House Study Bill 82 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BILL)

A BILL FOR

An Act relating to apprenticeships and establishing an Iowa office of apprenticeship and Iowa apprenticeship council.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. _____ H.F. _____

Section 1. NEW SECTION. **84D.1 Short title.**

This chapter shall be known and may be cited as the *"Iowa Registered Apprenticeship Act"*.

Sec. 2. NEW SECTION. **84D.2 Definitions.**

For purposes of this chapter, unless the context otherwise requires:

1. *"Apprentice"* means a worker who is at least sixteen years of age, is employed to learn an apprenticeable occupation as defined in 29 C.F.R. §29.4, and meets the requirements of the standards of apprenticeship set out in 29 C.F.R. §29.5.

2. *"Apprenticeable occupation"* means an occupation that is specified by industry and to which all of the following apply:

a. The occupation involves skills that are customarily learned in a practical way through a structured, systematic program of on-the-job supervised learning.

b. The occupation is clearly identified and commonly recognized throughout an industry.

c. The occupation involves the progressive attainment of manual, mechanical, or technical skills and knowledge which, in accordance with the industry standard for the occupation, would require the completion of at least two thousand hours of on-the-job learning to attain.

d. The occupation requires related instruction to supplement the on-the-job learning.

3. *"Apprenticeship agreement"* means a written agreement between an apprentice and an apprenticeship sponsor that contains the terms and conditions of the apprentice's employment and training consistent with 29 C.F.R. pt. 29 and this chapter.

4. *"Apprenticeship credential"* means a state or nationally recognized credential received upon completion of training.

5. *"Apprenticeship program"* means a program registered with the United States department of labor, office of apprenticeship, or the Iowa office of apprenticeship that includes terms and conditions for the qualification,

recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.

6. *"Apprenticeship sponsor"* means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which entity is registered with or approved by the United States department of labor, office of apprenticeship, or the Iowa office of apprenticeship. *"Apprenticeship sponsor"* includes a lead apprenticeship sponsor and an employer who provides training through a lead apprenticeship sponsor.

7. *"Cancellation"* means the termination of the registration of a quality pre-apprenticeship program or apprenticeship program at the request of the apprenticeship sponsor.

8. *"Certification"* or *"certificate"* means the written approval by the Iowa office of apprenticeship of a set of apprenticeship standards, of an individual for employment as an apprentice or probationary apprentice in a registered apprenticeship program, or of an individual who has successfully met the requirements to receive an interim credential.

9. *"Department"* means the department of workforce development as established in section 84A.1.

10. *"Deregistration"* means termination of the registration of a quality pre-apprenticeship, youth apprenticeship, registered apprenticeship, or apprenticeship by the Iowa office of apprenticeship.

11. *"Director"* means the director of the department of workforce development.

12. *"Employee organization"* means any association in which employees participate and which exists for the purpose of dealing with employers.

13. *"Employer"* means a person employing an apprentice.

14. *"Employer organization"* means a collective organization of manufacturers, retailers, or other employers of wage labor,

which seeks to coordinate the behavior of its member companies in matters of mutual interest.

15. *"Intermediary"* includes an entity that provides required technical instruction to an apprentice, aggregates employer demand, provides technical assistance to employers, assists with organizing training, develops occupational standards, and assists with the registration of programs with the Iowa office of apprenticeship or the United States department of labor, office of apprenticeship.

16. *"Lead apprenticeship sponsor"* means a trade organization, labor organization, employer association, or other incorporated entity representing a group of apprenticeship sponsors.

17. *"Licensing authority"* means an agency, board, commission, or other office with the authority to require occupational fees or issue licensing requirements for practice of an apprenticeable occupation.

18. *"Mentor"* means an individual who has sufficient skill and knowledge of a trade or craft, either through formal apprenticeship or through practical on-the-job experiences and training, to be recognized by an individual's employer as being qualified to perform the work of the trade or craft. *"Mentor"* may include a journeyman, technician, specialist, or other skilled worker.

19. *"On-the-job training"* means training provided by an employer to which all of the following apply:

a. The training is provided to a paid apprentice who is engaged in productive work in an occupation, and the work provides knowledge or skills essential to the full and adequate performance of the occupation.

b. The training is limited in duration as appropriate to the occupation for which the apprentice is being trained, based on the content of the training, the apprentice's prior work experience, and the apprentice's service strategy, as appropriate.

20. *"Public member"* means a member of the Iowa apprenticeship council not representing an employer organization or employee organization that is familiar with apprenticeable occupations.

21. *"Quality pre-apprenticeship program"* means a program or set of strategies, registered by the Iowa office of apprenticeship, including basic skills training, academic skills remediation, or introduction to the industry, that is designed to prepare individuals for entry into an apprenticeship program.

22. *a. "Registered apprenticeship program"* means a program to which all of the following apply:

(1) The program has been accepted and recorded by the Iowa office of apprenticeship.

