

SENATE BILL 92

P1, K3

6lr0028

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Requested: October 9, 2015

Introduced and read first time: January 13, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 26, 2016

CHAPTER _____

AN ACT concerning

Planned Apprenticeship Standards and On-the-Job Training Activities – Revisions

FOR the purpose of transferring the Apprenticeship and Training Council and the Youth Apprenticeship Advisory Committee to the Division of Workforce Development and Adult Learning; requiring the membership of the Council ~~to include race and gender diversity~~ and consultants to the Council to reflect the geographic, racial, ethnic, cultural, and gender diversity of the State, rather than representation by black and female persons; altering the duties of the Council; repealing the prohibition on persons offering, establishing, maintaining, or operating certain on-the-job training programs unless the programs were approved by certain persons; altering the duties of the Director of Apprenticeship and Training; adding members to the Youth Apprenticeship Advisory Committee; stating the intent of the General Assembly that certain regulations and guidelines promulgated by the Department of Labor, Licensing, and Regulation give adequate attention to certain training for certain individuals under a certain circumstance; making conforming changes; and generally relating to planned apprenticeship standards and on-the-job training activities.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 11–403, 11–405, 11–406, and 11–409 to be under the amended subtitle “Subtitle 4. Planned Apprenticeship Standards and Activities”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Labor and Employment

Subtitle 4. Planned Apprenticeship Standards and [On-the-Job Training] Activities.

11-403.

(a) (1) There is an Apprenticeship and Training Council as part of the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING**. The Council consists of 12 members all of whom shall be appointed by the Governor of Maryland, with the advice of the Secretary and with the advice and consent of the Senate of Maryland.

(2) Four of the members shall be representatives of employee organizations; one shall be an employee; five shall be representatives of employers; and two shall be appointed from the general public.

(3) The membership of the Council shall ~~include RACE AND GENDER DIVERSITY~~, TO THE EXTENT PRACTICABLE, REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE AND SHALL INCLUDE representation by [black and female persons and] individuals with disabilities. Consultants to the Council shall ~~include RACE AND GENDER DIVERSITY~~, TO THE EXTENT PRACTICABLE, REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE AND SHALL INCLUDE representation by [black and female persons and] individuals with disabilities.

(4) In advising the Governor, the Secretary shall give consideration to a balanced geographic representation from all of Maryland and a representative sampling and mix of Maryland industry.

(5) One member shall be appointed as Chairman by the Governor, with the advice of the Secretary, and serve as Chairman at the pleasure of the Governor. The Assistant State Superintendent, Career and Technology Education, and the Maryland State Director of the Office of Apprenticeship, U.S. Department of Labor, shall serve as consultants to the Council without vote.

(6) The Governor, with the advice of the Secretary may appoint up to three additional consultants to the Council from the public at large.

(b) All appointments as members of the Council shall be for terms of 4 years.

(c) (1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) of this subsection, a member shall be considered to have resigned if the member did not attend at least two-thirds of the Council meetings held during any consecutive 12-month period while the member was serving on the Council.

(2) The Governor may waive a member's resignation and allow the member to continue serving if the member has been unable to attend meetings for reasons satisfactory to the Governor and the reasons are made public.

(3) In accordance with § 8-501 of the State Government Article, the Chairman shall provide notice to the Governor and the Governor shall appoint a successor.

11-405.

(a) Subject to subsection (d) of this section, the duties of the Council, consistent with the approval of the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING**, shall be to:

(1) determine the apprenticeability of [trades] **OCCUPATIONS** in the State of Maryland;

(2) encourage the establishment of local apprenticeship committees where such committees are needed and approve their programs;

(3) formulate and adopt standards of apprenticeship which safeguard the welfare of apprentices, being guided, but not controlled, by the standards of apprenticeship recommended by the federal committee on apprenticeship [and provide guidance and counsel on the establishment of other forms of on-the-job training];

(4) formulate policies for the overall apprenticeship program;

(5) register standards of apprenticeship of such groups or employers as elect to conform with the provisions of this subtitle;

(6) register apprenticeship agreements which conform to the standards of apprenticeship adopted by the Council;

(7) issue certificates of completion of apprenticeship to apprentices who are registered with the Council when such apprentices have completed successfully their apprenticeship;

(8) seek all information pertaining to apprenticeship training in the State;

(9) prescribe its rules of procedure and duties of the Chairman, Director, and Secretary subject to the provisions of this law; and

(10) perform such other functions as the Governor or the Secretary may direct or as may come within the scope of the Council.

(b) (1) No person, firm, or corporation may offer, establish, maintain, or operate an apprenticeship [or on-the-job training] program for any occupation approved by the Council and recognized by the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING** as an apprenticeable occupation for which tuition, charges, or fees are charged to or are payable by an enrollee or student, or which is financed in whole or in part by State funds, unless the program is first approved by the Council or the Secretary under subsection (d) of this section.

(2) The Council and the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING** jointly shall issue a certificate of approval to an applicant operating or proposing to operate the program if they are satisfied, or the Secretary under subsection (d) of this section is satisfied, that the conditions of entrance, the qualifications of the administrators and instructors, the content of the program, the facilities, and the financial aspects of the program are adequate and appropriate for the purpose of the program.

(3) The Council, after notice and hearing, may suspend or revoke its approval of a program or course if it, or the Secretary under subsection (d) of this section, finds that the program or course has ceased to meet the conditions of approval.

