

Senate File 318 - Reprinted

SENATE FILE 318
BY COMMITTEE ON WORKFORCE

(SUCCESSOR TO SSB 1086)

(As Amended and Passed by the Senate March 15, 2023)

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 the acceptance and
26 recording of a written agreement by the Iowa office of
27 apprenticeship between an apprentice and an apprenticeship
28 sponsor that contains the terms and conditions of the
29 apprentice's employment and training consistent with 29 C.F.R.
30 pt. 29 and this chapter.

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

1 apprentices, including the requirement for a written
2 apprenticeship agreement.

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

11 6. "*Cancellation*" means the termination of the registration
12 of a quality pre-apprenticeship program or apprenticeship
13 program at the request of the apprenticeship sponsor or the
14 termination of the apprenticeship agreement at the request of
15 apprentice.

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

23 8. "*Director*" means the director of the department of
24 workforce development, or the director's designee.

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

28 10. "*Employer*" means a person or organization employing an
29 apprentice, whether or not such person or organization is a
30 party to an apprenticeship agreement with the apprentice.

31 11. "*Employer organization*" means a collective organization
32 of manufacturers, retailers, or other employers of wage labor,
33 which seeks to coordinate the behavior of its member companies
34 in matters of mutual interest.

35 12. "*Intermediary*" includes an entity that provides required

1 technical instruction to an apprentice, aggregates employer
2 demand, provides technical assistance to employers, assists
3 with organizing training, develops occupational standards, and
4 assists with the registration of programs with the Iowa office
5 of apprenticeship.

6 13. "*Lead apprenticeship sponsor*" means a trade
7 organization, labor organization, employer association,
8 or other incorporated entity representing a group of
9 apprenticeship sponsors.

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

14 15. "*Mentor*" or "*journeyworker*" means an individual who
15 has attained a level of skills, abilities, competencies,
16 and knowledge of a trade or craft, either through formal
17 apprenticeship or through practical on-the-job experiences and
18 training, to be recognized by an individual's employer as being
19 qualified to perform the work of the trade or craft. "*Mentor*"
20 or "*journeyworker*" may include a technician, specialist, or
21 other skilled worker.

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

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

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

33 17. "*Public member*" means a member of the Iowa
34 apprenticeship council not representing an employer
35 organization or employee organization that is familiar with

1 apprenticeable occupations.

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

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

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

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

13 (a) Employer involvement.

14 (b) On-the-job training.

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

17 (d) Paid work experience.

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

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

24 *b. "Registered apprenticeship program"* may include a youth
25 apprenticeship that otherwise qualifies as a registered
26 apprenticeship program.

27 20. *"Registration agency"* means the Iowa office of
28 apprenticeship which is responsible for registering, providing
29 technical assistance, and conducting reviews for compliance
30 with federal law.

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

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

1 occupation.

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

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

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

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

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

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

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

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

30 *a.* To serve as the state registration agency.

31 *b.* To establish labor standards for quality
32 pre-apprenticeships, youth apprenticeships, registered
33 apprenticeships, and apprenticeships.

34 *c.* To establish rules regarding the registration of
35 quality pre-apprenticeship programs, registered youth

1 apprenticeship programs, registered apprenticeship programs,
2 and apprenticeship programs in the state when the sponsor of
3 such programs chooses to certify or register the programs with
4 the office.

5 *d.* To resolve disputes between parties to an apprenticeship
6 agreement.

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

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

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

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

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

29 4. The office shall establish a plan to provide reciprocal
30 approval, for federal purposes, to apprentices, apprenticeship
31 programs, and standards that are registered in other
32 states by the United States department of labor, office of
33 apprenticeship, or a registration agency, if such reciprocity
34 is requested by the apprenticeship program sponsor. Program
35 sponsors seeking reciprocal approval shall meet wage and hour

1 provisions and apprentice ratio standards of this state.

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

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

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

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

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

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

25 1. The Iowa apprenticeship council is established as
26 an advisory council within the department of workforce
27 development.

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

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

34 b. The council shall have an equal number of representatives
35 of employer organizations and employee organizations. The

1 total number of public members shall not exceed the total
2 number of members who serve as a representative of an employee
3 organization or an employer organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 3. If a licensing authority does not otherwise require

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

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

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

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