(2) The program includes all of the following:

(a) Employer involvement.

(b) On-the-job training.

(c) Related training instruction from a lead apprenticeship sponsor.

(d) Paid work experience.

(e) Receipt of a portable state or nationally recognized credential.

(3) The program is for the recruitment, selection, employment, and training of apprentices and is developed pursuant to 29 C.F.R. pts. 29 and 30 and the rules of the Iowa office of apprenticeship.

b. "Registered apprenticeship program" may include a youth apprenticeship that otherwise qualifies as a registered apprenticeship program.

23. *"Registration agency"* means a state agency responsible for registering quality pre-apprenticeships, youth apprenticeships, registered apprenticeships, and apprenticeships, and for reviewing quality pre-apprenticeships, youth apprenticeships, registered apprenticeships, and apprenticeships for compliance with state law and the state

plan for equal employment opportunities.

24. *"Related training instruction"* means an organized and systematic form of instruction, other than on-the-job training, to which all of the following apply:

a. The instruction is designed to provide an apprentice with knowledge of the subjects related to the apprentice's occupation.

b. The instruction is given in a classroom, through occupational or industrial courses, through correspondence or online courses, or through other forms of self-study.

25. *"State advisory council"* means the Iowa apprenticeship council established pursuant to 29 C.F.R. §29.13(a)(2) and section 84D.5.

26. *"Supervision"* includes direction and oversight of apprentices on the job by any supervisor, foreman, journeyworker, or highly skilled mentor who may be counted as a direct supervisor of an apprentice as long as the person is of the same trade or occupation as the apprentice. *"Supervision"* may occur in person, by phone, or through virtual means.

27. *"Work-based learning"* means sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution, which interactions foster in-depth, first-hand engagement with the tasks required of a given career field and are aligned to curriculum and instruction.

28. *"Youth apprenticeship"* means an apprenticeship program that is designed specifically for an apprentice eighteen years of age or under.

Sec. 3. NEW SECTION. **84D.3 Iowa office of apprenticeship.**

1. The Iowa office of apprenticeship is established within the department in accordance with 29 U.S.C. §50 and 29 C.F.R. pts. 29 and 30. The office is operated and managed by the director or the director's designee.

2. The office is established for all of the following purposes:

a. To serve as the state registration agency.

b. To establish labor standards for quality pre-apprenticeships, youth apprenticeships, registered apprenticeships, and apprenticeships.

c. To establish rules regarding the registration of quality pre-apprenticeship programs, registered youth apprenticeship programs, registered apprenticeship programs, and apprenticeship programs in the state when the sponsor of such programs chooses to certify or register the programs with the office.

d. To resolve disputes between parties to an apprenticeship agreement.

Sec. 4. NEW SECTION. **84D.4 Duties of office.**

1. The Iowa office of apprenticeship shall adopt rules and develop standards to create a nationally recognized state apprenticeship completion credential in compliance with, but not exceeding, standards established in 29 C.F.R. §29.5 for completing a registered apprenticeship program.

2. *a.* The office shall approve or deny an application for a registered apprenticeship program, whether for a new program or expansion of an existing program, within sixty days of a signed application being submitted to the office. The office shall provide an entity whose application is not approved with specific reasons for the disapproval and an option for modifying the application.

b. The office shall approve or deny an application for a new apprenticeship sponsor who is providing related technical instruction through a lead apprenticeship sponsor within thirty days. The applying sponsor's apprentices may enroll in an apprenticeship program while approval is pending; however, training shall not begin until the plan is approved.

3. The office shall establish competency-based apprenticeship frameworks based on the regional and statewide collection of valuable credentials.

4. The office shall establish a plan to provide reciprocal

approval, for federal purposes, to apprentices, apprenticeship programs, and standards that are registered in other states by the United States department of labor, office of apprenticeship, or a registration agency, if such reciprocity is requested by the apprenticeship program sponsor. Program sponsors seeking reciprocal approval shall meet wage and hour provisions and apprentice ratio standards of this state.

5. The director may adopt rules pursuant to chapter 17A to administer the duties of the office in compliance with 29 C.F.R. pts. 29 and 30.

6. The office may consider advice provided by the Iowa apprenticeship council and state workforce development board when completing the office's duties as set forth in this section.

7. The office shall serve as the registration agency for quality pre-apprenticeships, youth apprenticeships, registered apprenticeships, and apprenticeships.

8. The office shall develop a plan providing a procedure for the cancellation or deregulation, or both, of programs and for temporary suspension, cancellation, deregistration, or any of these, of apprenticeship agreements.

9. The office shall not require affiliation with a labor organization, employer organization, or other limited-membership organization as a criteria of an apprenticeship program. This subsection does not prohibit labor organizations, employer organizations, and limited-membership organizations from requiring membership to participate in the apprenticeship training provided by the organization.

