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NOV 29 1984
STATE EMPLOYEE'S
CLAIMS SECTION

1 Department of Labor and Industry

2

3 Adopted Rules Relating to Volunteer Apprentice Program

4 Administration

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6 Rules as Adopted

7 5200.0290 AUTHORITY, SCOPE, AND PURPOSE.

8 Parts 5200.0290 to 5200.0420 are adopted pursuant to
9 Minnesota Statutes, section 178.041, subdivisions 1 and 2. Their
10 purpose is to provide procedures for the voluntary apprentice
11 program administration.

12 5200.0300 PROCEDURE FOR ESTABLISHING PROGRAMS.

13 The procedure for establishing an approved apprenticeship
14 program is as follows. The proposed program must be presented
15 to the director of the Division of Voluntary Apprenticeship by
16 the program sponsor in duplicate and must include a detailed job
17 process for the occupation including the training standards,
18 amount of time to be spent in each individual category of
19 training, percentage of journeyman's wage rate to be paid the
20 apprentice, graduated schedule of wage increases, and the
21 journeyman's wage rate for the proposed occupation. If the
22 program is approved by the director, a certificate of
23 registration will be issued to the program sponsor. Within 90
24 days of the certificate being issued, the program sponsor must
25 submit to the director of the Division of Voluntary
26 Apprenticeship a copy of at least one apprenticeship agreement
27 or the director may revoke the certificate of registration.

28 5200.0310 MINIMUM TRAINING STANDARDS.

29 The minimum training standards to be met in an
30 apprenticeship agreement must be the standards for the
31 apprenticeship program registered with the division but must be
32 no less than the Minnesota minimum standards listed in part
33 5200.0320.

34 5200.0320 MINNESOTA MINIMUM STANDARDS.

1 Subpart 1. Definitions. When used in parts 5200.0290 to
2 5200.0420 the terms defined in this subpart have the meaning
3 given them.

4 A. "Employer" means the apprenticeship sponsor.
5 (Employer, apprenticeship committee, association of employers,
6 or organization of employees.)

7 B. "Approval agency" or "registration agency" means
8 the apprenticeship advisory council.

9 C. "Apprenticeship agreement" means a written
10 agreement on a form prescribed by the commissioner between the
11 employer and the apprentice, and, if the apprentice is a minor,
12 his or her parent or guardian, and approved by the approval
13 agency. The form can be obtained from the Division of Voluntary
14 Apprenticeship, Department of Labor and Industry, St. Paul,
15 Minnesota.

16 D. "Apprentice" means a person at least 16 years of
17 age who has entered into an apprenticeship agreement with an
18 employer, which apprenticeship agreement provides for not less
19 than 2,000 hours of reasonably continuous employment for the
20 apprentice and for his or her participation in an approved
21 program of training through employment and through education in
22 related and supplemental subjects.

23 E. "Supervisor of apprentices" means the individual
24 designated by the employer to perform the duties described in
25 subpart 9.

26 F. "Standards" means the Minnesota minimum standards
27 of apprenticeship.

28 Subp. 2. Policy. It must be the policy of the employer
29 that all apprentices employed in a trade covered under parts
30 5200.0290 to 5200.0420 must be governed by the terms of these
31 standards and by the Minnesota voluntary apprenticeship law; and
32 that the recruitment, selection, employment, and training of
33 apprentices during their apprenticeship, must be without
34 discrimination because of race, color, religion, national
35 origin, or sex. The employer will take affirmative action to
36 provide equal opportunity in apprenticeship and will operate the

1 apprenticeship program as required under Code of Federal
2 Regulations, title 29, part 30, and under the Minnesota plan for
3 equal employment opportunity in apprenticeship.

4 Subp. 3. Qualifications of apprentices. Applicants for
5 apprenticeship must be at least 16 years of age and must be
6 physically qualified to perform the manual work of the trade.

7 Subp. 4. Apprenticeship agreement. The apprentice (and if
8 a minor, his or her parent or guardian) shall sign the properly
9 filled out apprenticeship agreement, which agreement must also
10 be signed by the employer and submitted for approval to the
11 approval agency. The apprenticeship agreement must contain a
12 clause making these standards a part of the agreement.

