

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1128

1/30 requested S. Gunn to provide copy of p. 10 showing change indicated in F of F

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1-22-85
DATE FOR REVIEW 1-31-85
DATE DUE 2-5-85

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 2-5-85 (CDS) Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 2-6-85 Revisor approved 1/28/85 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 1.15.85 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
_____ date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency contains small biz statement

✓ Affidavit of Mailing Notice or rulemaking
11.15.84 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.19.84 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness contains small biz statement.

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

SF-00006-03

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO: MARTY J. CASSERLY
Special Assistant
Attorney General

DATE: 1-22-85

FROM: STEVEN M. GUNN
Special Assistant
Attorney General

PHONE:

SUBJECT: AMENDMENTS TO RULES GOVERNING VOLUNTARY APPRENTICESHIP PROGRAMS

The Department of Labor and Industry has adopted the above-captioned amendments pursuant to its authority under Minn. Stat. § 176.83 (c) (1984). Having received no requests for a public hearing, the Department has proceeded under the §§ 14.21-14.28 (1984). The Department is now submitting the amendments to the Attorney General for approval pursuant to Minn. Stat. § 14.26.

As the following documents demonstrate, the Department has fully complied with all requirements imposed by law or rule:

1. An Order for Notice of Intent to Adopt Amendments Without a Public Hearing and for Publication was issued by the commissioner on November 2, 1984. It directed the publication of the Notice in the State Register and the mailing of the Notice to all persons on the list maintained by the agency.

2. A Certificate verifying the accuracy and completeness of the agency's mailing list of persons and groups requesting notice of proposed adoption of amendments was prepared on November 15, 1984.

3. An Affidavit of Mailing the Notice of Intent to Adopt Amendments without a Public Hearing showing that the Notice of Intent to adopt amendments was mailed on November 15, 1984 to persons and groups on the certified list described in #2. The affidavit was prepared on Nov. 15, 1984.

4. The Notice of Intent to Adopt Amendments Without a Public Hearing was published in the State Register at 9 S.R. 1090 on November 19, 1984, together with the amendments as proposed. The Notice contained all of the elements required by Minn. Rules, part 2000.0400, subp. 2.

5. A Statement of Need and Reasonableness describing the reasons, arguments, and evidence supporting a finding of need for and reasonableness of each proposed amendment was drafted and made available to the public by November 19, 1984.

6. No requests for hearing were received by the Department during the 30 days ending on December 19, 1984. One comment letter, which is enclosed, was received in that time. The Department reviewed the comment and incorporated it as described in the Findings of Fact in #2.

7. Findings of Fact were issued on January 15, 1985 by the Commissioner. These findings explain the need for and reasonableness of the one amendment as modified. The modification is not substantial.

8. An Order Adopting the Amendments was issued by the Commissioner on January 15, 1985. It states that proper notice of the proposed rulemaking was effected, fewer than 25 requests for public hearing were received, and that the amendments are needed and reasonable.

9. The proposed amendments were approved as to form by the revisor of statutes on October 8, 1984.

10. A certificate verifying that no persons or groups requested to be notified of the submission of these amendments to the Attorney General was completed on January 3, 1985.

11. A Certificate of Compliance with Rulemaking Procedures was signed on January 21, 1985 by Steven M. Gunn, Special Assistant Attorney General.

In all respects, then, the Department of Labor and Industry has complied with the requirements for noncontroversial rulemaking contained in Minn. Stat. §§ 14.21-14.28 (1984) and in Minn. Rules, part 2000.0400.

SMG:jks

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO Steve Keefe, Commissioner
Department of Labor and Industry

DATE: 2-6-85

ATTN: Steve Gunn
Special Assistant Attorney General

FROM : Larry D. Starns LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Voluntary Apprenticeship Division, of Amendments to Rules Governing Administration of Voluntary Apprenticeship Programs.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

LDS:sz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

RECEIVED
29 1984

Department of Labor and Industry

Adopted Rules Relating to Volunteer Apprentice Program Administration

Rules as Adopted

5200.0290 AUTHORITY, SCOPE, AND PURPOSE.

Parts 5200.0290 to 5200.0420 are adopted pursuant to Minnesota Statutes, section 178.041, subdivisions 1 and 2. Their purpose is to provide procedures for the voluntary apprentice program administration.

