

MARYLAND REGISTER

Proposed Action on Regulations	
<b>Date Filed with AELR Committee</b> December 09, 2022	<b>Date Filed with Division of State Documents</b>  <b>Document Number</b> 22-308-P  <b>Date of Publication in MD Register</b>

**1. Desired date of publication in Maryland Register: December 16, 2022**

**2. COMAR Codification**

Title	Subtitle	Chapter	Regulation
09	01	12	*

**3. Promulgating Authority**

Maryland Department of Labor

**4. Name of Regulations Coordinator**

Kimberly Smith Ward

**Telephone Number**

410-230-6123

**Mailing Address**

1100 N. Eutaw Street, Suite 605  
Baltimore, MD 21201

**Email**

KimberlyS.Ward@maryland.gov

**5. Name of Person to Call About this Document**

Dylan McDonough

**Telephone Number**

410-767-1890

**Mailing Address**

1100 N Eutaw Street, Suite 108  
Baltimore MD 21201

**Email**

dylan.mcdonough@maryland.gov

**6. Check applicable items:**

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | New Regulations  |
| <input type="checkbox"/>            | Amendments to Existing Regulations                             |
| <input checked="" type="checkbox"/> | Repeal of Existing Regulations                                 |
| <input type="checkbox"/>            | Recodification   |
| <input type="checkbox"/>            | Incorporation by Reference of Documents Requiring DSD Approval |

**7. Is there Emergency text that is identical to this Proposal:**

Yes  No

**8. Incorporation by Reference**

- Incorporation by Reference (IBR) approval form(s) attached and 16 copies of documents proposed for incorporation submitted to DSD. (Submit 16 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council

### **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 Leza Griffith, Assistant Attorney General, telephone #410-230-6268, on December 08, 2022. A written copy of the approval is on file at this agency.

#### **Name of Authorized Officer**

Tiffany P. Robinson

#### **Title**

Secretary

#### **Telephone No.**

410-767-2924

#### **Date**

December 08, 2022

## **Title 09**

# **MARYLAND DEPARTMENT OF LABOR**

## **Subtitle 01 OFFICE OF THE SECRETARY**

### **09.01.12 Apprenticeship Maryland**

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

#### **Notice of Proposed Action**

[22-308-P]

The DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING proposes to:  
repeal regulations 09.01.12.01-08.

#### **Statement of Purpose**

The Department proposes to repeal the Apprenticeship Maryland regulations 09.01.12.01 - .08 because the statute granting authority for the pilot youth apprenticeship program, Md. Ann. Code Lab. & Emp. Art. § 11-603 abrogated on June 30, 2018. The Department has partnered with the Maryland State Department of Education to issue a policy regarding the continuation of Apprenticeship Maryland. The Departments engaged in a formal policy development process with subject matter experts from each agency and other stakeholders to draft a policy which was then released for a public comment period, and ultimately resulted in a joint policy regarding Apprenticeship Maryland, the youth apprenticeship program.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

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

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to Dylan McDonough, Policy Analyst, Maryland Department of Labor, Division of Workforce Development and Adult Learning, 1100 N Eutaw Street, Suite 108 Baltimore MD 21201, or call 410-767-1890, or email to dylan.mcdonough@maryland.gov. Comments will be accepted through January 16, 2022. A public hearing has not been scheduled.

TIFFANY P. ROBINSON  
Secretary

### Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: **FY FY 23**

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

**No**

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

**undefined**

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:

**The program will continue pursuant to the policy drafted by MSDE and Labor.**

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

**The program will continue pursuant to the policy drafted by MSDE and Labor.**

G. Small Business Worksheet:

**NA**

# **Title 09 MARYLAND DEPARTMENT OF LABOR**

## **Subtitle 01 OFFICE OF THE SECRETARY**

### **[Chapter 12 Apprenticeship Maryland**

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

#### **.01 Scope.**

- A. This chapter establishes requirements for the youth apprenticeship pilot program known as Apprenticeship Maryland.
- B. Except as provided in §C of this regulation, 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) "Eligible career track" means an occupation in the manufacturing industry, or the science, technology, engineering, and math industries.
  - (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 Labor and Employment Article, §11-405(b), Annotated Code of Maryland.
  - (5) "MDL" means the Maryland Department of Labor.
  - (6) "MSDE" means the Maryland State Department of Education.
  - (7) "Secretary" means the Secretary of Labor.
  - (8) "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.

#### **.03 Eligible Employer Application.**

- A. An employer shall apply in writing on the application form provided by MDL 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 shall provide other information and materials as requested by MDL 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 the Division of Labor and Industry, shall consider the application and any supporting materials provided by the employer.
- B. The Council shall consider the application based on criteria developed by MDL and MSDE for Apprenticeship Maryland.
- C. In the event of a disagreement between the Council and the Division of Labor and Industry regarding approval of an application by an employer, the Secretary shall 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 MDL and MSDE.
- C. An eligible employer shall follow all policies, procedures, and requirements established by MDL and MSDE.

#### **.06 Youth Apprenticeship Agreement.**

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

#### **.07 Dismissal of a Youth Apprentice.**

- A. Subject to §B of this regulation, 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 MDL 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 shall conduct an investigation and take the appropriate action.]