

# House Bill 2034

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Commissioner of the Bureau of Labor and Industries Brad Avakian)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires apprenticeship agreement to be registered within 45 days of start of apprenticeship. Modifies probationary period for registered apprentices. Establishes requirements for transfer of registered apprentice between or within apprenticeship programs.

Delineates responsibilities of program sponsors and local joint committees.

Clarifies authority of Apprenticeship and Training Division of Bureau of Labor and Industries. Authorizes division to direct enforcement of apprenticeship and training law by State Apprenticeship and Training Council. Requires division to adopt rules and to evaluate registered apprenticeship programs. Sets criteria for evaluation.

Requires reciprocal approval of certain registered apprentices, apprenticeship programs and standards. Establishes requirements for reciprocal approval of programs. Sets minimum number of apprentices that must be enrolled in local apprenticeship or training program.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to worker training; creating new provisions; amending ORS 660.006, 660.010, 660.020,  
3 660.060, 660.120, 660.126, 660.137, 660.142, 660.158, 660.162 and 660.205; and declaring an emer-  
4 gency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 660.006 is amended to read:

7 660.006. (1) ORS 660.002 to 660.210 shall apply to persons, political subdivisions, employer asso-  
8 ciations, and organizations of employees that agree to conform to its provisions.

9 (2) Nothing in ORS 660.002 to 660.210 is intended to supersede the civil service or merit systems  
10 applicable to state agencies and political subdivisions. Employees of state agencies and political  
11 subdivisions may be recognized and registered as apprentices, and may serve on apprenticeship  
12 committees when approved by the State Apprenticeship and Training Council in conformity with  
13 ORS 660.002 to 660.210. [*Where*] **If** an individual apprentice who is employed by a state agency or  
14 political subdivision wishes to participate in an apprenticeship and training program, the council  
15 may approve program standards [*which*] **that** set forth a progressive wage within the salary struc-  
16 ture range for [*journeymen*] **journeyworker**, employed by [*such*] **the** state agency or political sub-  
17 division.

18 **SECTION 2.** ORS 660.010 is amended to read:

19 660.010. As used in ORS 660.002 to 660.210, unless the context requires otherwise:

20 (1) "Apprentice" means a worker who is at least 16 years of age, except when a higher minimum  
21 age is otherwise required by law, and who is employed to learn an apprenticeable occupation under  
22 standards of apprenticeship approved by the State Apprenticeship and Training Council and under  
23 an apprenticeship agreement recognized by the council.

24 (2) "Apprenticeable occupation" means a skilled trade that:

25 (a) Is customarily learned in a practical way through a structured, systematic program of on-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 the-job supervised training;

2 (b) Is clearly identified and commonly recognized throughout an industry;

3 (c) Involves manual, mechanical or technical skills and knowledge that require a minimum of  
4 2,000 hours of on-the-job supervised training; and

5 (d) Requires related instruction to supplement the on-the-job training.

6 (3) "Apprenticeship agreement" means a written agreement between an apprentice and either  
7 the *[training agent]* **apprentice's program sponsor** or the local joint committee **acting as the**  
8 **agent for the program sponsor** that contains the minimum terms and conditions of the employment  
9 and training of the apprentice.

10 (4) "Course of study" means a course of study for the instruction of apprentices or trainees es-  
11 tablished in accordance with ORS 660.157.

12 (5) "District school board" includes the boards of community college service districts, education  
13 service districts, common school districts and community college districts.

14 (6) "Employer" means any person employing the services of an apprentice, regardless of whether  
15 the person is a party to an apprenticeship agreement with the apprentice.

16 (7) **"Journeyworker" means a worker who has attained a level of skill, abilities and**  
17 **competencies recognized within an industry as having mastered the skills and competencies**  
18 **required for the occupation.**

19 [(7)] (8) "Local joint committee" includes local joint apprenticeship committees, local joint  
20 training committees and trade committees.

21 [(8)] (9) "Program" means the total system of apprenticeship as operated by a particular local  
22 joint committee, including the committee's registered standards and all other terms and conditions  
23 for the qualification, recruitment, selection, employment and training of apprentices in that  
24 apprenticeable occupation.