5200.0300 PROCEDURE FOR ESTABLISHING PROGRAMS.

The procedure for establishing an approved apprenticeship program is as follows. The proposed program must be presented to the director of the Division of Voluntary Apprenticeship by the program sponsor in duplicate and must include a detailed job process for the occupation including the training standards, amount of time to be spent in each individual category of training, percentage of journeyman's wage rate to be paid the apprentice, graduated schedule of wage increases, and the journeyman's wage rate for the proposed occupation. If the program is approved by the director, a certificate of registration will be issued to the program sponsor. Within 90 days of the certificate being issued, the program sponsor must submit to the director of the Division of Voluntary Apprenticeship a copy of at least one apprenticeship agreement or the director may revoke the certificate of registration.

5200.0310 MINIMUM TRAINING STANDARDS.

The minimum training standards to be met in an apprenticeship agreement must be the standards for the apprenticeship program registered with the division but must be no less than the Minnesota minimum standards listed in part 5200.0320.

5200.0320 MINNESOTA MINIMUM STANDARDS.

Subpart 1. **Definitions.** When used in parts 5200.0290 to 5200.0420 the terms defined in this subpart have the meaning given them.

A. "Employer" means the apprenticeship sponsor. (Employer, apprenticeship committee, association of employers, or organization of employees.)

B. "Approval agency" or "registration agency" means the apprenticeship advisory council.

C. "Apprenticeship agreement" means a written agreement on a form prescribed by the commissioner between the employer and the apprentice, and, if the apprentice is a minor, his or her parent or guardian, and approved by the approval agency. The form can be obtained from the Division of Voluntary Apprenticeship, Department of Labor and Industry, St. Paul, Minnesota.

D. "Apprentice" means a person at least 16 years of age who has entered into an apprenticeship agreement with an employer, which apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous employment for the apprentice and for his or her participation in an approved program of training through employment and through education in related and supplemental subjects.

E. "Supervisor of apprentices" means the individual designated by the employer to perform the duties described in subpart 9.

F. "Standards" means the Minnesota minimum standards of apprenticeship.

Subp. 2. **Policy.** It must be the policy of the employer that all apprentices employed in a trade covered under parts 5200.0290 to 5200.0420 must be governed by the terms of these standards and by the Minnesota voluntary apprenticeship law; and that the recruitment, selection, employment, and training of apprentices during their apprenticeship, must be without discrimination because of race, color, religion, national origin, or sex. The employer will take affirmative action to existing language provide equal opportunity in apprenticeship and will operate the

apprenticeship program as required under Code of Federal Regulations, title 29, part 30, and under the Minnesota plan for equal employment opportunity in apprenticeship.

Subp. 3. **Qualifications of apprentices.** Applicants for apprenticeship must be at least 16 years of age and must be physically qualified to perform the manual work of the trade.

Subp. 4. **Apprenticeship agreement.** The apprentice (and if a minor, his or her parent or guardian) shall sign the properly filled out apprenticeship agreement, which agreement must also be signed by the employer and submitted for approval to the approval agency. The apprenticeship agreement must contain a clause making these standards a part of the agreement.

The approval agency must furnish approved copies of the agreement to:

A. the apprentice;

B. the employer; and

C. other interested organizations or agencies as required.

existing language

Subp. 5. **Term of apprenticeship.** The term of apprenticeship must be designated in hours, months, or years for the individual trades included in these standards. For each trade to be included, a job process schedule including the total training term applicable must be attached to the standards registered with the division.

Subp. 6. **Credit for previous experience.** Credit may be awarded for previous experience and/or training which is applicable to training program requirements. If credit is awarded, the apprentice shall be advanced in the graduated wage schedule accordingly.

