

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulations
Department of Labor, Licensing, and Regulation
(DLS Control No. 15-365)**

Overview and Legal and Fiscal Impact

This regulation amends existing regulations that establish equal opportunity policies and procedures for registered apprenticeship programs in the State. The regulation specifies that, except as provided in COMAR 09.01.12, the existing regulations do not apply to youth apprenticeships under Apprenticeship Maryland.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Labor, Licensing, and Regulation:

Division of Labor and Industry: Equal Employment Opportunity: COMAR 09.12.42.01

Legal Analysis

Background

Since 1983, the Apprenticeship and Training Council in the Department of Labor, Licensing, and Regulation (department) oversees apprenticeship programs and training in the State. The Council establishes equal opportunity policies and procedures for registered apprenticeship programs in COMAR 09.12.42. Meanwhile, in response to concerns regarding the business climate in the State, in March 2014 the General Assembly established and appointed the Maryland Economic Development and Business Climate Commission. As a result of the commission's work, a package of legislation was introduced to implement several of the commission's recommendations, one of which was to establish a pilot apprenticeship program, "Apprenticeship Maryland." Legislation implementing the pilot program, the purpose of which is to prepare high school students to enter the workforce, took effect July 1, 2015 and will remain effective for a period of three years (Ch. 140 of 2015). This regulation is one of three proposed regulations that relate to the program. Proposed Regulations 09.01.12 (DLS Control No. 15-363), which are referenced in this regulation, establish requirements for the program.

Summary of Regulation

This regulation amends COMAR 09.12.42.01 Equal Employment Opportunity and renumbers existing Regulation .01 as .01B. New section .01A provides that the requirements of COMAR 09.12.42 do not apply to youth apprenticeships under Apprenticeship Maryland, unless an employer already operates an apprenticeship program approved by the Maryland Apprenticeship and Training Council and elects to proceed under the provisions of COMAR 09.12.42.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites § 11-405 of the Labor and Employment Article as statutory authority for this regulation. Section 11-405 specifies the duties of the Apprenticeship and Training Council and empowers the Council to adopt rules and regulations to implement the section.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Emergency Status

The department requests emergency status beginning December 28, 2015 and expiring May 31, 2016. This emergency period is within the normal time frames approved by the Joint Committee on Administrative, Executive, and Legislative Review. The department indicates the emergency status is necessary to implement the Apprenticeship Maryland pilot program, which has a reporting mandate on or before December 1, 2016. The department incorrectly cited Chapter 646 of 2014 as authority for the program. Section 11-603 of the Labor and Employment Article (Ch. 140 of 2015), which took effect July 1, 2015, is the correct statutory reference and the department has agreed to amend this regulation to correct this error.

Technical Corrections and Special Notes

The department incorrectly renumbered this regulation. The existing Regulation .01 should be renumbered as .01B and the new .01B should be numbered .01A. The department has agreed to amend this regulation to correct this technical error. This analysis reflects that correction.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation specifies that existing Equal Employment Opportunity regulations do not apply to youth apprenticeships under Apprenticeship Maryland unless an employer already operates an apprenticeship program approved by the Maryland Apprenticeship and Training Council and chooses to proceed under those regulations. The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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