25 [(9)] (10) "Trainee" means a worker who is at least 16 years of age, except when a higher min-  
26 imum age is otherwise required by law, and who is to receive, in part consideration for services,  
27 complete instruction in an occupation that meets all the requirements of an apprenticeable occupa-  
28 tion, except that such occupation requires, in the opinion of the council, less than 2,000 but not less  
29 than 1,000 hours of on-the-job supervised training.

30 [(10)] (11) "Training agent" means an employer that is registered with a local joint committee  
31 and the Apprenticeship and Training Division of the Bureau of Labor and Industries.

32 **SECTION 3.** ORS 660.020 is amended to read:

33 660.020. (1) Every apprentice and either the apprentice's *[training agent]* **program sponsor** or  
34 the local joint committee shall sign a written apprenticeship agreement on a form approved by the  
35 State Apprenticeship and Training Council or on a form to which the council chairperson may grant  
36 interim approval. The agreement shall be signed and registered with the council as soon as practi-  
37 cable, but not later than [90] **45** days after the start of the apprenticeship.

38 (2) When a training agent is unable or unwilling to fulfill its obligations under an apprenticeship  
39 agreement, the local joint committee may approve the transfer of the training agent's obligation  
40 under the program standards to a subsequent approved training agent under the same program, with  
41 the consent of the apprentice. In such cases, it is not necessary to sign and register a new appren-  
42 ticeship agreement, notwithstanding the requirements of subsection (1) of this section.

43 **SECTION 4.** ORS 660.060 is amended to read:

44 660.060. To be registered with the State Apprenticeship and Training Council, every appren-  
45 ticeship or training agreement shall contain:

1 (1) The names and signatures of the apprentice or trainee and of a parent or guardian if the  
2 apprentice or trainee is a minor;

3 (2) The names and addresses of the appropriate local joint committee and of the council;

4 (3) The date of birth of the apprentice or trainee;

5 (4) The beginning date and duration of the apprenticeship or training and the apprenticeable or  
6 trainable occupation in which the apprentice or trainee is to be trained;

7 (5) A statement that the parties to the agreement shall abide by the applicable standards exist-  
8 ing as of the date of the agreement, and as amended during the duration of the agreement, and a  
9 provision incorporating the standards explicitly or by reference as part of the agreement;

10 (6) A statement that there is a probationary period **of up to one year or 25 percent of the**  
11 **length of the program, whichever period is shorter**, during which the apprenticeship agreement  
12 may be terminated by either party to the agreement upon written notice to the Apprenticeship and  
13 Training Division of the Bureau of Labor and Industries;

14 (7) A statement that after the probationary period the apprenticeship agreement may be can-  
15 celed at the request of the apprentice or may be suspended, canceled or terminated by the committee  
16 for good cause, which includes but is not limited to failure to report to work, nonattendance at re-  
17 lated training, failure to submit work progress reports and lack of response to committee citations,  
18 with prior written notice to the apprentice, and with written notice to the apprentice and to the  
19 Apprenticeship and Training Division of the Bureau of Labor and Industries of the final action taken  
20 by the committee;

21 **(8) A statement that the transfer of an apprentice between apprenticeship programs or**  
22 **within an apprenticeship program must be based on an agreement between the transferring**  
23 **apprentice and the affected apprenticeship committees or program sponsors that includes**  
24 **requirements that:**

25 **(a) The transferring apprentice must be provided a transcript of records of related in-**  
26 **struction and on-the-job learning by the transferring apprenticeship committee or program**  
27 **sponsor;**

28 **(b) The transfer must be within the same occupation as the original apprenticeship pro-**  
29 **gram; and**

30 **(c) A new apprenticeship agreement must be executed prior to the transfer between**  
31 **program sponsors or within an apprenticeship program;**

32 [(8)] **(9) [Such] Any** additional provisions as the council may deem necessary or advisable to  
33 effectuate the policies and duties prescribed and imposed by ORS 660.002 to 660.210, provided  
34 [such] **that the** provisions are customarily subject to agreement between [training agents] **program**  
35 **sponsors or local joint committees** and apprentices or trainees; and

36 [(9)] **(10)** A waiver by the apprentice granting permission for the release of related training  
37 school records to the appropriate joint apprenticeship committee for the purpose of evaluation.