Subp. 7. **Probationary period.** An apprentice under these standards shall be subject to a probationary period of not more than 500 hours of employment and instruction extending over not more than four months. During that period the apprenticeship agreement will be terminated by the director of the Division of Voluntary Apprenticeship at the request in writing of either party. After the probationary period the apprenticeship

agreement may be terminated by the director, by mutual agreement of all parties thereto, or canceled by the director for good and sufficient reason, including violation of minimum standards.

Subp. 8. **Responsibilities of apprentice.** Apprentices employed under these standards shall agree to be punctual and regular in attendance, and to endeavor to the best of their ability to perfect the required skills in the chosen craft.

Subp. 9. **Supervision of apprentices.** The employer shall designate a qualified individual as supervisor of apprentices who shall:

A. maintain an adequate record of progress in training each apprentice;

B. be responsible for assuring that the requirements of the applicable training program are met during the prescribed training term; and

C. perform other duties as may be assigned by the employer relative to the development and operation of an effective program of apprenticeship.

Subp. 10. **Schedule of work processes and wage schedule.** The apprentice must be given work experience and instruction according to the applicable job processes schedule in the apprenticeship program registered with the division which must be attached to the apprenticeship agreement. Training experience need not be in the exact order as listed in the schedule. Eighty percent adherence to the schedule will be considered adequate provided the full training term is accounted for. The job process schedule must provide for a minimum of 50 hours per year of training in safe work practices. For each job title there must be a minimum graduated wage schedule in the apprenticeship agreement which must be in percentages of journeyman wage and rate per hour.

Subp. 11. **Related instruction.** During each year of the apprenticeship term, a minimum of 144 hours of related instruction is required. Failure on the part of the apprentice to fulfill his or her related instruction requirement will be sufficient cause for cancellation of the apprenticeship

agreement.

Subp. 12. **Hours of work.** Working hours for apprentices must be the same as for journeymen in the trade. Time spent in related instruction cannot be considered as hours of work as required by the job process schedule.

Subp. 13. **Certificate of completion of apprenticeship.** Upon successful completion of the apprenticeship term and related training requirements, and upon appropriate recommendation by the employer, the approval agency must issue to the apprentice a certificate of completion of apprenticeship.

Subp. 14. **Modification of program.** Details of a program may be modified from time to time subject to approval by the director. Any modification cannot, at the time of modification, affect apprenticeship agreements then in effect without the consent of the parties to the agreement. The employer may withdraw from the program by submitting a written request to the approval agency. The approval agency may cancel the standards of apprenticeship for good and sufficient reason, including violation of the Minnesota minimum standards in part 5200.0320.

Subp. 15. **Compliance with Minnesota plan for equal employment opportunity in apprenticeship.** The provisions of the apprenticeship program must comply with part 5200.0370 and must include an approved equal opportunity pledge.

5200.0330 CANCELLATION OF APPRENTICESHIP AGREEMENT.

The apprenticeship agreement may be canceled by the director of apprenticeship for failure to comply with training requirements.

5200.0340 APPROVAL OF APPRENTICESHIP AGREEMENTS.

All apprenticeship agreements must be submitted to the Division of Voluntary Apprenticeship for approval.

5200.0350 DUTIES OF SPONSORS.

It shall be the sponsor's obligation to:

A. Prepare the apprenticeship program for submission to the Division of Voluntary Apprenticeship.

B. Prepare apprenticeship agreements. All sponsors

shall use the state of approved apprenticeship agreement form. ? existing language

C. Each program operating under an apprenticeship committee pursuant to Minnesota Statutes, section 178.05, must in its standards provide for a tie-breaking procedure so it will be able to reach a majority decision.

D. Submit two copies of a safety program providing for a minimum of 50 hours per year for safety training of apprentices. Any request for variance from this part must be presented in writing and approved by the director of the Division of Voluntary Apprenticeship.

5200.0360 TERMINATION, CANCELLATION, OR TRANSFER OF AGREEMENTS.

Subpart 1. **Written notice.** The Division of Voluntary Apprenticeship must be notified in writing by the sponsor of all terminations, cancellations, or transfer of apprenticeship agreements.

