

Chapter Ind 85

APPRENTICESHIP

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Ind 85.01 Standards. (1) The industrial commission may, in its discretion, adopt state-wide or area apprenticeship standards covering minimum training requirements, procedure in processing indentures, qualification of applicant employers and apprentices, functions of joint apprenticeship committees, and such other matters as constitute an apprenticeship program in a particular trade.

(2) The commission may, in its discretion, recognize but will not be a party to agreements as to apprenticeship standards or similar understandings when such standards in their entirety are part of a bargaining agreement between the management and its employees.

(3) In trades for which no uniform apprenticeship courses or schedules of training have been adopted by the industrial commission, the employer may execute a special agreement with the apprentice, subject to the approval of the industrial commission. A segment of a trade will not be recognized as apprenticeable.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.02 Joint committees. (1) The function of joint apprenticeship committees is to act in an advisory capacity to the industrial commission and to be parties to indentures as provided in subsection 106.01 (5i) (a), Wis. Stats. Equal employer-employee representation is a requirement. Candidates for membership are nominated by the organizations which the members are to represent. To be recognized as a joint apprenticeship committee advisory to the industrial commission, each individual member shall be officially so designated by the chairman of the commission. The geographical jurisdictional area of each such joint apprenticeship committee shall be determined by the industrial commission.

(2) This rule does not apply to shop or plant sponsored apprenticeship programs or to joint apprenticeship committees created under the terms of a bargaining agreement between the management and its employees.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.03 Application forms. Where the industrial commission requires application forms to be filled out by applicant employers and

apprentices, the forms shall be such as are approved by the industrial commission. The original application, when completed as required in this rule, shall be filed with the industrial commission.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.04 Apprentice wages. (1) An apprentice wage scale is deemed adequate when, during the term of training, it averages 50 to 60% of the current journeyman rate. The indenture should provide for a graduated scale progressing in periods as approved by the commission.

(2) In determining the journeyman or skilled wage rate, the following formula governs: In trades in which it is common practice to bargain collectively on a community-wide or area-wide basis, the prevailing journeyman wage is that rate received by a greater number of journeymen in the same trade and community than any other rate. The commission will not normally approve a skilled rate for apprenticeship purposes more than 20% below the journeyman rate prevailing in the area. In controversial cases, growing out of the fact that the committee's jurisdictional area is so great as to extend into communities in which application of this policy proves impracticable, the commission reserves the right to make exceptions.

(3) In other trades or trade groups in which collective bargaining is on the basis of an individual plant or establishment, the skilled rate is that rate specified in the bargaining agreement. In establishments not covered by bargaining agreement, the skilled rate is that rate paid the greatest number of competent journeyman mechanics in like establishments in the community, or such other rate as may be deemed adequate by the industrial commission.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.05 Procedure in processing indentures where there are local or area joint apprenticeship committees. In trades and communities having active local or area joint apprenticeship committees recognized by the industrial commission, a copy of the application for approval of indentures will be referred to such committees by the industrial commission for recommendation. The commission will expect applicants to appear personally before committees if and when requested to do so by the committee. If no recommendation is received by the commission from the committee within 40 days after receipt of application by the committee, the commission will act on the application without committee recommendation. This time limit may be extended by the industrial commission on showing of good cause. Joint apprenticeship committee recommendations on individual applications shall be subject to review and revision by the commission in the event applicants are dissatisfied with committee action.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.06 Effect of bargaining agreements. Where conditions of employment of apprentices are stipulated by collective bargaining agreement, the industrial commission will be guided by the terms of such agreement provided such terms are not in conflict with the apprenticeship law or industrial commission apprenticeship rules.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.07 Watchmaking. (1) The term of apprenticeship in watchmaking shall be 4 years. A 4 year term is defined as no fewer than

1900 hours per year with a minimum total of 7,600 hours. The term of training may be extended one year in the event the apprentice fails to secure a watchmaker's certificate from the Wisconsin Board of Examiners in Watchmaking after completion of 4 years' training. Upon completion of 4 years' training and provided further a watchmaker's certificate has been secured, an industrial commission certificate of journeymanship shall be issued.

(2) The equivalent of 400 hours of instruction related to watchmaking is a requirement where such instruction is available.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.08 The indenture. (1) All apprenticeship indentures shall be made upon the blank forms provided by the industrial commission.

(2) No indenture shall be considered in force unless it has had the approval of the industrial commission.

(3) Proof of age must be furnished the industrial commission in all cases involving minors between the ages of 16 and 18 years before approval of indenture will be given.

(4) The indenture shall state the extent of the probationary period in hours if possible but in no case shall it exceed 6 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 industrial commission.

(5) The industrial commission may give such time credit on the term of apprenticeship as the character of previous practical experience may warrant, which time credit shall be stated in the indenture or an amendment thereto.

(6) Upon the completion, interruption or proposed termination of any apprenticeship indenture the employer shall notify the industrial commission immediately stating the reasons therefor.

(7) Minors indentured under provisions of chapter 106, Wis. Stats., shall not be subject to the law relating to prohibited employments for minors, insofar as such minors at the time of injury, are performing service within the provisions of contracts of apprentice indenture approved by the industrial commission.

