

CHAPTER 178

MASTER AND APPRENTICE

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178.01 PURPOSES. The purposes of this chapter are: to open to young people the opportunity to obtain training that will equip them for profitable employment and citizenship; to set up, as a means to this end, a program of voluntary apprenticeship under approved apprentice agreements providing facilities for their training and guidance in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education; to promote employment opportunities for young people under conditions providing adequate training and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an apprenticeship council and local and state joint apprenticeship committees to assist in effectuating the purposes of this chapter; to provide for a director of apprenticeship within the department of labor and industry; to provide for reports to the legislature and to the public regarding the status of apprentice training in the state; to establish a procedure for the determination of apprentice agreement controversies; and to accomplish related ends.

[1939 c. 363 s. 1] (4260-31)

178.02 APPRENTICESHIP COUNCIL. Subdivision 1. **Members.** The commissioner of labor and industry, hereinafter called the commissioner, shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively, and of two representatives of the general public. The state official who has been designated by the state board for vocational education as being in charge of trade and industrial education shall ex officio be a member of the council. The terms of office of the members of the apprenticeship council first appointed by the commissioner shall expire as designated by the commissioner at the time of making the appointment: One representative each of employers, employees, and the public being appointed for one year, one representative each of employers, employees, and the public being appointed for two years, and one representative each of employers and employees for three years. Thereafter, each member shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the council shall receive the sum of \$20 for each day of his actual attendance at meetings of the council, together with his actual and necessary expenses incurred in connection therewith, provided, however, that the number of days of actual meetings shall not exceed five days per fiscal year.

Subd. 2. Duties, functions. The apprenticeship council shall meet at the call of the commissioner and shall aid it in formulating policies for the effective administration of this chapter. Subject to the approval of the commissioner, the apprenticeship council shall establish standards for apprentice agreements which in no case shall be lower than those prescribed by this chapter, issue such rules and regulations as may be necessary to carry out the intent and purposes of the chapter, and perform such other functions as the commissioner may direct. Not less than once every two years the apprenticeship council shall make a report, through the department of labor and industry, of its activities and findings to the legislature and to the public.

[1939 c 363 s 2; 1951 c 333 s 1; Ex1967 c 1 s 6] (4260-32)

178.03 DIRECTOR OF APPRENTICESHIP. The commissioner is hereby directed to appoint a director of apprenticeship, which appointment shall be subject to the confirmation of the apprenticeship council by a majority vote. The commissioner

is further authorized to appoint and employ such clerical, technical, and professional help as shall be necessary to effectuate the purposes of this chapter.

[1939 c 363 s 3; Ex1967 c 1 s 6] (4260-33)

178.04 ADMINISTRATION. The director, under the supervision of the commissioner and with the advice and guidance of the apprentice council, is authorized to administer the provisions of this chapter; in cooperation with the apprenticeship council and local and state joint apprenticeship committees, to set up conditions and training standards for apprentice agreements, which conditions or standards shall in no case be lower than those prescribed by this chapter; to act as secretary of the apprenticeship council and of such state joint apprenticeship committee; to approve, if in his opinion approval is for the best interest of the apprentice, any apprentice agreement which meets the standards established hereunder; to terminate or cancel any apprentice agreement in accordance with the provisions of such agreement; to keep a record of apprentice agreements and their disposition; to issue certificates of completion of apprenticeship; and to perform such other duties as are necessary to carry out the intent of this chapter; provided, that the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of state and local boards responsible for vocational education.

[1939 c 363 s 4; Ex1967 c 1 s 6] (4260-34)

178.05 JOINT APPRENTICESHIP COMMITTEES. Local and state joint apprenticeship committees shall be appointed in any trade by the apprenticeship council, whenever the apprentice training needs of such trade justify such establishment.

[1939 c. 363 s. 5] (4260-35)

178.06 APPRENTICE. The term "apprentice," as used in this chapter, means a person at least 16 years of age who has entered into a written agreement, hereinafter called an apprentice agreement, with an employer, an association of employers, or an organization of employees, which apprentice agreement provides for not less than 4,000 hours of reasonably continuous employment for such person and for his participation in an approved program of training through employment and through education in related and supplemental subjects.