(4) Any person, firm, or corporation whose application for approval is rejected or whose certificate of approval is suspended or revoked has a right of judicial review as provided in the Administrative Procedure Act.

(5) Except as otherwise provided in this section, the Council, in consultation with the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING**, after notice and hearing, may adopt rules and regulations for the implementation of this section, including rules and regulations requiring the furnishing of periodic relevant information about approved and proposed programs and the operator or proposed operator of the approved or proposed programs.

(6) Any person, firm, or corporation that knowingly offers, establishes, maintains, or operates a program in violation of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 or be imprisoned for not more than one year, or both.

(7) The Council, consistent with the approval of the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING**, in addition, shall apply to any court of competent jurisdiction for an injunction restraining violations of this section.

(c) The Council, consistent with the approval of the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING**, may negotiate and

adopt agreements permitting reciprocity with apprenticeship and training councils of another state, or the United States Department of Labor, Office of Apprenticeship.

(d) (1) If a disagreement arises between the Council and the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING**, as a result of a vote taken by the Council with respect to any of the duties and responsibilities in subsections (a) through (c) of this section, the Council may designate three Council members who voted in the majority to present the position of the Council to the Secretary for consideration of the issue on which the Council and the Division disagree.

(2) A representative of the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING** also shall have an opportunity to present the position of the Division to the Secretary.

(3) (i) After consideration of the positions of the Council and the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING**, the Secretary shall issue a final decision on the issue.

(ii) The final decision issued under subparagraph (i) of this paragraph shall be the final agency decision.

(4) If a party other than the Council or the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING** is aggrieved by the decision of the Secretary, the party shall be entitled to judicial review as provided in the Administrative Procedure Act.

11-406.

(a) The Secretary shall appoint a Director of Apprenticeship and Training.

(b) The Director of Apprenticeship and Training shall:

(1) have the responsibility of promoting apprenticeship [and other forms of on-the-job training]; and

(2) obtain the assistance of the Office of Apprenticeship, U.S. Department of Labor, and other federal and State agencies in promoting apprenticeships [and on-the-job training].

(c) The Director's duties shall include:

(1) encouragement and promotion of the standards established in accordance with this subtitle and with the basic standards of the Office of Apprenticeship, U.S. Department of Labor;

(2) bringing about the settlement of differences arising out of apprenticeship programs and agreements when the differences cannot be adjusted locally or in accordance with established trade procedure;

(3) supervision of the execution of agreements and the maintenance of standards;

(4) registration of apprenticeship programs and agreements;

(5) keeping a record of apprenticeship agreements and programs, and upon performance thereunder issuing certificates of completion of apprenticeship;

(6) encouragement of liaison and cooperation between all private, State, and federal agencies concerned with apprenticeship, trade, and industrial training;

(7) promotion of public awareness of apprenticeship and other occupational training; and

(8) keeping a record of the progress of apprenticeship and training programs initiated in accordance with the provisions of this subtitle and informing the Council and the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING** periodically as to the results.

11-409.

(a) In this section, "Committee" means the Youth Apprenticeship Advisory Committee.

(b) There is a Youth Apprenticeship Advisory Committee in the Division of [Labor and Industry] **WORKFORCE DEVELOPMENT AND ADULT LEARNING**.

(c) The Committee consists of the following members:

(1) the Secretary, or the Secretary's designee;

(2) the State Superintendent of Schools, or the State Superintendent's designee;

(3) the Secretary of Commerce, or the Secretary's designee;

(4) the Secretary of Juvenile Services, or the Secretary's designee;

(5) the [Commissioner, or the Commissioner's designee] **ASSISTANT SECRETARY OF THE DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING, OR THE ASSISTANT SECRETARY'S DESIGNEE**; and

- (6) the following members, appointed by the Governor:
- (i) two representatives of the Council;
 - (ii) one representative of an employee organization;
 - (iii) one employer whose business has a nonjoint apprenticeship program;
 - (iv) one representative from a community college;
 - (v) one individual who holds a doctoral degree and specializes in labor economics with expertise in national and international apprenticeship systems;
 - (vi) one representative of a nonprofit organization who is involved with employee training and workforce development; ~~and~~
 - (vii) one representative of the Maryland Chamber of Commerce; **AND**

(VIII) TWO REPRESENTATIVES FROM REGIONAL BUSINESS COUNCILS THAT SERVE DIFFERENT REGIONS OF THE STATE.

- (d) The Committee shall:
- (1) evaluate the effectiveness of existing high school youth apprenticeship programs in the State, other states, and other countries based on a systematic review of relevant data;
 - (2) review and identify:
 - (i) ways to implement high school youth apprenticeship programs in the State; and
 - (ii) means through which employers and organizations can obtain grants, tax credits, and other subsidies to support establishment and operation of high school youth apprenticeship programs; and
 - (3) set targets for the number of apprenticeship opportunities for youth that the State should reach over the next 3 years.
- (e) On or before December 1 of each year, the Committee shall submit a report, in accordance with § 2-1246 of the State Government Article, to the General Assembly regarding any recommended legislation to promote high school youth apprenticeship programs in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that regulations and guidelines promulgated by the Department of Labor,

Licensing, and Regulation give adequate attention to training individuals in the State agencies involved with the transition from the federal Workforce Investment Act to the federal Workforce Innovation and Opportunity Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.