



**State of Wisconsin
Department of Workforce Development
Equal Rights Division**

NOTICE OF PUBLIC HEARING

Apprenticeship Standards

DWD 295, Wis. Adm. Code

NOTICE IS HEREBY GIVEN that pursuant to Sections 103.005(1), 106.01(9) and 227.11(2), Stats., the Department of Workforce Development proposes to hold a public hearing to consider the amendment of rules relating to the state apprenticeship program and affecting small businesses.

Hearing Information

**Thursday
July 22, 2010
9:00 a.m.**

**MADISON
G.E.F. 1 Building, D 203
201 E. Washington Avenue**

Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

Visitors to the GEF 1 building are requested to enter through the left East Washington Avenue door and register with the customer service desk. The entrance is accessible via a ramp from the corner of Webster Street and East Washington Avenue. If you have special needs or circumstances regarding communication or accessibility at the hearing, please call (608) 266-9427 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Sections 103.005(1), 106.01(9), and 227.11, Stats.

Statute interpreted: Section 106.01, Stats.

Explanation of agency authority. Under secs. 106.01 to 106.04, Stats., the Department of Workforce Development (DWD) is responsible for the establishment and supervision of

apprenticeship standards for sponsors, employers and employees. Under sec. 106.01(9), Stats., “(t)he department may investigate, fix reasonable classifications, issue rules and general or special orders and, hold hearings, make findings and render orders upon its findings as shall be necessary to carry out the intent and purposes of this section.”

Summary of the proposed rule. On October 26, 2008, the US Department of Labor published 29 CFR 29 (Volume 29 of the Code of Federal Regulations, Part 29) in the Federal Register. 29 CFR 29 is a final rule designed to modernize the National Apprenticeship System. This rule, which took effect on December 29, 2008, provides State Apprenticeship Agencies with up to two additional years to implement the required changes in order to continue federal recognition of Wisconsin’s apprenticeship program.

On May 12, 2010, the Governor signed 2009 Wisconsin Act 291, previously 2009 Senate Bill 586, which makes conforming changes to the Wisconsin Statutes which are designed to ensure that the U.S. Department of Labor will continue to recognize Wisconsin’s program as in conformance. This proposed rule is intended to carry forward the intent of Act 291 and make similarly conforming changes to the administrative rules of the apprenticeship program.

The proposed amendments to DWD 295 implement the changes provided in 29 CFR Part 29 and include the following changes: three different approaches for apprentices to complete a program, allowance for technology based learning by defining electronic media and explicitly allowing its use in the provision of related instruction, sets the components of program standards and introduces completion rates as a critical factor in the evaluation of program quality, provides increased program quality and options for apprentice sponsors changes, introduces provisional registration which will increase quality and success rates by providing for newly registered programs to be reviewed and the end of the provisional registration and sets forth components which must be included in an Apprentice Contract.

Summary of analytical methodology. This proposed rule has been developed by reviewing the new federal National Apprenticeship System standards and drafting amendments to the existing rules on apprenticeship to bring the state rules into conformance with the federal regulations.

Comparison to federal law. As described above, federal law has been amended to create a National Apprenticeship System. State programs which meet the federal standards will be recognized as in conformance by the U.S. Department of Labor.

Comparison with statutes and rules in adjacent states. Minnesota has a state apprenticeship statute and is going through a process similar to Wisconsin to update its statutes and rules to be consistent with the federal regulations. Illinois, Michigan, and Iowa are “federal” apprentice registration states which follow the federal regulations in the absence of state statutes and rules.

Effect on small business. The rule changes affect small businesses as defined in s. 227.114 (1), Stats., but do not have a significant economic impact on a substantial number of small businesses.

Analysis used to determine effect on small business. The nature of the revisions to federal and state law and the proposed rule has been such that employers and employees will not be subject to any burdensome or costly changes.

Agency contact person. Karen Morgan, Director, DWD Bureau of Apprenticeship Standards, (608) 266-3133, Karen.Morgan@dwd.wisconsin.gov

Written comments and deadline for submission. Written comments may be submitted to Howard Bernstein, Office of Legal Counsel, Dept. of Workforce Development, P.O. Box 7946, Madison, WI 53707-7946 or by email to Howard.Bernstein@dwd.wisconsin.gov. The deadline for submission is July 23, 2010. Written comments will be given the same consideration as testimony presented at the hearing.

Administrative rules website. The proposed rules are available at the website <http://adminrules.wisconsin.gov>. This site allows you to view documents associated with this rule's promulgation, register to receive email notification whenever the Department posts new information about this rulemaking order, and submit comments and view comments by others during the public comment period. You may receive a paper copy of the rule by contacting Howard Bernstein at the addresses given above or by telephone at (608) 266-9427.

Secretary or designee

Date