Sec. 5. NEW SECTION. **84D.5 Iowa apprenticeship council.**

1. The Iowa apprenticeship council is established as an advisory council within the department.

2. Members of the council shall be appointed by the governor for terms of three years and in compliance with sections 69.16 and 69.16A.

3. *a.* The council shall include at least five but not more than nine voting members appointed by the governor. The members must be familiar with apprenticeable occupations.

b. The council shall have an equal number of representatives of employer organizations and employee organizations. The total number of public members shall not exceed the total number of members who serve as a representative of an employee organization or an employer organization.

c. The governor shall appoint a chair of the Iowa apprenticeship council from among the voting members.

d. The director, or the director's designee, shall serve as an ex officio, nonvoting member.

4. The council shall develop bylaws related to the support and expansion of the use of apprenticeship in the state.

5. Meetings of the council shall be governed by the provisions of chapter 21.

6. The council shall do all of the following:

a. Advise the Iowa office of apprenticeship regarding the duties set forth in this chapter.

b. Provide community outreach and education regarding the benefits of apprenticeship.

Sec. 6. NEW SECTION. **84D.6 Requirements for licensing authorities.**

1. A licensing authority shall grant an occupational license to any applicant who meets all of the following requirements:

a. The applicant has successfully completed an apprenticeship in compliance with program standards for apprenticeships as outlined in 29 C.F.R. §29.5, subject to a valid apprenticeship agreement, and under the supervision of an eligible employer.

b. The applicant has received a passing score on any examination deemed to be necessary for licensing by a licensing authority.

c. The applicant is otherwise eligible to receive a license.

2. A licensing authority shall not set a higher required minimum passing score on any examination for an applicant who satisfies the requirements of subsection 1, paragraph *"a"*, than that which is required for any other test taker.

3. If a licensing authority does not otherwise require an examination, the licensing authority shall not require an examination for an applicant who satisfies the requirements of subsection 1, paragraph *"a"*.

4. A licensing authority shall adopt any rules necessary for the implementation and administration of this section.

Sec. 7. NEW SECTION. **84D.7 Requirements for sponsors and employers.**

A sponsor of a quality pre-apprenticeship program, youth apprenticeship program, registered apprenticeship program, or apprenticeship program is responsible for the administration and supervision of on-the-job training and related technical instruction for each apprentice in the quality pre-apprenticeship program, youth apprenticeship program, registered apprenticeship program, or apprenticeship program. When training is provided by a lead apprenticeship sponsor or intermediary, the employer of the apprentice is responsible for the administration and supervision of on-the-job training, and the lead apprenticeship sponsor or intermediary is responsible for related technical instruction for each apprenticeship.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill shall be known and may be cited as the Iowa registered apprenticeship Act.

The bill establishes the Iowa office of apprenticeship within the department of workforce development, to be operated and managed by the director of the department. The bill provides for duties of the office, which generally pertain to procedures for the voluntary registration of apprenticeships with the office in accordance with regulations of the federal

department of labor, office of apprenticeship. Eligible apprenticeship programs must be established pursuant to an apprenticeship agreement between an apprentice and an apprenticeship sponsor and involve work in an apprenticeable profession, as those terms are defined in the bill, and must be registered with the federal department of labor, office of apprenticeship, or the Iowa office of apprenticeship. To be eligible for registration with the Iowa office of apprenticeship, an apprenticeship program must include employer involvement, on-the-job training, related training instruction from a lead apprenticeship sponsor, paid work experience, and receipt of a portable state or nationally recognized credential; and must be in compliance with applicable federal regulations and rules of the office, among other requirements. The bill provides for additional duties of the office relating to registered apprenticeship programs.

The bill also establishes the Iowa apprenticeship council as an advisory council within the department of workforce development. Members of the council are appointed by the governor for three-year terms and must be familiar with apprenticeable occupations. The director of the department serves as an ex officio, nonvoting member. The council shall advise the Iowa office of apprenticeship regarding the duties set forth in the bill and provide community outreach and education regarding the benefits of apprenticeship.

The bill requires licensing authorities, as defined in the bill, to grant an occupational license to any applicant who has successfully completed an apprenticeship in compliance with program standards for apprenticeships as outlined in federal regulations, subject to a valid apprenticeship agreement, and under the supervision of an eligible employer; has received a passing score on any examination deemed to be necessary for licensing by a licensing authority; and is otherwise eligible to receive a license. The bill prohibits licensing authorities from establishing examination requirements for applicants who

complete a registered apprenticeship as provided in the bill that differ from other applicants.

The bill provides that a sponsor of a registered apprenticeship program under the bill is responsible for the administration and supervision of on-the-job training and related technical instruction for each apprentice in the apprenticeship program.

When training is provided by a lead apprenticeship sponsor or intermediary, the employer of the apprentice is responsible for the administration and supervision of on-the-job training, and the lead apprenticeship sponsor or intermediary is responsible for related technical instruction for each apprenticeship.