

1.1 moves to amend H.F. No. 2087 as follows:

1.2 Page 1, after line 9, insert:

1.3 "Section 1. Minnesota Statutes 2010, section 178.01, is amended to read:

1.4 **178.01 PURPOSES.**

1.5 The purposes of this chapter are: to open to ~~young~~ all people regardless of race,

1.6 sex, creed, color or national origin, the opportunity to obtain training and on-the-job

1.7 learning that will equip them for profitable employment and citizenship; to establish as

1.8 a means to this end, a program of voluntary apprenticeship under approved ~~apprentice~~

1.9 apprenticeship agreements providing facilities for their training and guidance in the arts,

1.10 skills, and crafts of industry and trade or occupation, with concurrent, supplementary

1.11 instruction in related subjects; to promote apprenticeship opportunities under conditions

1.12 providing adequate training and on-the-job learning and reasonable earnings; to relate the

1.13 supply of skilled workers to employment demands; to establish standards for apprentice

1.14 training; to establish an Apprenticeship Board and apprenticeship committees to assist in

1.15 effectuating the purposes of this chapter; to provide for a Division of Labor Standards

1.16 and Apprenticeship within the Department of Labor and Industry; to provide for reports

1.17 to the legislature regarding the status of apprentice training in the state; to establish a

1.18 procedure for the determination of ~~apprentice~~ apprenticeship agreement controversies;

1.19 and to accomplish related ends.

1.20 Sec. 2. Minnesota Statutes 2010, section 178.03, subdivision 3, is amended to read:

1.21 Subd. 3. **Duties and functions.** The director, under the supervision of the

1.22 commissioner, and with the advice and consultation of the Apprenticeship Board, is

1.23 authorized: to administer the provisions of this chapter; to promote apprenticeship and

1.24 other forms of on-the-job learning; to establish, in cooperation and consultation with the

1.25 Apprenticeship Board and with the apprenticeship committees, conditions, training, and

2.1 learning standards for the approval of apprenticeship programs and agreements, which
 2.2 conditions and standards shall in no case be lower than those (1) prescribed by this chapter,
 2.3 and (2) established under Code of Federal Regulations, title 29, part 29; to promote equal
 2.4 employment opportunity in apprenticeship and other on-the-job learning and to establish
 2.5 a Minnesota plan for equal employment opportunity in apprenticeship which shall be
 2.6 consistent with standards established under Code of Federal Regulations, title 29, part 30,
 2.7 as amended; to issue certificates of registration to sponsors of approved apprenticeship
 2.8 programs; to act as secretary of the Apprenticeship Board; to approve, if of the opinion
 2.9 that approval is for the best interest of the apprentice, any apprenticeship agreement which
 2.10 meets the standards established hereunder; to terminate any apprenticeship agreement in
 2.11 accordance with the provisions of such agreement; to keep a record of apprenticeship
 2.12 agreements and their disposition; to issue certificates of completion of apprenticeship;
 2.13 and to perform such other duties as the commissioner deems necessary to carry out the
 2.14 intent of this chapter; provided, that the administration and supervision of supplementary
 2.15 instruction in related subjects for apprentices; coordination of instruction on a concurrent
 2.16 basis with job experiences, and the selection and training of teachers and coordinators
 2.17 for such instruction shall be the function of state and local boards responsible for
 2.18 vocational education. The director shall have the authority to make wage determinations
 2.19 applicable to the graduated schedule of wages and ~~journeyman~~ journeyworker wage rate
 2.20 for apprenticeship agreements, giving consideration to the existing wage rates prevailing
 2.21 throughout the state, except that no wage determination by the director shall alter an
 2.22 existing wage provision for apprentices or journeymen that is contained in a bargaining
 2.23 agreement in effect between an employer and an organization of employees, nor shall the
 2.24 director make any determination for the beginning rate for an apprentice that is below the
 2.25 wage minimum established by federal or state law.

2.26 Sec. 3. Minnesota Statutes 2010, section 178.03, subdivision 4, is amended to read:

2.27 Subd. 4. **Reciprocity approval.** The director, if requested by a sponsoring entity,
 2.28 shall grant reciprocity approval to apprenticeship programs of employers and unions
 2.29 who jointly form a sponsoring entity on a multistate basis in other than the building
 2.30 construction industry if such programs are in conformity with this chapter and have been
 2.31 registered in compliance with Code of Federal Regulations, title 29, part 29, by a state
 2.32 apprenticeship council recognized by or registered with the ~~Bureau of Apprenticeship~~
 2.33 ~~and Training~~, United States Department of Labor, Office of Apprenticeship, when such
 2.34 approval is necessary for federal purposes under Code of Federal Regulations, title 29,
 2.35 section 29.13(a) or 29.13(b)(7).