Subp. 2. **Director's approval required.** All terminations, cancellations, and transfers shall be approved by the director of the Division of Voluntary Apprenticeship. The director shall notify the sponsor and all other concerned parties in writing.

Subp. 3. [Unchanged.]

5200.0370 EQUAL OPPORTUNITY FOR APPRENTICES.

Requirements of program sponsors under the Minnesota plan for equal employment opportunity in apprenticeship and Code of Federal Regulations, title 29, part 30 are as follows:

A. Programs with fewer than five apprentices must submit the following: two copies of the proposed program, and include in its standards the approved equal opportunity pledge.

B. Programs with five or more apprentices must submit the following: two copies of the proposed program, including in its standards the approved equal opportunity pledge and a written affirmative action plan adopting one of the following four approved selection procedures under the Minnesota plan for equal employment in apprenticeship:

(1) to (4) [Unchanged.]

C. Requirements for program reciprocity under the

Minnesota plan for equal employment opportunity in Apprenticeship and Code of Federal Regulations, title 29, part 30, are as follows:

(1) The sponsoring entity must operate a multistate program and not be in the building construction industry.

(2) The applicant shall offer evidence that the program meets the requirements of Code of Federal Regulations, title 29, part 30, in some other state. A certificate of registration is adequate evidence.

(3) A presentation of a request for reciprocity must be made to the Minnesota apprenticeship advisory council in writing for information purposes and for the council's advice on the request.

(4) The requesting party must offer proof which indicates that all apprentices will receive not less than 50 hours per year of safety training under the program being registered in this state.

5200.0380 COMPLAINTS OF DISCRIMINATION.

Subpart 1. **Right to complain.** Any apprentices or applicants for apprenticeship who believes existing language that they have been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards in respect to their selection have not been followed in the operation of an apprenticeship program may file a complaint. The complaint must be in writing and must be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a description of the circumstances of the failure to apply the equal opportunity standards.

Subp. 2. [Unchanged.]

Subp. 3. **Referral of complaint.** In the case of review boards designated by program sponsors to review complaints, the referral of the complaint by the complainant to the agency must occur within 90 days or 30 days after the final decision of the

review board, whichever is later.

Subp. 4. **Compliance reviews.** Where no review board exists, the apprenticeship agency may conduct compliance reviews as found necessary in order to make a determination of facts relating to compliance with the equal employment opportunity plan.

Subp. 5. [Unchanged.]

5200.0390 DETERMINATION OF APPRENTICE WAGES.

Subpart 1. **Procedure.** Determination of the graduated schedule of wages for an apprenticeship agreement will be determined by the percentage rate used in the majority of individual apprenticeship agreements on file with the Division of Voluntary Apprenticeship in any particular trade. The beginning rate must be at least the federal or state minimum wage rate, whichever is higher.

Subp. 2. **Journeyman wage rate.** The journeyman wage rate for apprenticeship agreements where no bargaining agreement exists shall be determined by counties, for all trades. If there is either a state or federal prevailing wage determination or apprenticeship agreement for a trade, the most current rate of the determination or agreement must be used as the journeyman wage rate.

Subp. 3. **Exceptions.** The only exceptions to this part are programs in penal institutions including stipends paid by the Department of Corrections.

5200.0400 APPRENTICESHIP COMMITTEE RULES.

Adoption of apprenticeship committee rules or changes must be submitted to the director of the Division of Voluntary Apprenticeship in writing for approval.

5200.0410 CERTIFICATE OF COMPLETION.

Subpart 1. **Signature.** The completion certificate is the standard approved state certificate. This certificate must be signed by the commissioner of labor and industry, director of apprenticeship, a representative of the local joint apprenticeship committee, the employer, and representative from

the union if a bargaining agreement exists. For those trades for which a state license is issued by a state licensing authority, issuance of the certificate of completion of apprenticeship is conditioned on the apprentice having secured the appropriate license and is a part of the registered standards for licensed trades.