(8) The terms of an existing indenture may be modified with the consent of the parties or upon showing of good cause by either party and approval of the industrial commission.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.09 Manual. The apprenticeship division of the industrial commission shall keep on record and make available to all interested persons the apprenticeship manual as approved by the industrial commission on July 17, 1956, or as thereafter amended.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.10 Forms. The following form is listed in accordance with Sec. 227.013, Wis. Stats., and may be obtained by writing the Industrial Commission, Madison, Wisconsin.

(1) D-1 Apprentice Indenture.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

Ind 85.11 Equal opportunity standards. (1) All apprenticeship programs registered with the Wisconsin industrial commission shall be operated on a non-discriminatory basis.

(2) The selection of apprentices shall be made on the basis of qualifications alone in accordance with objective standards which permit review, with full and fair opportunity for application.

(3) There shall be no discrimination in apprenticeship or employment during apprenticeship after selections have been made. All apprentices shall be subject to the same job performance requirements as established by the employers and/or joint committees and approved by the Wisconsin industrial commission.

History: Cr. Register, July, 1967, No. 139, eff. 8-1-67.

Ind 85.12 Selection of apprentices. (1) Apprentices shall be selected on the basis of qualifications alone. This means that apprentices are chosen from those applicants meeting the minimum qualifications for the trades or crafts solely on the basis of their qualifications compared to those of other applicants. Examples of comparative qualifications are: fair aptitude tests, school diplomas, age requirement, physical requirements, fair interviews, school grades, and previous work experience. Both selection and entry into an apprenticeship program must be on the basis of qualifications. Requirements for qualifications and eligibility must be specifically determined. Requirements must be established and made available to the industrial commission prior to selection. Adequate records of the selection process must be kept and made available to the industrial commission upon request. These records must include a summary of each interview and the conclusions on each of the specific factors which were a part of the total judgment. Such records must be retained for at least 2 years.

(2) Information concerning apprenticeship opportunities shall be posted at the normal place of application, and made available to the industrial commission's employment service, and local schools so that this information can be publicly disseminated with the intent to give full and fair opportunity for application to all interested parties.

(3) With respect to programs registered with the industrial commission prior to January 1965, apprentices may be selected in any manner in which the selections themselves demonstrate equality of opportunity, and is acceptable to the commission.

History: Cr. Register, July, 1967, No. 139, eff. 8-1-67.

Ind 85.13 Prior application lists. (1) Where applications lists have been found upon the investigation of the Wisconsin industrial commission to have established a discriminatory pattern, or where discrimination has been practiced because of race, creed, color, or national origin, such applicant lists will be opened to the extent necessary to provide current opportunities for the selection of qualified members of racial and ethnic minority groups.

History: Cr. Register, July, 1967, No. 139, eff. 8-1-67.

Ind 85.14 Formal nondiscrimination provisions. (1) All apprenticeship standards registered with the Wisconsin industrial commission shall contain the following formal nondiscrimination provision:

"Selection of apprentices under the program shall be made from qualified applicants on the basis of qualifications alone and without regard to race, creed, color, national origin, sex, or occupa-

tionally irrelevant physical handicaps in accordance with objective standards which permit review, after full and fair opportunity for application; and this program shall be operated on a completely nondiscriminatory basis."

History: Cr. Register, July, 1967, No. 139, eff. 8-1-67.

Ind 85.15 New registrations. (1) Any program sponsor seeking Wisconsin industrial commission registration of their program after January 1, 1965, must select apprentices on the basis of qualifications alone in accordance with objective standards which permit review after full and fair opportunity for application, and must adopt the nondiscrimination clause in section Ind 85.14 (1). The commission shall conduct a review of registered programs to determine their racial, ethnic composition; whether the apprenticeship standards include the required statement regarding the selection of apprentices; whether the selection of apprentices is made on the basis established for the "selection of apprentices;" and whether the employment and training program of the sponsor operates on a nondiscriminatory basis.

(2) The commission shall take appropriate action regarding programs which do not adopt, and operate in accordance with the standards, such appropriate action to include but not be limited to, notifying the program sponsor in writing it has not adopted or is not operating in accordance with the equal opportunity standards, and permitting said sponsor a reasonable time, not to exceed 30 days, to take corrective action. If these efforts to obtain corrective action fail, then the commission may initiate hearing pursuant to section 227.02 Wis. Stats.

(3) The commission shall maintain a file regarding reviews.

History: Cr. Register, July, 1967, No. 139, eff. 8-1-67.

Ind 85.16 Complaints. (1) The commission shall continue to receive and investigate complaints of discrimination based on race, creed, color, sex, or national origin. The commission shall also receive and investigate complaints that these rules have not been followed.

History: Cr. Register, July, 1967, No. 139, eff. 8-1-67.

Ind 85.17 Violations of rules. (1) No apprenticeship programs shall be registered to a program sponsor who is found to be in violation of these rules.

History: Cr. Register, July, 1967, No. 139, eff. 8-1-67.

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