3.1 Sec. 4. Minnesota Statutes 2010, section 178.05, subdivision 1, is amended to read:

3.2 Subdivision 1. **Establishment of committees.** Apprenticeship committees may
3.3 be established by the director to supervise the operation of apprenticeship programs.
3.4 Establishment of a committee may be considered justified if either of the following
3.5 conditions are met:

3.6 (a) When the employers and employees in a trade or occupation or trades or
3.7 occupations are parties to a collective bargaining agreement requiring joint participation
3.8 in program operation; or

3.9 (b) When five or more apprentices are enrolled under a program.

3.10 Sec. 5. Minnesota Statutes 2010, section 178.05, subdivision 2, is amended to read:

3.11 Subd. 2. **Members.** (a) The total number of members on a committee may range
3.12 from four to twelve.

3.13 (b) In joint participation there shall be equal representation of employers and
3.14 employees.

3.15 (c) Members shall be selected by the group or groups they represent subject to
3.16 approval by the director.

3.17 ~~(d) A committee may have as one of its employee representatives, an active~~
3.18 ~~apprentice of record, provided that the apprentice has completed a minimum of 6,000~~
3.19 ~~hours of an apprenticeship term or has entered the fourth year of the term.~~

3.20 Sec. 6. Minnesota Statutes 2010, section 178.06, is amended to read:

3.21 **178.06 APPRENTICE.**

3.22 The term "apprentice," as used herein, means a person at least 16 years of age who
3.23 has entered into a written agreement, hereinafter called an ~~apprentice~~ apprenticeship
3.24 agreement, with a committee, an employer, an association of employers, or an organization
3.25 of employees, which ~~apprentice agreement~~ provides for learning consistent with this
3.26 chapter and Code of Federal Regulations, title 29, section 29.5(b)(1) and (b)(2):

3.27 (1) a time-based approach involving not less than 2,000 hours or one year
3.28 of reasonably continuous employment for such person and for participation in an
3.29 approved program of on-the-job learning through employment and through concurrent,
3.30 supplementary education in related subjects;

3.31 (2) a competency-based approach involving successful demonstration of acquired
3.32 skills and knowledge by an apprentice plus on-the-job learning; or

3.33 (3) a hybrid approach involving the completion of a specified minimum number of
3.34 hours plus the successful demonstration of competency.

4.1 Whenever a minimum age exceeding 16 years is prescribed by federal or state law
4.2 to apply to workers in certain hazardous occupations, the minimum age so prescribed
4.3 shall be applicable to apprentices.

4.4 Sec. 7. Minnesota Statutes 2010, section 178.07, is amended to read:

4.5 **178.07 ~~APPRENTICE~~ APPRENTICESHIP AGREEMENTS.**

4.6 Every ~~apprentice~~ apprenticeship agreement entered into under this chapter shall
4.7 contain:

4.8 (1) the names of the contracting parties;

4.9 (2) the date of birth, and information as to the race and sex of the apprentice;

4.10 (3) a statement of the trade, craft, occupation, or business which the apprentice is to
4.11 be taught, and the time at which the apprenticeship will begin and end;

4.12 (4) a statement showing the number of hours to be spent by the apprentice in work
4.13 and the number of hours to be spent in concurrent, supplementary instruction in related
4.14 subjects, which instruction shall be not less than 144 hours during each year of the
4.15 apprenticeship term. The maximum number of hours of work per week not including time
4.16 spent in related and supplemental instruction for any apprentice shall not exceed either
4.17 the number prescribed by law or the customary regular number of hours per week for the
4.18 employees of the company by which the apprentice is employed. An apprentice may
4.19 be allowed to work overtime provided that the overtime work does not conflict with
4.20 supplementary instruction course attendance. All time in excess of the number of hours of
4.21 work per week as specified in the apprenticeship agreement shall be considered overtime.
4.22 For overtime, the apprentice's rate of pay shall be increased by the same percentage as the
4.23 ~~journeyman's~~ journeyworker's rate of pay for overtime is increased in the same industry or
4.24 establishment;

4.25 (5) a statement setting forth a schedule of the processes in the trade, occupation,
4.26 or industry divisions in which the apprentice is to be taught and the approximate time to
4.27 be spent at each process;

4.28 (6) a statement of the graduated scale of wages to be paid the apprentice and whether
4.29 the required school time shall be compensated;

4.30 (7) a statement providing for a period of probation of not more than 500 hours of
4.31 employment and instruction extending over not more than four months, during which time
4.32 the ~~apprentice~~ apprenticeship agreement shall be terminated by the director upon written
4.33 request of either party, and providing that after such probationary period the ~~apprentice~~
4.34 apprenticeship agreement may be terminated by the director by mutual agreement of all
4.35 parties thereto, or terminated by the director for good and sufficient reason;