Subp. 2. **Written request from sponsor.** Before any certificate of completion is issued, the Division of Voluntary Apprenticeship must receive a request in writing from the sponsor. If the employer does not request the completion certificate or refuses to sign a certificate, the director of the Division of Voluntary Apprenticeship, after investigating the circumstances, shall issue the certificate without the employer's request or signature, providing the apprentice has fully completed the program in compliance with the terms of the apprenticeship agreement.

5200.0420 MAINTENANCE OF RECORDS.

Subpart 1. **Advisory council's duty.** Minnesota apprenticeship advisory council business and records are kept by the Division of Voluntary Apprenticeship for the council.

Subp. 2. **Sponsor's duty.** Sponsors shall keep and maintain records of progress as required by the Division of Voluntary Apprenticeship on record cards furnished by the sponsor or standard progress record cards furnished by the state, on an ongoing basis from the start to the completion of an apprenticeship. These progress records must be kept on the sponsor's premises and must be accessible to all authorized personnel of the Division of Voluntary Apprenticeship. The definition of sponsor is the employer, association of employers, organization of employees, apprenticeship coordinator, or individual representing the joint apprenticeship committee. The Division of Voluntary Apprenticeship must be notified of the current address where records are kept and the person responsible for the records.

Subp. 3. **Retention and availability of records.** Under the state of Minnesota plan for equal employment opportunity in

apprenticeship, it is the obligation of the sponsor to keep records as required by the Division of Voluntary Apprenticeship pertaining to individual applicants for apprenticeship whether selected or rejected, for five years and be made available upon request to authorized personnel of the Division of Voluntary Apprenticeship. These records pertaining to applicants must be maintained in a manner that permits identification of minority and female participants.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB - 6 1985
Joan Anderson Growe
Secretary of State
10:30 AM

APPROVED AS TO LEGALITY
January 5, 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed

5200.0290 AUTHORITY, SCOPE, AND PURPOSE.

Parts 5200.0290 to 5200.0420 are adopted pursuant to Minnesota Statutes, section 178.041, subdivisions 1 and 2. Their purpose is to provide procedures for the voluntary apprentice program administration.

5200.0300 PROCEDURE FOR ESTABLISHING PROGRAMS.

The procedure for establishing an ~~occupation as apprenticeable shall be~~ approved apprenticeship program is as follows. The proposed ~~occupation shall~~ program must be presented to the director of the Division of Voluntary Apprenticeship by the program sponsor in duplicate and ~~should~~ must include a detailed job process for the occupation ~~showing~~ including the ~~total amount of time of~~ training standards, amount of time to be spent in each individual category of training, percentage of journeyman's wage rate to be paid the apprentice, graduated schedule of wage increases, and the journeyman's wage rate for the proposed occupation. If the program is approved by the director, a certificate of registration will be issued to the program sponsor. Within 90 days of the certificate being issued, the program sponsor must submit to the director of the Division of Voluntary Apprenticeship a copy of at least one apprenticeship agreement or the director may revoke the certificate of registration.

5200.0310 MINIMUM TRAINING STANDARDS.

The minimum training standards to be met ~~shall~~ in an apprenticeship agreement must be the ~~established joint apprenticeship committee~~ standards for the ~~particular trade in a given occupational area. In the event no joint~~ apprenticeship ~~committee standards have been established, the approved~~ program registered with the division but must be no less than the Minnesota minimum standards ~~shall be used~~ listed in part 5200.0320.

~~The minimum inclusions for coverage in apprenticeship standards shall be the approved Minnesota minimum standards.~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

5200.0320 ~~STANDARD-APPRENTICESHIP-AGREEMENT~~ MINNESOTA MINIMUM STANDARDS.

~~MINNESOTA-MINIMUM~~

~~STANDARDS-OF-APPRENTICESHIP~~

~~for~~

~~(Name-of-Sponsor)~~

~~(Address-of-Sponsor)~~

~~for-occupation(s)-of~~

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~~1.--DEFINITIONS~~

Subpart 1. Definitions. When used in parts 5200.0290 to 5200.0420 the terms defined in this subpart have the meaning given them.

