.

6 **SECTION 16.** 106.001 (6) of the statutes is created to read:

7 106.001 (6) “Joint apprenticeship committee” means an apprenticeship
8 committee that consists of an equal number of representatives of employers and of
9 representatives of employees who are represented by a collective bargaining agent.

10 **SECTION 17.** 106.001 (7) of the statutes is created to read:

11 106.001 (7) “Nonjoint apprenticeship committee” means an apprenticeship
12 committee that consists of representatives of employers, but not of representatives
13 of employees who are represented by a collective bargaining agent.

14 **SECTION 18.** 106.01 (title) of the statutes is repealed and recreated to read:

15 **106.01** (title) **Apprentice contracts.**

16 **SECTION 19.** 106.01 (2) of the statutes is repealed.

17 **SECTION 20.** 106.01 (3) of the statutes is renumbered 106.01 (1) and amended
18 to read:

19 106.01 (1) FORMATION OF APPRENTICE CONTRACT. ~~Except as provided in ss. 106.02,~~
20 ~~106.025 and 106.03, any minor~~ Any person 16 years of age or over ~~or any adult may,~~
21 ~~by the execution of an indenture, bind~~ may enter into an apprentice contract binding
22 himself or herself to serve as an apprentice as provided in this section ~~for a.~~ Except
23 as provided in ss. 106.02, 106.025, and 106.03, the term of service of an
24 apprenticeship shall be for not less than one year. Every apprentice contract shall
25 be in writing and shall be signed by the apprentice, the department, and the sponsor

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1 or an apprenticeship committee acting as the agent of the sponsor. If the apprentice
2 has not reached 18 years of age, the apprentice contract shall also be signed by one
3 of the apprentice's parents or, if both parents are deceased or legally incapable of
4 giving consent, by the guardian of the apprentice or, if there is no guardian, by a
5 deputy of the department. The department shall specify the provisions that are
6 required to be included in an apprentice contract by rule promulgated under sub.
7 (11).

8 SECTION 21. 106.01 (4) of the statutes is repealed.

9 SECTION 22. 106.01 (5) (intro.) of the statutes is repealed.

10 SECTION 23. 106.01 (5) (a) of the statutes is repealed.

11 SECTION 24. 106.01 (5) (b) of the statutes is repealed.

12 SECTION 25. 106.01 (5) (c) of the statutes is repealed.

13 SECTION 26. 106.01 (5) (d) of the statutes is renumbered 106.01 (6) (b) and
14 amended to read:

15 106.01 (6) (b) ~~An agreement stating the number of hours to be spent in work,~~
16 ~~and the number of hours to be spent in instruction.~~ During the first 2 years of an
17 apprenticeship, the apprentice's period of instruction shall be not less than 4 hours
18 per week or the equivalent sponsor shall provide for the apprentice not less than 144
19 hours per year of related instruction. If the apprenticeship is for ~~a~~ longer period
20 than 2 years, the ~~total hours of instruction shall be~~ sponsor shall provide for the
21 apprentice not less than a total of 400 hours of related instruction over the term of
22 the apprenticeship. If the apprentice is receiving classroom instruction, the sponsor
23 shall provide for the apprentice not less than 4 hours of related instruction or the
24 equivalent during each week that the school providing the classroom instruction is
25 in session. The total number of hours of related instruction and work shall that a

ASSEMBLY BILL

1 sponsor may assign to an apprentice may not exceed 55 per week, except that nothing
2 in this paragraph shall be construed to forbid overtime work as provided in sub. (7).

3 SECTION 27. 106.01 (5) (e) of the statutes is repealed.

4 SECTION 28. 106.01 (5) (f) of the statutes is repealed.

5 SECTION 29. 106.01 (5) (g) of the statutes is repealed.

6 SECTION 30. 106.01 (5i) (a) of the statutes is repealed.

7 SECTION 31. 106.01 (5i) (am) 1. of the statutes is renumbered 106.01 (5m) (a)
8 and amended to read:

9 106.01 (5m) (a) Upon entering into an indenture, ~~an organization~~ apprentice
10 contract, a sponsor that is not the proposed employer of the apprentice, or an
11 apprenticeship committee that is acting as the agent of a sponsor, shall, with the
12 written consent of the other parties to the indenture, and the written acceptance of
13 the indenture acceptance of the apprentice contract by the proposed employer, assign
14 the indenture apprentice contract to the proposed employer, and the proposed
15 employer and the apprentice named in the indenture assignment shall be bound by
16 the terms of the indenture apprentice contract.

