

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
11/19/2015		
Emergency Status Approved		Document Number
_ -Yes _ -No		Date of Publication in MD Register
Emergency Status Begins On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

09 01 12 01-.08

2. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

3. Name of Regulations Coordinator

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4. Name of Person to Call About this Document
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5. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Incorporation by Reference of Documents Requiring DSD Approval

6. Date Requested for Emergency Status to Begin: 12/28/2015

Date Requested for Emergency Status to Expire: 05/31/2016

7. Agency Will Take the Following Action on These Regulations

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126
- Allow them to expire

8. Is there proposed text which is identical to emergency text:

- Yes - No

If yes, corresponding proposed text published in:

- same issue
- future issue
- previous issue; it appeared in
: Md. R
(vol.) (issue) (page no's) (date)

Under Maryland register docket no.: --E.

9. Check the following item if it is included in the attached document:

- Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

10. Reason for Request for Emergency Status

These regulations will implement Ch. 646, Acts of 2014, which became effective on October 1, 2014.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Jessica V. Carter, Assistant Attorney General, (telephone #410-230-6112) on November 18, 2015. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Kelly M. Schulz

Title

Secretary of Labor, Licensing, and
Regulation

Date

November 18, 2015

Telephone No.

410-230-6070

**Title 09
DEPARTMENT OF LABOR, LICENSING, AND
REGULATION**

Subtitle 01 OFFICE OF THE SECRETARY

09.01.12 Apprenticeship Maryland

Authority: Business Regulation Article, §2-105, and Labor and Employment Article,
§11-603(k), Annotated Code of Maryland

Notice of Emergency Action

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The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations .01 — .08 under a new chapter, COMAR 09.01.12 Apprenticeship Maryland.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These regulations simply implement a pilot apprenticeship program under Apprenticeship Maryland.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations simply implement a pilot apprenticeship program under Apprenticeship Maryland.

G. Response to small business worksheet:

None

Attached Document:

“ALL NEW”

Title 09 Department of Labor, Licensing, and Regulation

Subtitle 01 Office of the Secretary

09.01.12 Apprenticeship Maryland

Authority: Business Regulation Article, §2-105, and Labor and Employment Article,

§11-603(k), Annotated Code of Maryland

.01 Scope.

A. This chapter establishes requirements for the youth apprenticeship pilot program known as Apprenticeship Maryland.

B. Except as provided in §C, the requirements of COMAR 09.12.42 and COMAR 09.12.43 do not apply to youth apprenticeship under Apprenticeship Maryland.

C. If an employer interested in participating in Apprenticeship Maryland already operates an apprenticeship program approved by the Maryland Apprenticeship and Training Council, the employer may choose to proceed with obtaining approval for a youth apprenticeship program under these regulations or under the provisions of COMAR 09.12.42 and COMAR 09.12.43.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Apprenticeship Maryland” means the pilot apprenticeship program to provide students with some of the necessary on-site employment training and related classroom instruction needed to obtain a license or certification for a skilled occupation.

(2) “Council” means the Maryland Apprenticeship and Training Council.

(3) “DLLR” means the Department of Labor, Licensing, and Regulation.

(4) “Eligible employer” means an employer that (a) has an apprentice position available for a high school student in an eligible career track, and (b) is approved by the Maryland Apprenticeship and Training Council under §11-405(b) of the Labor and Employment Article, Annotated Code of Maryland.

(5) “MSDE” means the Maryland State Department of Education.

(6) “Secretary” means the Secretary of the Department of Labor, Licensing, and Regulation.

(7) “Youth apprentice” means an eligible student who is (a) interested in obtaining a license or certification in a skilled occupation, (b) a junior or senior in high school in the State, and (c) selected to participate in Apprenticeship Maryland by the county superintendent from a participating school system.

(8) “Eligible career track” means an occupation in the manufacturing industry, or the science, technology, engineering, and math industries.

.03 Eligible Employer Application.

A. An employer must apply in writing on the application form provided by DLLR to the Maryland Apprenticeship and Training Council and the Secretary in order to be approved as an eligible employer in Apprenticeship Maryland.

B. The employer must provide other information and materials as requested by DLLR and MSDE for consideration as an eligible employer.

.04 Consideration and Approval of an Eligible Employer.

A. Upon receipt of an employer’s application for approval as an eligible employer, the Council in consultation with the Commissioner of Labor and Industry will consider the application and any supporting materials provided by the employer.

B. The Council will consider the application based on criteria developed by DLLR and MSDE for Apprenticeship Maryland.

C. In the event of a disagreement between the Council and the Commissioner regarding approval of an application by an employer, the Secretary will resolve the dispute in

accordance with Labor and Employment Article, §11-405(d), Annotated Code of Maryland.

.05 Eligible Employer Requirements.

A. An employer who is approved as an eligible employer shall file a copy of the completed youth apprenticeship agreement with the Council prior to the youth apprentice commencing the apprenticeship.

B. An eligible employer shall report data as required by DLLR and MSDE.

C. An eligible employer shall follow all policies, procedures, and requirements established by DLLR and MSDE.

.06 Youth Apprenticeship Agreement.

An eligible employer shall use the youth apprenticeship agreement provided by DLLR.

.07 Dismissal of a Youth Apprentice.

A. Subject to §B, an eligible employer may request to dismiss a youth apprentice who does not comply with the employer's work rules or the requirements of Apprenticeship Maryland.

B. An eligible employer shall follow the requirements for dismissal established by DLLR and MSDE.

.08 Complaints Regarding Eligible Employers.

A. A youth apprentice may file a complaint regarding an eligible employer with the Secretary.

B. The Secretary will conduct an investigation and take the appropriate action.

“END ALL NEW”