A. The "Employer" ~~shall-mean~~ means the apprenticeship

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sponsor ~~as-named-above~~. (Employer, apprenticeship committee, association of employers, or organization of employees.)

B. "Approval agency" or "registration agency" ~~shall~~ mean means the ~~Minnesota~~ apprenticeship advisory council.

C. "Apprenticeship agreement" ~~shall-mean~~ means a written agreement ~~(VAL-Form-#1)~~ on a form prescribed by the commissioner between the employer and the apprentice, and, ~~(if~~ the apprentice is a minor~~)~~, his or her parent or guardian, and approved by the approval agency. ~~(VAL-Form-#1-may~~ The form can be obtained from the ~~Minnesota~~ Division of Voluntary Apprenticeship, Department of Labor and Industry, St. Paul, Minnesota.~~)~~

D. "Apprentice" ~~shall-mean~~ means a person at least 16 years of age who has entered into an apprenticeship agreement with an employer, which apprenticeship agreement provides for not less than ~~4,000~~ 2,000 hours of reasonably continuous employment for ~~such-persons~~ the apprentice and for his or her participation in an approved program of training through employment and through education in related and supplemental subjects.

E. "Supervisor of apprentices" ~~shall-mean~~ means the individual designated by the employer to perform the duties described in ~~section~~ subpart 9 ~~herein~~.

F. "Standards" ~~shall-mean-these-entire~~ means the Minnesota minimum standards of apprenticeship ~~including-these definitions~~.

~~2.--POLICY~~

Subp. 2. **Policy.** It ~~shall~~ must be the policy of the employer~~:~~

~~A.~~ that all apprentices employed in a trade covered ~~herein-shall~~ under parts 5200.0290 to 5200.0420 must be governed by the terms of these standards and by the ~~provisions-of-the~~ Minnesota voluntary apprenticeship law~~.~~; and

~~B.~~ that the recruitment, selection, employment, and training of apprentices during their apprenticeship, ~~shall~~ must be without discrimination because of race, color, religion,

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national origin, or sex. The employer will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under ~~the~~ Code of Federal Regulations, title 29, part 30, and under the Minnesota plan for equal employment opportunity in apprenticeship.

~~3.--QUALIFICATIONS-OF-APPRENTICES~~

Subp. 3. Qualifications of apprentices. Applicants for apprenticeship must be at least 16 years of age and must be physically qualified to perform the manual work of the trade. ~~Veterans-may-be-given-special-consideration-if-otherwise qualified.~~

~~4.--APPRENTICESHIP-AGREEMENT~~

Subp. 4. Apprenticeship agreement. The apprentice (and if a minor, his or her parent or guardian) shall sign the properly filled out apprenticeship agreement, which agreement ~~shall~~ must also be signed by the employer and submitted for approval to the approval agency. The apprenticeship agreement ~~shall~~ must contain a clause making these standards a part of ~~said~~ the agreement.

The approval agency ~~shall~~ must furnish approved copies of ~~said~~ the agreement to:

~~1.~~ A. the apprentice;

~~2.~~ B. the employer; and

~~3.~~ C. other interested organizations or agencies as required.

~~5.-TERM-OF-APPRENTICESHIP~~

Subp. 5. Term of apprenticeship. The term of apprenticeship ~~shall~~ must be designated in hours, months, or years for the individual trades included in these standards. For each trade to be so included, a job process schedule including the total training term applicable ~~thereto-shall~~ must be attached to ~~these~~ the standards ~~as-Appendix~~ registered with the division.

~~6.--CREDIT-FOR-PREVIOUS-EXPERIENCE~~

Subp. 6. Credit for previous experience. Credit may be awarded for previous experience and/or training ~~that~~ which is

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applicable to training program requirements. If credit is awarded, the apprentice shall be advanced in the graduated wage schedule accordingly.