17 SECTION 32. 106.01 (5i) (am) 2. of the statutes is renumbered 106.01 (5m) (b)
18 and amended to read:

19 106.01 (5m) (b) ~~The consent and~~ department shall furnish a copy of an
20 acceptance described in subd. 1. shall be executed in triplicate. One of the triplicate
21 original consents and acceptances shall be delivered to the department, one to the
22 employer and one to the apprentice, and in each case shall be attached to the proper
23 indenture. The approval of the department is required in each transaction. An
24 organization par. (a) to each party that has signed the apprentice contract. A sponsor
25 or apprenticeship committee that enters into an indenture under par. (a) apprentice

ASSEMBLY BILL

1 contract shall have the exclusive right to assign or reassign the indenture apprentice
2 contract to another sponsor, and the apprentice shall not be permitted to enter into
3 any other indenture apprentice contract. The period transpiring before assignment
4 to an employer or reassignment to another employer shall not be credited toward the
5 period term of apprenticeship. The approval of the department is required in each
6 transaction.

7 SECTION 33. 106.01 (5i) (b) of the statutes is repealed.

8 SECTION 34. 106.01 (5i) (c) of the statutes is renumbered 106.01 (5m) (c) and
9 amended to read:

10 106.01 (5m) (c) ~~Any employer that has entered into an indenture may, with the~~
11 ~~written consent, executed in triplicate, of the other parties to the indenture and the~~
12 ~~approval of the department, assign the indenture to another employer whose written~~
13 ~~acceptance shall be executed upon the instrument of consent. One of the triplicate~~
14 ~~original consents and acceptances shall be delivered to the apprentice, one to the~~
15 ~~assignee employer and one to the department, and shall in each case be attached to~~
16 ~~the indenture in each party's possession. After assignment, the assignee A sponsor~~
17 ~~or apprenticeship committee that enters into an apprentice contract may reassign~~
18 ~~the apprentice contract to a different employer, but the apprentice shall not be bound~~
19 ~~by a reassignment unless that employer accepts the terms of the apprentice contract~~
20 ~~and agrees to perform the unperformed obligations of the apprentice contract. After~~
21 ~~a reassignment, the new employer shall perform the unperformed obligations of the~~
22 ~~indenture apprentice contract. The department shall continue to have jurisdiction~~
23 ~~over an indenture assigned apprentice contract reassigned under this paragraph~~
24 ~~and the parties bound after the assignment reassignment.~~

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1 **SECTION 35.** 106.01 (5j) of the statutes is renumbered 106.01 (5p) and amended
2 to read:

3 106.01 **(5p)** TERMINATION OF APPRENTICE CONTRACT. The department ~~may~~, on its
4 own motion, or on the complaint of any person, and after due notice, investigation,
5 and, if requested by the apprentice, employer, or sponsor, a hearing, under sub. (9),
6 may make findings and issue orders declaring any indenture at an end an order
7 terminating an apprentice contract if it is proved ~~at the hearing~~ that any apprentice,
8 employer, or ~~organization sponsor~~ sponsor that is a party to the ~~indenture apprentice~~
9 contract is unable to continue with the obligations under the ~~indenture apprentice~~
10 contract or has breached the ~~indenture apprentice contract~~. Upon the termination
11 of the ~~indenture apprentice contract~~, the released apprentice ~~shall be free to may~~
12 enter into a new ~~indenture apprentice contract~~ apprentice contract under any terms and conditions
13 approved by the department that are ~~not inconsistent~~ consistent with this section.

14 **SECTION 36.** 106.01 (5k) of the statutes is repealed.

15 **SECTION 37.** 106.01 (5m) (title) of the statutes is created to read:

16 106.01 **(5m)** (title) ASSIGNMENT OF APPRENTICE CONTRACT.