[1939 c. 363 s. 6] (4260-36)

178.07 APPRENTICE AGREEMENTS. Every apprentice agreement entered into under this chapter shall contain:

- (1) The names of the contracting parties;
- (2) The date of birth of the apprentice;
- (3) A statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end;
- (4) A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction shall be not less than 144 hours per year; the maximum number of hours of work per week not including time spent in related and supplemental instruction for any apprentice shall not exceed either the number prescribed by law or the customary regular number of hours per week for the employees of the company by which the apprentice is employed, such number to be determined by the local joint apprenticeship committee for the trade;
- (5) A statement setting forth a schedule of the processes in the trade or industry divisions in which the apprentice is to be taught and the approximate time to be spent at each process;
- (6) A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated;
- (7) A statement providing for a period of probation of not more than 500 hours of employment and instruction extending over not more than four months, during which time the apprentice agreement shall be terminated by the director at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the director by mutual agreement of all parties thereto, or canceled by director for good and sufficient reason;
- (8) A provision that all controversies or differences concerning the apprentice agreement which cannot be adjusted locally shall be submitted to the director for determination as provided for in section 178.09;

(9) A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the director, transfer such contract to any other employer, provided that the apprentice consents and that such other employer agrees to assume the obligations of the apprentice agreement; and

(10) Such additional terms and conditions as may be prescribed or approved by the director not inconsistent with the provisions of this chapter.

[1939 c. 363 s. 7; 1941 c. 85] (4260-37)

178.08 DIRECTOR TO APPROVE APPRENTICE AGREEMENTS. No apprentice agreement under this chapter shall be effective until approved by the director. Every apprentice agreement shall be signed by the employer, or by an association of employers, or an organization of employees, and by the apprentice, and if the apprentice is a minor, by the minor's father; provided, that if the father is dead or legally incapable of giving consent or has abandoned his family, then by the minor's mother; if both father and mother be dead or legally incapable of giving consent, then by the guardian of the minor. Where a minor enters into an apprentice agreement under this chapter for a period of training extending into his majority the apprentice agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

[1939 c. 363 s. 8] (4260-38)

178.09 INVESTIGATIONS BY DIRECTOR. Subdivision 1. **Complaint.** Upon the complaint of any interested person or upon his own initiative the director may investigate to determine if there has been a violation of the terms of an apprentice agreement made under this chapter and he may hold hearings, inquiries, and other proceedings necessary to such investigation and determination. The parties to such agreement shall be given a fair and impartial hearing after reasonable notice thereof. All such hearings, investigations, and determinations shall be made under authority of reasonable rules and procedures prescribed by the apprenticeship council, subject to the approval of the commissioner.

Subd. 2. **Determination; appeal.** The determination of the director shall be filed with the commissioner. If no appeal therefrom is filed with the commissioner within ten days after the date thereof, as herein provided, such determination shall become the order of the commissioner. Any person aggrieved by any determination or action of the director may appeal therefrom to the commissioner, who shall hold a hearing thereon after due notice to the interested parties. Any person aggrieved or affected by any determination or order of the commissioner may appeal therefrom to the district court having jurisdiction at any time within 30 days after the date of such order by service of a written notice of appeal on the commissioner. Upon service of the notice of appeal, the commissioner, shall forthwith file with the clerk of the district court to which the appeal is taken a certified copy of the order appealed from, together with findings of fact on which the same is based. The person serving such notice of appeal shall within five days after the service thereof file the same, with proof of service, with the clerk of the court to which such appeal is taken; and thereupon the district court shall have jurisdiction over the appeal and the same shall be entered upon the records of the district court and tried therein de novo according to the rules relating to the trial of civil actions so far as the same are applicable. Any person aggrieved or affected by any determination, order, or decision of the district court may appeal therefrom to the supreme court in the same manner as provided by law for the appeal of civil actions.

[1939 c. 363 s. 9; Ex1967 c. 1 s. 6] (4260-39)

178.10 LIMITATION. The provisions of this chapter shall have no application to those infants who are apprenticed by the youth conservation commission pursuant to sections 242.43 and 242.44.

[1939 c. 363 s. 11; 1965 c. 51 s. 36] (4260-41)