38 **SECTION 5.** ORS 660.120 is amended to read:

39 660.120. (1) The State Apprenticeship and Training Council, **under the direction of the Ap-**  
40 **prenticeship and Training Division of the Bureau of Labor and Industries**, shall enforce the  
41 provisions of ORS 660.002 to 660.210 in order to carry out the intent and purposes of those pro-  
42 visions. [With the assistance of] The State Director of Apprenticeship and Training [and the director's  
43 staff], **the division and** the council may conduct investigations, issue subpoenas and subpoenas  
44 duces tecum, obtain evidence, administer oaths and take testimony in all matters relating to the  
45 council's duties and functions as set forth in ORS 660.002 to 660.210 when the information sought

1 is relevant to a lawful investigative purpose and is reasonable in scope. The council **and the divi-**  
 2 **sion** shall adopt rules for gathering information through subpoenas or testimony. The rules must  
 3 include procedures through which a party may object to providing information. After being served  
 4 with a subpoena, if a person refuses, without reasonable cause, to be examined, to answer any  
 5 question or to produce any document or other thing as required by the subpoena, the **director, the**  
 6 **division or the** council may petition the circuit court in the county in which the investigation is  
 7 pending for an order directing the person to show cause why the person has not complied with the  
 8 subpoena and should not be held in contempt. The **director, division or** council shall serve the  
 9 court's order upon the person in the manner provided by ORCP 55 D. If the person fails to show  
 10 cause for the noncompliance, the court shall order the person to comply with the subpoena within  
 11 such time as the court shall direct and may hold the person in contempt.

12 (2) **The division, on behalf of** the council, may bring suit in a court of proper jurisdiction in  
 13 the [council's own] name **of the Bureau of Labor and Industries**, or in the name of an apprentice  
 14 on behalf of the apprentice, through the district attorney or the Attorney General.

15 (3) The council **and the division** may adopt rules that are reasonably necessary to enforce and  
 16 administer ORS 660.002 to 660.210. In adopting the rules, the council **and the division** shall comply  
 17 with ORS chapter 183. In addition, [where] **if** the council **and the division** [finds] **find** that it would  
 18 be impractical for a number or all of the local joint committees in the state to develop criteria  
 19 concerning a particular matter, the council **and the division** may adopt rules on the matter. The  
 20 [council's] rules shall govern on that matter except to the extent that a local joint committee's ap-  
 21 proved standards contain exceptions.

22 (4) The council **and the division** also shall:

23 (a) Establish policy of the program so as to encourage the promotion, expansion and improve-  
 24 ment of programs of apprenticeship and training;

25 (b) Approve and register [such] program standards and modifications [thereto, as] **to program**  
 26 **standards that** are submitted by appropriate local joint committees as provided in ORS 660.126,  
 27 [which] **if the standards and modifications** are in substantial conformity with the statewide stan-  
 28 dards approved under ORS 660.155;

29 (c) Establish committees and approve nominations of members and alternates to local joint  
 30 committees and state joint committees to ensure balanced representation of employer and employee  
 31 groups;

32 (d) Deregister standards and terminate entire programs, and remove any or all members of any  
 33 committee, for inactivity or inadequate activity, or for failure to abide by the provisions of ORS  
 34 660.002 to 660.210 or by the rules and policies of the council **and the division**;

35 (e) Cooperate with interested state and federal agencies, including the Department of  
 36 Education, **the State Workforce Investment Board** and other providers of related training and  
 37 curriculum such as community college districts, community college service districts, education ser-  
 38 vice districts and recognized industry programs; **and**

39 (f) Perform such other functions and duties as are necessary or appropriate to carry out the  
 40 purposes of ORS 660.002 to 660.210[; and].

41 [(g)] (5) **The council shall** hold at least four regular public meetings each year. Executive ses-  
 42 sions shall be held on call of the chairperson, or at the written request of a majority of the members  
 43 of the council.

