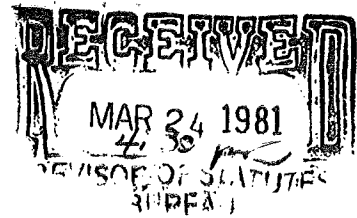


Ind 95

# RULES CERTIFICATE



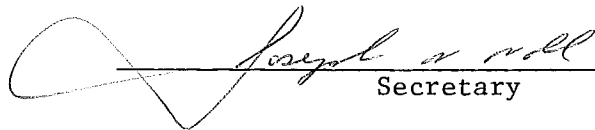
STATE OF WISCONSIN )  
 ) SS  
DEPT. OF INDUSTRY, )  
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

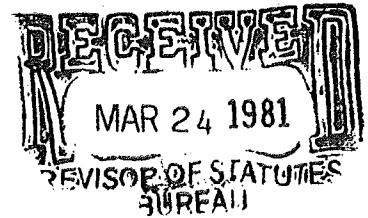
I, Joseph N. Noll, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to ~~hearings on apprenticeship indenture agreements~~ were duly approved and adopted by this department on 3/24/81.  
(Subject) (Date)

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at \_\_\_\_\_ in the city of Madison, this 24th day of March A.D. 19 81.

  
Secretary

6-1-81



# ORDER OF ADOPTION

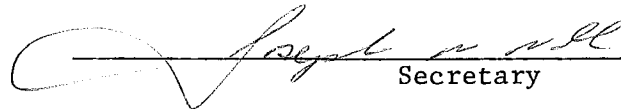
Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 106.01 (9), Stats., the Department of Industry, Labor and Human Relations hereby  creates;  amends;  repeals and recreates; and  repeals and adopts rules of Wisconsin Administrative Code chapter(s):

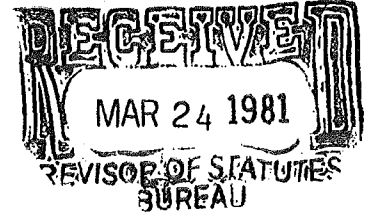
Ind. 95 Apprenticeship  
(Number) (Title)

The attached rules shall take effect on the first day of the month  
following publication, pursuant to section  
227.026, Stats.

Adopted at Madison, Wisconsin, this 24th  
day of March, A.D., 19 81

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

  
Secretary



SECTION 1. Ind 95.001 is created to read:

Ind 95.001 Definitions. In this chapter: (1) "Apprentice" has the meaning specified in s. 106.01, Stats.

(2) "Department" means the department of industry, labor and human relations.

(3) "Division" means the division of apprenticeship and training of the department.

(4) "Indenture" has the meaning specified in s. 106.01, Stats.

SECTION 2. Ind 95.20 is created to read:

Ind 95.20 Enforcement of indenture agreements. (1) COMPLAINTS. The division may accept complaints from any person alleging that an indenture agreement entered into under ch. 106, Stats. is not being complied with by a party to the agreement.

(2) CONFERENCE, CONCILIATION AND PERSUASION. The division may investigate the complaint and attempt to resolve it by conference, conciliation and persuasion. If the division is unable to resolve the complaint by conference, conciliation or persuasion, it shall notify the parties as provided in sub.

(3).

(3) NOTICE. (a) If the complaint requested that the division cancel the indenture, and the division is unable to resolve the complaint under sub. (2), the division shall send a written notice to the complainant and to the other party or parties to the indenture stating that the indenture will be cancelled 20 days from the date of the notice, unless the complainant or any party receiving the notice makes a request to the division in writing for a hearing on the matter.

(b) If the complaint requested the division to enforce the provisions of the indenture agreement, and the division is unable to resolve the complaint under sub. (2), the division shall send a written notice to the parties stating that the division has been unable to resolve the complaint by conference, conciliation and persuasion and that the complaining party may make a request within 20 days from the date of the notice for a hearing on the matter by the division.

(4) APPROPRIATE SUBJECT MATTER. (a) The division shall hold a hearing when a timely request is made under sub. (3) on any complaint alleging that the provisions of the indenture agreement are not being complied with by a party to the agreement. The division shall not hold a hearing on complaints which consist of matters which are unrelated to the provisions of the indenture agreement.

(b) Examples of violations of the indenture agreement which may be appropriate subject matter for a hearing on a complaint to the division under this chapter include but are not limited to:

1. That the employer or other party to the indenture agreement has not provided to the apprentice the proper training as required in the indenture agreement;

2. That the employer or other party to the indenture agreement has failed to provide to the apprentice the proper schooling as required in the indenture agreement;

3. That the employer or other party to the indenture agreement has assigned the apprentice to perform job duties which do not provide the proper training as required in the indenture agreement;

4. That the employer or other party to the indenture agreement has failed to pay the wages as required in the indenture agreement;

5. That the apprentice is not satisfactorily progressing in the training or schooling required under the indenture agreement.

(c) Examples of matters which are unrelated to the provisions of the indenture agreement which are not appropriate subjects for a hearing by the division under this chapter include but are not limited to:

1. Employe absenteeism or tardiness at work or school;
2. Employe use of drugs or alcohol on the job at work or school;
3. Insubordination;
4. Refusal to perform work as assigned; or
5. Employe violations of the employer's printed work rules.

(d) Where the investigation of the division reveals that the dispute between the apprentice and the employer or other party to the indenture agreement is unrelated to the provisions of the indenture agreement, the division may cancel the indenture agreement.

(5) HEARING PROCEDURES. (a) When the division sets a date for a hearing, it shall notify each party to the indenture agreement at least 20 days prior to the date of the hearing.

(b) The person appointed by the division as the hearing examiner shall not be any person who has participated in any initial investigation of the complaint or the attempt to achieve a resolution of the complaint by conference, conciliation or persuasion.

(c) The hearing examiner shall limit the hearing to the appropriate subject matter under sub. (4).

(d) The person making the complaint shall present evidence at the hearing to support the allegations in the complaint. If the person making the

complaint fails to appear at the hearing without good cause or refuses to present evidence to support the allegations in the complaint, the hearing examiner may dismiss the complaint.

(e) The hearing examiner is not bound by the strict statutory or common law rules of evidence. Evidence shall be admitted as provided in s. 227.08, Stats.

(f) The hearing shall not be transcribed unless a written request for such transcription is made by any party. If the hearing is transcribed, any party may obtain a copy of the transcript by paying a reasonable fee as prescribed by the department.

(g) At the conclusion of the hearing, the hearing examiner shall make written findings and orders and serve them upon the parties. The hearing examiner may make orders to enforce the indenture agreement, order penalties as provided in s. 106.01(8) and (9), Stats., cancel the indenture agreement or dismiss the complaint.

(h) If the hearing examiner finds that a penalty as provided in s. 106.01(8) and (9), Stats., is appropriate, the department may request the attorney general to seek a court order directing the party to pay the penalty. If any party fails to comply with an order of the hearing examiner, the department may request the attorney general to seek enforcement of the order or penalty in the circuit court.

(i) The decision of the hearing examiner is the final order of the department. Any party may seek judicial review of an order of the hearing examiner, as provided in ch. 227, Stats.

(6) This section does not apply to the request of either party that an indenture be cancelled during the probationary period specified in the indenture agreement, except that the division may attempt to resolve disputes by conference, conciliation and persuasion.

SECTION 3. EFFECTIVE DATE. The rules contained in this order shall take effect on the first day of the month following the publication of these rules in the administrative register, as provided in s. 227.026(1), Stats.

(END)