13 The approval agency must furnish approved copies of the
14 agreement to:

- 15 A. the apprentice;
- 16 B. the employer; and
- 17 C. other interested organizations or agencies as
18 required.

19 Subp. 5. Term of apprenticeship. The term of
20 apprenticeship must be designated in hours, months, or years for
21 the individual trades included in these standards. For each
22 trade to be included, a job process schedule including the total
23 training term applicable must be attached to the standards
24 registered with the division.

25 Subp. 6. Credit for previous experience. Credit may be
26 awarded for previous experience and/or training which is
27 applicable to training program requirements. If credit is
28 awarded, the apprentice shall be advanced in the graduated wage
29 schedule accordingly.

30 Subp. 7. Probationary period. An apprentice under these
31 standards shall be subject to a probationary period of not more
32 than 500 hours of employment and instruction extending over not
33 more than four months. During that period the apprenticeship
34 agreement will be terminated by the director of the Division of
35 Voluntary Apprenticeship at the request in writing of either
36 party. After the probationary period the apprenticeship

1 agreement may be terminated by the director, by mutual agreement
2 of all parties thereto, or canceled by the director for good and
3 sufficient reason, including violation of minimum standards.

4 Subp. 8. Responsibilities of apprentice. Apprentices
5 employed under these standards shall agree to be punctual and
6 regular in attendance, and to endeavor to the best of their
7 ability to perfect the required skills in the chosen craft.

8 Subp. 9. Supervision of apprentices. The employer shall
9 designate a qualified individual as supervisor of apprentices
10 who shall:

11 A. maintain an adequate record of progress in
12 training each apprentice;

13 B. be responsible for assuring that the requirements
14 of the applicable training program are met during the prescribed
15 training term; and

16 C. perform other duties as may be assigned by the
17 employer relative to the development and operation of an
18 effective program of apprenticeship.

19 Subp. 10. Schedule of work processes and wage schedule.
20 The apprentice must be given work experience and instruction
21 according to the applicable job processes schedule in the
22 apprenticeship program registered with the division which must
23 be attached to the apprenticeship agreement. Training
24 experience need not be in the exact order as listed in the
25 schedule. Eighty percent adherence to the schedule will be
26 considered adequate provided the full training term is accounted
27 for. The job process schedule must provide for a minimum of 50
28 hours per year of training in safe work practices. For each job
29 title there must be a minimum graduated wage schedule in the
30 apprenticeship agreement which must be in percentages of
31 journeyman wage and rate per hour.

32 Subp. 11. Related instruction. During each year of the
33 apprenticeship term, a minimum of 144 hours of related
34 instruction is required. Failure on the part of the apprentice
35 to fulfill his or her related instruction requirement will be
36 sufficient cause for cancellation of the apprenticeship

1 agreement.

2 Subp. 12. Hours of work. Working hours for apprentices
3 must be the same as for journeymen in the trade. Time spent in
4 related instruction cannot be considered as hours of work as
5 required by the job process schedule.

6 Subp. 13. Certificate of completion of apprenticeship.
7 Upon successful completion of the apprenticeship term and
8 related training requirements, and upon appropriate
9 recommendation by the employer, the approval agency must issue
10 to the apprentice a certificate of completion of apprenticeship.

11 Subp. 14. Modification of program. Details of a program
12 may be modified from time to time subject to approval by the
13 director. Any modification cannot, at the time of modification,
14 affect apprenticeship agreements then in effect without the
15 consent of the parties to the agreement. The employer may
16 withdraw from the program by submitting a written request to the
17 approval agency. The approval agency may cancel the standards
18 of apprenticeship for good and sufficient reason, including
19 violation of the Minnesota minimum standards in part 5200.0320.

20 Subp. 15. Compliance with Minnesota plan for equal
21 employment opportunity in apprenticeship. The provisions of the
22 apprenticeship program must comply with part 5200.0370 and must
23 include an approved equal opportunity pledge.