44 **SECTION 6.** ORS 660.126, as amended by section 1, chapter 15, Oregon Laws 2010, is amended  
 45 to read:

- 1       660.126. (1) Apprenticeship standards shall contain statements of:
- 2       (a) The apprenticeable occupation to be taught and a designation of the geographical area or
- 3 areas in which the standards will apply;
- 4       (b) The qualifications required of apprentice applicants and the minimum eligible starting age,
- 5 which is at least 16 years unless a higher age is required by law;
- 6       (c) The outline of work processes in which the apprentice will receive supervised work experi-
- 7 ence and training on the job, and the allocation of the approximate time to be spent in each major
- 8 process;
- 9       (d) The term required for completion of apprenticeship, which shall be consistent with require-
- 10 ments established by industry practice for the development of requisite skills, but in no event shall
- 11 be less than 2,000 hours of reasonably continuous work experience;
- 12       (e) The approximate number of hours to be spent by the apprentice at work and the approximate
- 13 number of hours to be spent in related and supplemental instruction;
- 14       (f) The minimum numeric ratio of [*journeymen*] **journeyworkers** to apprentices consistent with
- 15 proper supervision, training, safety and continuity of employment, which shall be specifically and
- 16 clearly stated as to application in terms of job site, workforce, department or plant;
- 17       (g) A probationary period [*reasonable in relation to the full apprenticeship term*] **of up to one**
- 18 **year or 25 percent of the length of the program, whichever is shorter**, with full credit given
- 19 for the probationary period toward completion of apprenticeship and with provision that during the
- 20 probationary period, the apprenticeship agreement may be terminated without cause;
- 21       (h) A progressively increasing schedule, showing the percentages of the [*journeyman*]
- 22 **journeyworker** hourly wage to be paid the apprentice at each level of apprenticeship achieved;
- 23       (i) [*Such*] **Any** additional provisions [*as*] **that** the State Apprenticeship and Training Council **and**
- 24 **the Apprenticeship and Training Division of the Bureau of Labor and Industries** may, by rule,
- 25 deem necessary or advisable to effectuate the policies and duties prescribed and imposed by ORS
- 26 660.002 to 660.210; and
- 27       (j) The content of related training with training objectives.
- 28       (2) Notwithstanding subsection (1) of this section, the council **and the division** may approve the
- 29 inclusion of standards of additional provisions, or of provisions that depart from the requirements
- 30 of subsection (1) of this section, when such standards or provisions have been submitted by joint
- 31 employer and employee groups, or may be part of legitimate bargaining agreements between an
- 32 employer and employees. In making [*its*] **the** decision, the council **and the division** shall consider
- 33 the following factors:
- 34       (a) The possibility that the provision might result in curtailment of opportunities for apprentices
- 35 to receive training or continuity of employment;
- 36       (b) The possibility that the provision might result in the diversion of needed qualified applicants
- 37 for apprenticeship, and particularly of qualified applicants of protected classes, into unskilled or
- 38 semiskilled jobs for which an adequate supply of labor already exists;
- 39       (c) The possibility that the provision might result in disputes among the participants in the
- 40 programs that might curtail the cooperation necessary to build an adequate, skilled labor force in
- 41 the State of Oregon;
- 42       (d) The need to safeguard the health, safety, continuity of employment and welfare of the ap-
- 43 prentices and to ensure the public welfare;
- 44       (e) The need to raise the level of skill in each apprenticeable occupation to provide to the public
- 45 quality goods and services at a fair price and an adequate and skilled workforce for the defense of

1 the nation; and

2 (f) The need to provide training in the licensed occupations for the protection of the apprentices  
3 and of the general public.

4 (3) The council **and the division** shall adopt rules to allow a local committee to determine the  
5 circumstances under which an apprentice electrician, who is working under ORS 479.510 to 479.945  
6 and has completed 6,500 hours of apprenticeship training for licenses requiring 8,000 hours of ap-  
7 prenticeship training or who has completed 5,000 hours of apprenticeship training for licenses re-  
8 quiring 6,000 hours of apprenticeship training, may work without direct supervision during the  
9 remainder of the apprenticeship.

