

Senate File 318 - Introduced

SENATE FILE 318
BY COMMITTEE ON WORKFORCE

(SUCCESSOR TO SSB 1086)

A BILL FOR

1 An Act relating to apprenticeships and establishing an Iowa
2 office of apprenticeship and Iowa apprenticeship council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) The program includes all of the following:

16 (a) Employer involvement.

17 (b) On-the-job training.

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

20 (d) Paid work experience.

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

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

27 *b. "Registered apprenticeship program"* may include a youth
28 apprenticeship that otherwise qualifies as a registered
29 apprenticeship program.

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

1 plan for equal employment opportunities.

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

5 a. The instruction is designed to provide an apprentice
6 with knowledge of the subjects related to the apprentice’s
7 occupation.

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

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

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

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

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

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

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

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

- 1 *a.* To serve as the state registration agency.
- 2 *b.* To establish labor standards for quality
3 pre-apprenticeships, youth apprenticeships, registered
4 apprenticeships, and apprenticeships.
- 5 *c.* To establish rules regarding the registration of
6 quality pre-apprenticeship programs, registered youth
7 apprenticeship programs, registered apprenticeship programs,
8 and apprenticeship programs in the state when the sponsor of
9 such programs chooses to certify or register the programs with
10 the office.
- 11 *d.* To resolve disputes between parties to an apprenticeship
12 agreement.

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

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

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

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

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

35 4. The office shall establish a plan to provide reciprocal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 6. The council shall do all of the following:

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

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

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

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

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

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

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

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

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

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

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

13 A sponsor of a quality pre-apprenticeship program, youth
14 apprenticeship program, registered apprenticeship program, or
15 apprenticeship program is responsible for the administration
16 and supervision of on-the-job training and related
17 technical instruction for each apprentice in the quality
18 pre-apprenticeship program, youth apprenticeship program,
19 registered apprenticeship program, or apprenticeship program.
20 When training is provided by a lead apprenticeship sponsor or
21 intermediary, the employer of the apprentice is responsible for
22 the administration and supervision of on-the-job training, and
23 the lead apprenticeship sponsor or intermediary is responsible
24 for related technical instruction for each apprenticeship.

25 EXPLANATION

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

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

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

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

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

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

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

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

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