

# House Bill 2373

Sponsored by Representatives SOLLMAN, GRAYBER (Presession filed.)

## 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**.

Amends apprenticeship statutes to permit establishment of firefighter apprentice program.  
Appropriates money to Bureau of Labor and Industries for purpose of establishing firefighter apprentice program.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to firefighter training; creating new provisions; amending ORS 660.010, 660.120, 660.135,  
3 660.157 and 660.162; and declaring an emergency.

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

5 **SECTION 1.** ORS 660.010 is amended to read:

6 660.010. As used in ORS 660.002 to 660.210, unless the context requires otherwise:

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

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

12 (a) Is customarily learned in a practical way through a structured, systematic program of on-  
13 the-job supervised training;

14 (b) Is clearly identified and commonly recognized throughout an industry **or as a skilled**  
15 **trade;**

16 (c) Involves manual, mechanical or technical skills and knowledge that require a minimum of  
17 2,000 hours of on-the-job supervised training; and

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

19 (3) "Apprenticeship agreement" means a written agreement between an apprentice and either  
20 the apprentice's program sponsor or the local joint committee acting as the agent for the program  
21 sponsor that contains the minimum terms and conditions of the employment and training of the ap-  
22 prentice.

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

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

27 (6) "Employer" means any person, **including a local government or a local service district,**  
28 employing the services of an apprentice, regardless of whether the person is a party to an appren-  
29 ticeship agreement with the apprentice.

30 (7) "Journeyworker" means a worker who has attained a level of skill, abilities and competen-

**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 cies recognized within an industry as having mastered the skills and competencies required for the  
2 occupation.

3 **(8) “Local government” has the meaning given that term in ORS 174.116.**

4 [(8)] **(9)** “Local joint committee” includes local joint apprenticeship committees, local joint  
5 training committees and trade committees.

6 **(10) “Local service district” has the meaning given that term in ORS 174.116.**

7 [(9)] **(11)** “Program” means the total system of apprenticeship as operated by a particular local  
8 joint committee, including the committee’s registered standards and all other terms and conditions  
9 for the qualification, recruitment, selection, employment and training of apprentices in that  
10 apprenticeable occupation.

11 [(10)] **(12)** “Trainee” means a worker who is at least 16 years of age, except when a higher  
12 minimum age is otherwise required by law, and who is to receive, in part consideration for services,  
13 complete instruction in an occupation that meets all the requirements of an apprenticeable occupa-  
14 tion, except that such occupation requires, in the opinion of the council, less than 2,000 but not less  
15 than 1,000 hours of on-the-job supervised training.

16 [(11)] **(13)** “Training agent” means an employer that is registered with a local joint committee  
17 and the Apprenticeship and Training Division of the Bureau of Labor and Industries.

18 **SECTION 2.** ORS 660.120 is amended to read:

19 660.120. (1) The State Apprenticeship and Training Council, under the direction of the Appren-  
20 ticeship and Training Division of the Bureau of Labor and Industries, shall enforce the provisions  
21 of ORS 660.002 to 660.210 in order to carry out the intent and purposes of those provisions. The  
22 State Director of Apprenticeship and Training, the division and the council may conduct investi-  
23 gations, issue subpoenas and subpoenas duces tecum, obtain evidence, administer oaths and take  
24 testimony in all matters relating to the council’s duties and functions as set forth in ORS 660.002  
25 to 660.210 when the information sought is relevant to a lawful investigative purpose and is reason-  
26 able in scope. The council and the division shall adopt rules for gathering information through  
27 subpoenas or testimony. The rules must include procedures through which a party may object to  
28 providing information. After being served with a subpoena, if a person refuses, without reasonable  
29 cause, to be examined, to answer any question or to produce any document or other thing as re-  
30 quired by the subpoena, the director, the division or the council may petition the circuit court in  
31 the county in which the investigation is pending for an order directing the person to show cause  
32 why the person has not complied with the subpoena and should not be held in contempt. The di-  
33 rector, division or council shall serve the court’s order upon the person in the manner provided by  
34 ORCP 55 D. If the person fails to show cause for the noncompliance, the court shall order the person  
35 to comply with the subpoena within such time as the court shall direct and may hold the person in  
36 contempt.