17 **SECTION 38.** 106.01 (6) (title) of the statutes is created to read:

18 106.01 **(6)** (title) RELATED INSTRUCTION.

19 **SECTION 39.** 106.01 (6) of the statutes is renumbered 106.01 (6) (a) and
20 amended to read:

21 106.01 **(6)** (a) An employer shall pay an apprentice for the time ~~an that the~~
22 apprentice is receiving related instruction ~~for no fewer hours than specified in sub.~~
23 ~~(5) (d) at the same rate per hour as for services as provided in this paragraph. An~~
24 employer shall pay an apprentice for not less than the number of hours of related
25 instruction specified in par. (b) or the number of hours of related instruction specified

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1 in the apprentice contract, whichever is greater, at the same rate per hour as the
2 employer pays the apprentice for services performed.

3 (c) This subsection does not prohibit an agreement between the parties
4 requiring the apprentice to take additional instruction on the apprentice's own time
5 in excess of the number of hours required by statute. ~~Attendance at school shall be~~
6 ~~certified by the teacher in charge~~ under par. (b) or the apprentice contract, whichever
7 is greater.

8 SECTION 40. 106.01 (6) (d) of the statutes is created to read:

9 106.01 (6) (d) The provider of related instruction to an apprentice shall submit
10 reports on the grades and attendance of the apprentice to the department and the
11 sponsor in accordance with standards set by the department.

12 SECTION 41. 106.01 (7) of the statutes is amended to read:

13 106.01 (7) OVERTIME. An apprentice may be allowed to work overtime. All time
14 in excess of the hours of labor as ~~limited to~~ that are paid at an employee's regular rate
15 of pay in the particular craft, industry, or business and as ~~to~~ by the particular
16 employer, shall be considered overtime. ~~For overtime the~~ An apprentice's rate of pay
17 for overtime shall be increased by the same percentage as the journeyman's journey
18 worker's, rate of pay for overtime is increased in the same industry or establishment.

19 SECTION 42. 106.01 (8) of the statutes is amended to read:

20 106.01 (8) NONPERFORMANCE OF APPRENTICE CONTRACT. ~~If either party to an~~
21 ~~indenture~~ the apprentice or sponsor that is a party to an apprentice contract or an
22 assignee employer fails to perform any of the stipulations of the ~~indenture~~ apprentice
23 contract, the nonperforming party shall apprentice, sponsor, or assignee employer
24 may be required to forfeit not less than ~~one dollar~~ \$100 nor more than ~~\$100~~ \$1,000,
25 which is to be collected on complaint of the department, and paid into the state

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1 treasury. ~~Any indenture may be annulled by~~ In addition, the department may
2 terminate an apprentice contract under sub. (5p) upon application of either any party
3 and for good cause shown.

4 **SECTION 43.** 106.01 (9) of the statutes is amended to read:

5 106.01 (9) AUTHORITY OF DEPARTMENT. The department may investigate, fix
6 reasonable classifications, issue rules and general or special orders, and, hold
7 hearings, make findings, and render orders upon its findings as ~~shall~~ be necessary
8 to carry out the intent and purposes of this section. The investigations,
9 classifications, hearings, findings, and orders shall be made as provided in s.
10 103.005. Except as provided in sub. (8), the penalties specified in s. 103.005 (12)
11 apply to violations of this section. Orders issued under this subsection are subject
12 to review under ch. 227.

13 **SECTION 44.** 106.01 (10) of the statutes is renumbered 106.01 (6) (e) and
14 amended to read:

15 106.01 (6) (e) ~~It shall be the duty of all~~ All school officers and public school
16 teachers ~~to~~ shall cooperate with the department and employers and sponsors of
17 apprentices to furnish, in a public school or any school supported in whole or in part
18 by public moneys, any related instruction that may be required to be given
19 apprentices.

20 **SECTION 45.** 106.01 (11) of the statutes is created to read:

21 106.01 (11) **RULES.** The department shall promulgate rules to implement this
22 section, including rules providing for all of the following:

23 (a) The provisions that are required to be included in an apprentice contract.

24 (b) Procedures for approving and for rescinding approval of apprenticeship
25 programs.