10 **SECTION 7.** ORS 660.137 is amended to read:

11 660.137. Every local apprenticeship or training program administered by a local joint committee,  
12 or by a trade committee functioning as a local joint committee, shall:

13 (1) Propose to the State Apprenticeship and Training Council **and the Apprenticeship and**  
14 **Training Division of the Bureau of Labor and Industries** standards for the local program that  
15 are in substantial conformity with ORS 660.126 and with the uniform standards, if any, adopted by  
16 the state joint committee for that occupation, and recommend to the council **and the division**  
17 modifications of the standards.

18 (2) Administer its program in conformity with its approved standards, with the provisions of ORS  
19 660.002 to 660.210, and with the rules and policies of the council **and the division**. Particularly, the  
20 local joint committee shall:

21 (a) Maintain records of all apprentices in its program, with respect to work experience, in-  
22 struction on the job, attendance at related instruction and progress, and such other records as may  
23 be appropriate or required, and shall submit such reports as the council [*or*], **division or other** ap-  
24 propriate governmental agencies may require;

25 (b) Submit to the state joint committee appropriate requests for changes in courses of study for  
26 the instruction of apprentices; and

27 (c) Be responsible for apprentices receiving necessary on-the-job and related instruction, and for  
28 all apprenticeship agreements being promptly registered with the council.

29 (3) Be responsible for the recruitment, qualification, selection, approval and registration of ap-  
30 prentices entering the program, including the evaluation of previous creditable work experience,  
31 education and training for which advanced credit must be given, provided that advanced credit may  
32 be given for such creditable experience, education and training.

33 (4) Review and evaluate, at least semiannually, the progress of each apprentice, as to job per-  
34 formance and related instruction, and consistent with the skill acquired, accordingly advance the  
35 apprentice to the next level of apprenticeship or hold the apprentice at the same level for a rea-  
36 sonable period, and with reasonable opportunity for corrective action, or terminate the apprentice  
37 from the program for serious or continued inadequate progress and notify the [*Apprenticeship and*  
38 *Training Division of the Bureau of Labor and Industries*] **council and the division** of the action  
39 taken. The council, **the division** and the appropriate training agent shall also be notified of each  
40 ratering and of the apprentice's new level on the wage schedule. Recognition for successful com-  
41 pletion of apprenticeship shall be evidenced by an appropriate certificate issued by the council.

42 (5)(a) Determine the qualifications, minimum facilities and training conditions required of an  
43 employer to serve as an approved training agent, and approve training agents accordingly;

44 (b) Make periodic checks of approved training agents to ensure that there are qualified training  
45 personnel and that there is adequate supervision on the job, adequate and safe equipment and fa-

1 cilities for training and supervision, and safety training for apprentices on the job and in related  
 2 instruction; and

3 (c) Withdraw approval of training agents when the qualifications are no longer met or when it  
 4 appears to the committee that the training agent is in violation of the terms of an apprenticeship  
 5 agreement, standards, provisions of ORS 660.002 to 660.210 or the rules and policies of the council  
 6 **and the division.**

7 (6) Determine and redetermine at least annually the average [*journeyman*] **journeyworker**  
 8 hourly rate of wage for the purposes of ORS 660.142 and submit the rate to the State Director of  
 9 Apprenticeship and Training, along with a statement explaining how the determination was made.  
 10 Training agents that fail or refuse to provide their committees with information shall be terminated  
 11 as approved training agents. The council **and the division** may withhold approval of a new program  
 12 or terminate an existing program for failure or refusal by the committee or its training agents to  
 13 keep the established [*journeyman*] **journeyworker** hourly rate of wage current and correct. The  
 14 committee shall retain all records from which a wage determination was made for inspection by the  
 15 council **and division**, as required by law.

16 **SECTION 8.** ORS 660.142 is amended to read:

17 660.142. (1) A training agent may not pay an apprentice at a rate less than that obtained by  
 18 applying the schedule, set forth in the applicable standards, at the apprentice's level of apprentice-  
 19 ship, to the [*journeyman*] **journeyworker** hourly rate of wage currently in effect for [*journeymen*]  
 20 **journeyworkers** in the occupation for which the apprentice is being trained, as determined by the  
 21 appropriate local joint committee.