37 (2) The division, on behalf of the council, may bring suit in a court of proper jurisdiction in the  
38 name of the Bureau of Labor and Industries, or in the name of an apprentice on behalf of the ap-  
39 prentice, through the district attorney or the Attorney General.

40 (3) The council and the division may adopt rules that are reasonably necessary to enforce and  
41 administer ORS 660.002 to 660.210. In adopting the rules, the council and the division shall comply  
42 with ORS chapter 183. In addition, if the council and the division find that it would be impractical  
43 for a number or all of the local joint committees in the state to develop criteria concerning a par-  
44 ticular matter, the council and the division may adopt rules on the matter. The rules shall govern  
45 on that matter except to the extent that a local joint committee’s approved standards contain ex-

1 ceptions.

2 (4) The council and the division also shall:

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

5 (b) Approve and register program standards and modifications to program standards that are  
6 submitted by appropriate local joint committees as provided in ORS 660.126, if the standards and  
7 modifications are in substantial conformity with the statewide standards approved under ORS  
8 660.155;

9 (c) Establish committees and approve nominations of members and alternates to local joint  
10 committees and state joint committees to ensure balanced representation of employer and employee  
11 groups;

12 (d) Deregister standards and terminate entire programs, and remove any or all members of any  
13 committee, for inactivity or inadequate activity, or for failure to abide by the provisions of ORS  
14 660.002 to 660.210 or by the rules and policies of the council and the division;

15 (e) Cooperate with interested **local governments and** state and federal agencies, including the  
16 Department of Education, the State Workforce and Talent Development Board and other providers  
17 of related training and curriculum such as community college districts, community college service  
18 districts, education service districts, **local service districts** and recognized industry programs; and

19 (f) Perform such other functions and duties as are necessary or appropriate to carry out the  
20 purposes of ORS 660.002 to 660.210.

21 (5) The council shall hold at least four regular public meetings each year. Executive sessions  
22 shall be held on call of the chairperson, or at the written request of a majority of the members of  
23 the council.

24 **SECTION 3.** ORS 660.135 is amended to read:

25 660.135. (1) In each locality where apprentices are employed, the State Apprenticeship and  
26 Training Council may approve as many local joint committees as are necessary to serve the needs  
27 of the various apprenticeable occupations. Local joint committees in building and construction  
28 trades occupations may be approved by the council only as group programs serving multiple em-  
29 ployers. **The council may approve only one local joint committee for firefighters within an**  
30 **area or region that is subject to the jurisdiction of a local government or local service dis-**  
31 **trict.**

32 (2) Each local joint committee shall have no more than eight principal members, all actively  
33 participating in apprenticeship programs, and shall consist of an equal number of representatives  
34 of employers and employees. One alternate member may be selected for each principal committee  
35 member. Committee members and the alternate members shall be selected pursuant to procedures  
36 established by the council. The alternate members may attend all committee meetings, participate  
37 in discussions and perform such duties as may be delegated to them by the committee, but may not  
38 vote at committee meetings except when actually substituting for an absent principal committee  
39 member for their respective employer or employee.

40 (3) To qualify as a local joint committee member representing employees, a prospective employee  
41 representative must be a member of the collective bargaining unit if a collective bargaining agree-  
42 ment exists for the trade or occupation that is the subject of the apprenticeship or training program  
43 administered by the committee. If no collective bargaining agreement exists, the prospective em-  
44 ployee representative must be, or have been, a skilled practitioner of the particular trade or occu-  
45 pation that is the subject of the apprenticeship or training program administered by the committee.