~~7.--PROBATIONARY-PERIOD~~

Subp. 7. Probationary period. An apprentice under these standards shall be subject to a probationary period of not more than 500 hours of employment and instruction extending over not more than four months. During ~~such~~ that period the apprenticeship agreement ~~shall~~ will be terminated by the director of the Division of Voluntary Apprenticeship at the request in writing of either party~~,-and-providing-that~~. After ~~such~~ the probationary period the apprenticeship agreement may be terminated by the director, by mutual agreement of all parties thereto, or canceled by the director for good and sufficient reason, including violation of minimum standards.

~~8.--RESPONSIBILITIES-OF-THE-APPRENTICE~~

Subp. 8. Responsibilities of apprentice. ~~Each-apprentice~~ Apprentices employed under these standards ~~agrees~~ shall agree to be punctual and regular in attendance, and to endeavor to the best of ~~his-or-her~~ their ability to perfect the required skills in the chosen craft.

~~9.--SUPERVISION-OF-APPRENTICES~~

Subp. 9. Supervision of apprentices. The employer shall designate a qualified individual as supervisor of apprentices who shall:

~~a.~~ A. maintain an adequate record of progress in training each apprentice~~.~~;

~~b.~~ B. be responsible for assuring that the requirements of the applicable training program are met during the prescribed training term~~.~~; and

~~c.~~ C. perform ~~such~~ other duties as may be assigned by the employer relative to the development and operation of an effective program of apprenticeship.

~~10.--SCHEDULE-OF-WORK-PROCESSES-AND-WAGE-SCHEDULE~~

~~A.~~ Subp. 10. Schedule of work processes and wage schedule. The apprentice ~~shall~~ must be given work experience and

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instruction according to the applicable job processes schedule ~~(Appendix A attached)~~ in the apprenticeship program registered with the division which must be attached to the apprenticeship agreement.

~~B.~~ Training experience need not be in the exact order as listed in the schedule. Eighty percent adherence to the schedule ~~shall~~ will be considered adequate provided the full training term is accounted for.

~~C.~~ The job process schedule ~~shall~~ must provide for a minimum of 50 hours per year of training in safe work practices.

~~D.~~ For each job title there ~~should~~ must be a minimum graduated wage schedule ~~as follows: (May be in percentages of journeyman~~ the apprenticeship agreement which must be in percentages of journeyman wage ~~or a~~ and rate per hour~~)~~.

~~____months hours __% ____C~~ ~~____months hours __% ____C~~
~~____months hours __% ____C~~ ~~____months hours __% ____C~~
~~____months hours __% ____C~~ ~~____months hours __% ____C~~
~~____months hours __% ____C~~ ~~____months hours __% ____C~~
~~____months hours __% ____C~~ ~~____months hours __% ____C~~
~~Journeyman wage rate on _____ was _____.~~

~~11. RELATED INSTRUCTION~~

Subp. 11. Related instruction. During each year of the apprenticeship term, a minimum of 144 hours of related instruction is required. Failure on the part of the apprentice to fulfill his or her related instruction requirement ~~shall~~ will be sufficient cause for cancellation of the apprenticeship agreement.

~~12. HOURS OF WORK~~

Subp. 12. Hours of work. Working hours for apprentices ~~shall~~ must be the same as for journeymen in the trade. Time spent in related instruction ~~shall not~~ cannot be considered as hours of work as required by the job process schedule.

~~13. CERTIFICATE OF COMPLETION OF APPRENTICESHIP~~

Subp. 13. Certificate of completion of apprenticeship. Upon successful completion of the apprenticeship term and related training requirements, and upon appropriate recommendation by the employer, the approval agency ~~shall~~ must issue to the apprentice a certificate of completion of apprenticeship.

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~~14.--MODIFICATIONS~~

~~A.~~ Subp. 14. Modification of program. Details of ~~this~~ a program may be modified from time to time subject to approval by the ~~approval agency~~ director.

~~B.~~ Any ~~such~~ modification ~~shall not~~ cannot, at the time of modification, affect apprenticeship agreements then in effect without the consent of the parties to the agreement.