22 (2) The [*journeyman*] **journeyworker** hourly wage rate shall be the average hourly wage cur-  
 23 rently being paid by the training agents participating in a program to their skilled workers, that is,  
 24 to those employees with demonstrated knowledge, experience and proficiency in that trade or oc-  
 25 cupation who are currently performing the type of work for which the apprentice is to be trained.  
 26 Upon receipt of a committee's determination of its current [*journeyman*] **journeyworker** hourly rate  
 27 of wage, the State Director of Apprenticeship and Training shall cause notice of the determination  
 28 to be promptly mailed to all apprentices and training agents participating in the program. The de-  
 29 termination shall be in effect from the date set forth in the determination or, lacking such date, from  
 30 the first of the month following the mailing of the determination. However, neither the wage deter-  
 31 mination nor the effective date alters the terms or effect of an existing collective bargaining  
 32 agreement.

33 (3) If a higher [*journeyman*] **journeyworker** hourly wage rate is prescribed by federal or state  
 34 law for work on a particular project, the higher rate [*so established*] is controlling for purposes of  
 35 determining apprentice wages applicable to that particular project.

36 (4) Nothing stated in ORS 660.002 to 660.210 shall be construed to supersede the minimum wage  
 37 or overtime provisions of ORS chapters 652 and 653, or the rules adopted under ORS chapter 652  
 38 or 653. Anything to the contrary notwithstanding, the entry wage (that wage derived by applying  
 39 the lowest percentage on the schedule to the current [*journeyman*] **journeyworker** hourly wage  
 40 rate) may not be less than the federal or state minimum wage rate, whichever is higher.

41 (5) The State Apprenticeship and Training Council may make such exceptions to the apprentice  
 42 wage schedule or [*journeyman*] **journeyworker** hourly wage rate, and to the minimum numeric ratio  
 43 of [*journeymen*] **journeyworkers** to apprentices, as it deems necessary or advisable to further the  
 44 operation of apprenticeship and training programs in Department of Corrections institutions.

45 **SECTION 9.** ORS 660.158 is amended to read:

1 660.158. (1) If there is an interstate agreement regarding apprenticeship courses of study be-  
 2 tween the State Apprenticeship and Training Council and an agency with similar functions in an-  
 3 other state:

4 (a) Any course of study prescribed pursuant to ORS 660.157 is subject to the provisions of the  
 5 interstate agreement.

6 (b) Each local joint committee of an occupation that is subject to the interstate agreement shall  
 7 submit requests for changes in courses of study directly to the council.

8 (2) *[Apprenticeship programs which jointly form a sponsoring entity on a multistate basis and are*  
 9 *registered pursuant to all requirements of the United States Department of Labor, Bureau of Appren-*  
 10 *ticeship and Training, or by the apprenticeship agency or council of any other state which has been*  
 11 *recognized by the United States Department of Labor, Bureau of Apprenticeship and Training, shall*  
 12 *be accorded approval reciprocally by the council if such]* **Reciprocal approval for federal purposes**  
 13 **shall be accorded to apprentices, apprenticeship programs and standards that are registered**  
 14 **by the United States Department of Labor Office of Apprenticeship, or by the registration**  
 15 **agency or council of any other state that has been recognized by the United States Depart-**  
 16 **ment of Labor Office of Apprenticeship, if reciprocal approval is requested by the [sponsoring**  
 17 **entity] program sponsor, even [though such] if the programs and their standards [may] depart in**  
 18 **some respects from the criteria of ORS 660.126 and from the other provisions set forth in ORS**  
 19 **660.002 to 660.210.**

20 **(3) Program sponsors seeking reciprocal approval must meet state wage and hour pro-**  
 21 **visions, local wage provisions, apprenticeship ratio standards and licensing requirements.**

22 **SECTION 10.** ORS 660.162 is amended to read:

23 660.162. The State Board of Education, in cooperation with the State Apprenticeship and  
 24 Training Council and the appropriate state joint committee, by rule shall adopt policies, standards  
 25 and programs to carry out the provisions of ORS 660.002. Such policies, standards or programs may  
 26 involve any of the following matters:

27 (1) Development of courses of study for apprentices and trainees in the trade, craft or industrial  
 28 occupation over which the committee exercises jurisdiction.