1 (4) Each local joint committee shall select a chairperson and a secretary, for such terms and  
 2 with such powers and duties necessary for the performance of the functions of those offices as the  
 3 committee determines. A quorum for the transaction of committee business consists of two repre-  
 4 sentatives of employers and two representatives of employees. Each local joint committee shall meet  
 5 as often as is necessary to transact business. Meetings may be called by the chairperson or at the  
 6 request of the majority of the members of the committee.

7 (5) When an individual is employed by a joint industry group, association or trust to assist local  
 8 joint apprenticeship or training committees, trade committees or state joint committees in the per-  
 9 formance of their statutory duties, the individual is authorized to perform any clerical, ministerial  
 10 or other functions as the committees may direct.

11 **SECTION 4.** ORS 660.157 is amended to read:

12 660.157. (1) Each state joint committee, with the prior approval of the State Apprenticeship and  
 13 Training Council, shall prescribe a standard course of study, developed from a trade analysis, for  
 14 the trade[,] or craft, or **an analysis of the practices of the** *[industrial]* occupation, over which the  
 15 committee exercises jurisdiction. Each such course of study shall include instructional objectives  
 16 and an outline of course content for related instruction and manipulative instruction in the class-  
 17 room. The prescribed course shall also provide for evaluation procedures and instruments for  
 18 measuring performance. For all programs in apprenticeable occupations a minimum of 144 hours of  
 19 related instruction per year is recommended.

20 (2) Except as provided in subsection (3) of this section, no course of study for the instruction  
 21 of apprentices or trainees that has not been prescribed pursuant to subsection (1) of this section  
 22 may be implemented under ORS 660.002 to 660.210.

23 (3) Notwithstanding subsections (1) and (2) of this section, any course of study for the instruc-  
 24 tion of apprentices or trainees may be implemented under ORS 660.002 to 660.210 where such course  
 25 of study:

26 (a) Involves instruction in any trades, *[or]* crafts **or occupations** where the industry, **local**  
 27 **government or local service district** will provide the facilities for training;

28 (b) Prepares apprentices and trainees in any trades, *[or]* crafts **or occupations**;

29 (c) Requires expert instructors to meet the level of skill and training required by the industry,  
 30 **the local government or the local service district**;

31 (d) Is substantially equivalent to the standard course prescribed under subsection (1) of this  
 32 section; and

33 (e) Is supervised by a local joint committee or by a joint industry trust fund committee.

34 (4) Where a course of study meets the requirements of subsection (3) of this section, such course  
 35 shall be approved:

36 (a) By the state joint committee;

37 (b) By the Higher Education Coordinating Commission for apprenticeship training credit; and

38 (c) By the Higher Education Coordinating Commission for community college associate degrees.

39 (5) Operation of a course of study under subsection (3) of this section shall be the responsibility  
 40 of the recognized local apprenticeship committee or local industry trust fund or recognized local  
 41 employee organization. Such local committee, trust or organization may prescribe criteria for en-  
 42 rollment into the course of study.

43 **SECTION 5.** ORS 660.162 is amended to read:

44 660.162. The Higher Education Coordinating Commission, in cooperation with the State Ap-  
 45 prenticeship and Training Council and the appropriate state joint committee, by rule shall adopt

1 policies, standards and programs to carry out the provisions of ORS 660.002. Such policies, standards  
2 or programs may involve any of the following matters:

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

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

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

9 (4) Preservice and inservice training for instructors.

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

12 (6) Defining procedures for granting credit for work experience to instructors, skilled craftsmen  
13 or journeyworkers toward the requirements of a community college associate degree.

14 **SECTION 6. In addition to and not in lieu of any other appropriation, there is appropri-**  
15 **ated to the Bureau of Labor and Industries, for the biennium beginning July 1, 2021, out of**  
16 **the General Fund, the amount of \$\_\_\_\_, for the purpose of establishing a firefighter ap-**  
17 **prentice program under ORS 660.002 to 660.210.**

18 **SECTION 7. This 2021 Act being necessary for the immediate preservation of the public**  
19 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
20 **on its passage.**

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