24 5200.0330 CANCELLATION OF APPRENTICESHIP AGREEMENT.

25 The apprenticeship agreement may be canceled by the
26 director of apprenticeship for failure to comply with training
27 requirements.

28 5200.0340 APPROVAL OF APPRENTICESHIP AGREEMENTS.

29 All apprenticeship agreements must be submitted to the
30 Division of Voluntary Apprenticeship for approval.

31 5200.0350 DUTIES OF SPONSORS.

32 It shall be the sponsor's obligation to:

33 A. Prepare the apprenticeship program for submission
34 to the Division of Voluntary Apprenticeship.

35 B. Prepare apprenticeship agreements. All sponsors

1 shall use the state of approved apprenticeship agreement form.

2 C. Each program operating under an apprenticeship
3 committee pursuant to Minnesota Statutes, section 178.05, must
4 in its standards provide for a tie-breaking procedure so it will
5 be able to reach a majority decision.

6 D. Submit two copies of a safety program providing
7 for a minimum of 50 hours per year for safety training of
8 apprentices. Any request for variance from this part must be
9 presented in writing and approved by the director of the
10 Division of Voluntary Apprenticeship.

11 5200.0360 TERMINATION, CANCELLATION, OR TRANSFER OF AGREEMENTS.

12 Subpart 1. Written notice. The Division of Voluntary
13 Apprenticeship must be notified in writing by the sponsor of all
14 terminations, cancellations, or transfer of apprenticeship
15 agreements.

16 Subp. 2. Director's approval required. All terminations,
17 cancellations, and transfers shall be approved by the director
18 of the Division of Voluntary Apprenticeship. The director shall
19 notify the sponsor and all other concerned parties in writing.

20 Subp. 3. [Unchanged.]

21 5200.0370 EQUAL OPPORTUNITY FOR APPRENTICES.

22 Requirements of program sponsors under the Minnesota plan
23 for equal employment opportunity in apprenticeship and Code of
24 Federal Regulations, title 29, part 30 are as follows:

25 A. Programs with fewer than five apprentices must
26 submit the following: two copies of the proposed program, and
27 include in its standards the approved equal opportunity pledge.

28 B. Programs with five or more apprentices must submit
29 the following: two copies of the proposed program, including in
30 its standards the approved equal opportunity pledge and a
31 written affirmative action plan adopting one of the following
32 four approved selection procedures under the Minnesota plan for
33 equal employment in apprenticeship:

34 (1) to (4) [Unchanged.]

35 C. Requirements for program reciprocity under the

1 Minnesota plan for equal employment opportunity in
2 Apprenticeship and Code of Federal Regulations, title 29, part
3 30, are as follows:

4 (1) The sponsoring entity must operate a
5 multistate program and not be in the building construction
6 industry.

7 (2) The applicant shall offer evidence that the
8 program meets the requirements of Code of Federal Regulations,
9 title 29, part 30, in some other state. A certificate of
10 registration is adequate evidence.

11 (3) A presentation of a request for reciprocity
12 must be made to the Minnesota apprenticeship advisory council in
13 writing for information purposes and for the council's advice on
14 the request.

15 (4) The requesting party must offer proof which
16 indicates that all apprentices will receive not less than 50
17 hours per year of safety training under the program being
18 registered in this state.

19 5200.0380 COMPLAINTS OF DISCRIMINATION.

20 Subpart 1. Right to complain. Any apprentices or
21 applicants for apprenticeship who believes that they have been
22 discriminated against on the basis of race, color, religion,
23 national origin, or sex with regard to apprenticeship or that
24 the equal opportunity standards in respect to their selection
25 have not been followed in the operation of an apprenticeship
26 program may file a complaint. The complaint must be in writing
27 and must be signed by the complainant. It must include the
28 name, address, and telephone number of the person allegedly
29 discriminated against, the program sponsor involved, and a
30 description of the circumstances of the failure to apply the
31 equal opportunity standards.

32 Subp. 2. [Unchanged.]

33 Subp. 3. Referral of complaint. In the case of review
34 boards designated by program sponsors to review complaints, the
35 referral of the complaint by the complainant to the agency must
36 occur within 90 days or 30 days after the final decision of the

1 review board, whichever is later.