5.1 (8) a provision that controversies or differences concerning the terms of the
 5.2 ~~apprentice apprenticeship~~ agreement which cannot be resolved by the parties thereto, or
 5.3 which are not covered by a collective bargaining agreement, may be submitted to the
 5.4 director for determination as provided for in section 178.09;

5.5 (9) a provision that an employer who is unable to fulfill an obligation under the
 5.6 ~~apprentice apprenticeship~~ agreement may, with the approval of the director, transfer such
 5.7 contract to any other employer, provided that the apprentice consents and that such other
 5.8 employer agrees to assume the obligations of the ~~apprentice apprenticeship~~ agreement; and

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

5.11 Sec. 8. Minnesota Statutes 2010, section 178.08, is amended to read:

5.12 **178.08 DIRECTOR TO APPROVE ~~APPRENTICE~~ APPRENTICESHIP**
 5.13 **AGREEMENTS.**

5.14 Every ~~apprentice apprenticeship~~ agreement is subject to approval by the director
 5.15 and shall be signed by the committee, the employer, an association of employers, or
 5.16 an organization of employees, and by the apprentice, and if the apprentice is a minor,
 5.17 by a parent or legal guardian. When a minor enters into an ~~apprentice apprenticeship~~
 5.18 agreement under this chapter for a period of learning extending into majority the
 5.19 ~~apprentice apprenticeship~~ agreement shall likewise be binding for such a period as may be
 5.20 covered during the apprentice's majority.

5.21 Sec. 9. Minnesota Statutes 2010, section 178.09, subdivision 1, is amended to read:

5.22 Subdivision 1. **Complaint.** Upon the complaint of any interested person or upon
 5.23 the director's own initiative the director may investigate to determine if there has been a
 5.24 violation of the terms of an ~~apprentice apprenticeship~~ agreement made under this chapter.
 5.25 The director may conduct such proceedings as are necessary for that investigation and
 5.26 determination. All such proceedings shall be on a fair and impartial basis and shall be
 5.27 conducted according to rules promulgated under section 178.041.

5.28 Sec. 10. Minnesota Statutes 2010, section 178.09, subdivision 2, is amended to read:

5.29 Subd. 2. **Determination; appeal.** The determination of the director shall be filed
 5.30 with the commissioner and written notice shall be served on all parties affected by it.
 5.31 Any person aggrieved by any determination or action of the director may appeal to the
 5.32 commissioner. If no appeal is filed with the commissioner within ten days of the date
 5.33 of service, the director's determination shall become the order of the commissioner. If

6.1 an appeal is filed, the commissioner shall appoint and convene a hearing board to be
6.2 composed of three members of the ~~council~~ apprenticeship board appointed under section
6.3 178.02, one member being a representative of an employer organization, one representative
6.4 being a member of an employee organization, and one member representing the general
6.5 public. The board shall hold a hearing on the appeal after due notice to the interested
6.6 parties and shall submit to the commissioner findings of fact and a recommended decision
6.7 accompanied by a memorandum of the reasons for it. Within 30 days after submission,
6.8 the commissioner may adopt the recommended decision of the board, or disregard the
6.9 recommended decision of the board and prepare a decision based on the findings of fact
6.10 and accompanied by a memorandum of reasons for that decision. Written notice of the
6.11 commissioner's determination and order shall be served on all parties affected by it. Any
6.12 person aggrieved or affected by any determination or order of the commissioner may
6.13 appeal from it to the district court having jurisdiction at any time within 30 days after the
6.14 date of the order by service of a written notice of appeal on the commissioner. Upon
6.15 service of the notice of appeal, the commissioner shall file with the court administrator
6.16 of the district court to which the appeal is taken a certified copy of the order appealed
6.17 from, together with findings of fact on which it is based. The person serving a notice of
6.18 appeal shall, within five days after its service, file it, with proof of service, with the court
6.19 administrator of the court to which the appeal is taken. The district court shall then have
6.20 jurisdiction over the appeal and it shall be entered in the records of the district court and
6.21 tried de novo according to the applicable rules. Any person aggrieved or affected by any
6.22 determination, order, or decision of the district court may appeal as in other civil cases."

6.23 Page 2, line 36, delete "paragraph (e)"

6.24 Page 3, line 3, strike "produce or"

6.25 Page 5, line 1, after "parts" insert "1300.0230, subpart 4;"

6.26 Renumber the sections in sequence and correct the internal references

6.27 Amend the title accordingly