29 (2) Operation of related instruction classes by district school boards and in courses implemented  
 30 under ORS 660.157 (3).

31 (3) Development of uniform standards covering occupational qualifications and teacher training  
 32 requirements for instructors.

33 (4) Preservice and inservice training for instructors.

34 (5) Evaluation procedures for determining credit for apprenticeship training toward community  
 35 college associate degrees.

36 (6) Defining procedures for granting credit for work experience to instructors, skilled craftsmen  
 37 or *[journeymen]* **journeyworkers** toward the requirements of a community college associate degree.

38 **SECTION 11.** ORS 660.205 is amended to read:

39 660.205. (1) There shall be a uniform system of certification in those apprenticeable occupations  
 40 for which the State Apprenticeship and Training Council determines certification is required. Such  
 41 certification shall be awarded to apprentices successfully completing such an apprenticeship pro-  
 42 gram and shall signify the apprentice's attainment of the status of *[journeyman]* **journeyworker**. The  
 43 council shall prescribe by rule a singular form of certification card for apprenticeable occupations  
 44 and the conditions for its issuance.

45 (2) Only the Commissioner of the Bureau of Labor and Industries may prepare or issue or cause



1 to be prepared or issued a card or other form of documentation purporting to certify or otherwise  
2 representing the bearer to be a [*journeyman*] **journeyworker** in an apprenticeable occupation.

3 (3) The commissioner may establish and charge a fee for the issuance of certification in an  
4 amount not to exceed \$25.

5 (4) The provisions of this section first apply to apprentices who successfully complete an ap-  
6 prenticeship program after January 1, 1990.

7 **SECTION 12.** Sections 13 and 14 of this 2011 Act are added to and made a part of ORS  
8 660.002 to 660.210.

9 **SECTION 13.** (1) Every local apprenticeship or training program administered by a local  
10 joint committee or by a trade committee functioning as a local joint committee must have  
11 at least one registered apprentice.

12 (2) Notwithstanding subsection (1) of this section, a local apprenticeship or training pro-  
13 gram administered by a local joint committee or by a trade committee functioning as a local  
14 joint committee is not required to have at least one registered apprentice during the period  
15 from:

16 (a) The date the standards for the program are registered and the date the first ap-  
17 prentice is registered under those standards or one year from the date the standards are  
18 registered, whichever period is shorter; or

19 (b) The date the committee graduates an apprentice under a set of standards and the  
20 date the next apprentice is registered under those standards or one year from the date the  
21 committee graduates an apprentice under a set of standards, whichever period is shorter.

22 **SECTION 14.** (1) The Apprenticeship and Training Division of the Bureau of Labor and  
23 Industries shall evaluate the performance of registered apprenticeship programs.

24 (2) Factors to be used when conducting the evaluation required by subsection (1) of this  
25 section must include, but are not limited to:

26 (a) Quality assurance assessments;

27 (b) Equal Employment Opportunity Commission compliance reviews; and

28 (c) Completion rates.

29 (3) Any additional factors used by the division in the evaluation of program performance  
30 must adhere to the goals and policies of the United States Department of Labor specified in  
31 29 C.F.R. 29 and with guidance issued by the United States Department of Labor Office of  
32 Apprenticeship.

33 (4) To evaluate completion rates under this section, the division shall compare the com-  
34 pletion rate of the program under review with the national average for completion rates.  
35 Based on the completion rate review, the division shall provide technical assistance to pro-  
36 mote higher completion rates to programs with a completion rate lower than the national  
37 average.

38 (5) Cancellation of an apprenticeship agreement during the probationary period shall not  
39 have an impact on the completion rate of the program.

40 **SECTION 15.** This 2011 Act being necessary for the immediate preservation of the public  
41 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
42 on its passage.