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1 **SECTION 46.** 106.02 of the statutes is amended to read:

2 **106.02 Carpenters' apprentices.** Every person, regardless of age,
3 commencing a carpentry apprenticeship, shall enter into an ~~indenture~~ apprentice
4 contract under and be subject to s. 106.01, except that if the apprentice is 18 years
5 ~~or more of age~~ or over only the apprentice's signature ~~only~~ shall be necessary to bind
6 the apprentice. A carpentry apprenticeship shall be for a ~~period~~ term of 4 years,
7 except that the department may upon the application of the apprentice or the
8 employer, or both, extend that term for up to one additional year.

9 **SECTION 47.** 106.025 (2) of the statutes is amended to read:

10 106.025 (2) Every person commencing a plumbing apprenticeship shall enter
11 into an ~~indenture~~ apprentice contract under s. 106.01. The term of a plumbing
12 apprentice is 5 years, but the department may upon application of the apprentice,
13 the apprentice's employer, or both, extend the term for up to one additional year.

14 **SECTION 48.** 106.03 of the statutes is amended to read:

15 **106.03 Real estate apprenticeships excluded.** This ~~chapter shall~~
16 subchapter does not apply to apprenticeships under ch. 452.

17 **SECTION 49.** 106.13 (3) of the statutes is amended to read:

18 106.13 (3) The youth apprenticeship program under sub. (1) shall not affect any
19 apprenticeship program that is governed by ~~ss. 106.01 to 106.03~~ subch. I, except that
20 an apprenticeship program that is governed by ~~ch. 106~~ subch. I may grant credit
21 toward the completion of an apprenticeship for the successful completion of a youth
22 apprenticeship under sub. (1).

23 **SECTION 50.** 145.01 (3) of the statutes is amended to read:

24 145.01 (3) **AUTOMATIC FIRE SPRINKLER SYSTEM APPRENTICE.** "Automatic fire
25 sprinkler system apprentice" means any person other than an automatic fire

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1 sprinkler system contractor or a journeyman automatic fire sprinkler system fitter
2 who is engaged in learning and assisting in the installation of automatic fire
3 sprinkler systems and who is ~~indentured under ch. 106~~ employed under an
4 apprentice contract under s. 106.01.

5 **SECTION 51.** 145.07 (7) (a) of the statutes is amended to read:

6 145.07 (7) (a) A person shall be registered as a registered learner with the
7 department without examination or training prequalifications and shall not be
8 required to be ~~indentured under ch. 106~~ employed under an apprentice contract
9 under s. 106.01.

10 **SECTION 52.** 445.095 (3) of the statutes is amended to read:

11 445.095 (3) All apprentices shall be governed by subch. I of ch. 106 and
12 apprenticeship rules of the department of workforce development.

13 **SECTION 53.** 454.10 (1) of the statutes is amended to read:

14 454.10 (1) All apprentices shall be ~~indentured~~ employed under an apprentice
15 contract under s. 106.01 and shall be governed by s. 106.01, the apprenticeship rules
16 of the department of workforce development, and the rules of the examining board.

17 **SECTION 54. Initial applicability.**

18 (1) APPRENTICE CONTRACTS. The treatment of sections 106.001 (1), (2), (2m), (3),
19 (4), (5), (6), and (7) and 106.01 (2), (3), (4), (5) (intro.), (a), (b), (c), (d), (e), (f), and (g),
20 and (5i) (a), (am) 1. and 2., (b), and (c) of the statutes and the renumbering and
21 amendment of section 106.01 (6) of the statutes first apply to an apprentice contract
22 entered into on the effective date of this subsection, except that, if any of those
23 provisions are inconsistent with a collective bargaining agreement, the inconsistent
24 provision first applies on the day on which the collective bargaining agreement
25 expires or is extended, modified, or renewed, whichever occurs first.

Basford, Sarah

From: Plotkin, Adam
Sent: Friday, February 26, 2010 1:57 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-4438/1 Topic: State apprenticeship program; membership of state apprenticeship council; apprenticeship contracts; penalties

Please Jacket LRB 09-4438/1 for the SENATE.