2 Subp. 4. Compliance reviews. Where no review board
3 exists, the apprenticeship agency may conduct compliance reviews
4 as found necessary in order to make a determination of facts
5 relating to compliance with the equal employment opportunity
6 plan.

7 Subp. 5. [Unchanged.]

8 5200.0390 DETERMINATION OF APPRENTICE WAGES.

9 Subpart 1. Procedure. Determination of the graduated
10 schedule of wages for an apprenticeship agreement will be
11 determined by the percentage rate used in the majority of
12 individual apprenticeship agreements on file with the Division
13 of Voluntary Apprenticeship in any particular trade. The
14 beginning rate must be at least the federal or state minimum
15 wage rate, whichever is higher.

16 Subp. 2. Journeyman wage rate. The journeyman wage rate
17 for apprenticeship agreements where no bargaining agreement
18 exists shall be determined by counties, for all trades. If there
19 is either a state or federal prevailing wage determination or
20 apprenticeship agreement for a trade, the most current rate of
21 the determination or agreement must be used as the journeyman
22 wage rate.

23 Subp. 3. Exceptions. The only exceptions to this part are
24 programs in penal institutions including stipends paid by the
25 Department of Corrections.

26 5200.0400 APPRENTICESHIP COMMITTEE RULES.

27 Adoption of apprenticeship committee rules or changes must
28 be submitted to the director of the Division of Voluntary
29 Apprenticeship in writing for approval.

30 5200.0410 CERTIFICATE OF COMPLETION.

31 Subpart 1. Signature. The completion certificate is the
32 standard approved state certificate. This certificate must be
33 signed by the commissioner of labor and industry, director of
34 apprenticeship, a representative of the local joint
35 apprenticeship committee, the employer, and representative from

1 the union if a bargaining agreement exists. For those trades
2 for which a state license is issued by a state licensing
3 authority, issuance of the certificate of completion of
4 apprenticeship is conditioned on the apprentice having secured
5 the appropriate license and is a part of the registered
6 standards for licensed trades.

7 Subp. 2. Written request from sponsor. Before any
8 certificate of completion is issued, the Division of Voluntary
9 Apprenticeship must receive a request in writing from the
10 sponsor. If the employer does not request the completion
11 certificate or refuses to sign a certificate, the director of
12 the Division of Voluntary Apprenticeship, after investigating
13 the circumstances, shall issue the certificate without the
14 employer's request or signature, providing the apprentice has
15 fully completed the program in compliance with the terms of the
16 apprenticeship agreement.

17 5200.0420 MAINTENANCE OF RECORDS.

18 Subpart 1. Advisory council's duty. Minnesota
19 apprenticeship advisory council business and records are kept by
20 the Division of Voluntary Apprenticeship for the council.

21 Subp. 2. Sponsor's duty. Sponsors shall keep and maintain
22 records of progress as required by the Division of Voluntary
23 Apprenticeship on record cards furnished by the sponsor or
24 standard progress record cards furnished by the state, on an
25 ongoing basis from the start to the completion of an
26 apprenticeship. These progress records must be kept on the
27 sponsor's premises and must be accessible to all authorized
28 personnel of the Division of Voluntary Apprenticeship. The
29 definition of sponsor is the employer, association of employers,
30 organization of employees, apprenticeship coordinator, or
31 individual representing the joint apprenticeship committee. The
32 Division of Voluntary Apprenticeship must be notified of the
33 current address where records are kept and the person
34 responsible for the records.

35 Subp. 3. Retention and availability of records. Under the
36 state of Minnesota plan for equal employment opportunity in

1 apprenticeship, it is the obligation of the sponsor to keep
2 records as required by the Division of Voluntary Apprenticeship
3 pertaining to individual applicants for apprenticeship whether
4 selected or rejected, for five years and be made available upon
5 request to authorized personnel of the Division of Voluntary
6 Apprenticeship. These records pertaining to applicants must be
7 maintained in a manner that permits identification of
8 minority and female participants.