~~C.~~ The employer may withdraw from the program by submitting a written request to the approval agency.

~~D.~~ The approval agency may cancel the standards of apprenticeship for good and sufficient reason, including violation of the Minnesota minimum standards in part 5200.0320.

~~15.--COMPLIANCE WITH THE MINNESOTA PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP~~

~~A.~~ Subp. 15. Compliance with Minnesota plan for equal employment opportunity in apprenticeship. The provisions of the ~~subject plan, as may be amended shall apply to the employer or sponsor named in these standards of~~ apprenticeship program must comply with part 5200.0370 and must include an approved equal opportunity pledge.

~~B.--Additional material and information as may be required (Sec. III of the subject plan) shall be attached to these Standards of Apprenticeship as Appendix B, and shall be considered a part thereof subject to approval by the approval agency.~~

~~Signature of Sponsor~~

~~_____ _____~~
~~Title Date~~
~~Approved by the Minnesota Apprenticeship Council~~

~~_____ _____~~
~~Secretary Date~~

5200.0330 CANCELLATION OF APPRENTICESHIP AGREEMENT.

The apprenticeship agreement may be canceled by the director of apprenticeship for failure to comply with ~~related~~ training requirements.

5200.0340 APPROVAL OF ~~STANDARDS AND~~ APPRENTICESHIP AGREEMENTS.

All ~~standards and~~ apprenticeship agreements ~~shall~~ must be

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BY:

submitted to the Division of Voluntary Apprenticeship for approval.

5200.0350 DUTIES OF SPONSORS.

It shall be the sponsor's obligation to:

A. Prepare ~~standards~~ the apprenticeship program for submission to the Division of Voluntary Apprenticeship.

B. Prepare apprenticeship agreements. All sponsors shall use the state of ~~Minnesota~~ approved apprenticeship agreement form.

C. ~~All programs~~ Each program operating under a an apprenticeship committee ~~shall~~ pursuant to Minnesota Statutes, section 178.05, must in its standards provide for a tie-breaking procedure so it will be able to reach a majority decision.

D. Submit two copies of a safety program providing for a minimum of 50 hours per year for safety training of apprentices. Any request for variance from this part must be presented in writing and approved by the ~~Minnesota Apprenticeship Advisory Council~~ director of the Division of Voluntary Apprenticeship.

5200.0360 TERMINATION, CANCELLATION, OR TRANSFER OF AGREEMENTS.

Subpart 1. **Written notice.** The Division of Voluntary Apprenticeship ~~shall~~ must be notified in writing by the sponsor of all terminations, cancellations, or transfer of apprenticeship agreements.

Subp. 2. **Director's approval required.** All terminations, cancellations, and transfers shall be approved by the director of the Division of Voluntary Apprenticeship. The director shall notify the sponsor and all other concerned parties in writing.

Subp. 3. [Unchanged.]

5200.0370 EQUAL OPPORTUNITY FOR APPRENTICES.

Requirements of program sponsors under the Minnesota plan for equal employment opportunity in apprenticeship and Code of Federal Regulations, title 29, part 30 are as follows:

A. Programs with fewer than five apprentices ~~shall~~ must submit the following: two copies of the proposed ~~standards~~

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program, and include in its standards the approved equal opportunity pledge.

B. Programs with five or more apprentices ~~shall~~ must submit the following: two copies of the proposed ~~standards~~ program, ~~include~~ including in its standards the approved equal opportunity pledge, and a written affirmative action plan, ~~and~~ adopt adopting one of the following four approved selection procedures under the Minnesota plan for equal employment in apprenticeship:

(1) to (4) [Unchanged.]

C. Requirements for program reciprocity under the Minnesota plan for equal employment opportunity in Apprenticeship and Code of Federal Regulations, title 29, part 30, are as follows:

(1) The sponsoring entity must operate a multistate program and not be in the building construction industry.

(2) The applicant shall offer evidence that the program meets the requirements of Code of Federal Regulations, title 29, part 30, in some other state. A certificate of registration is adequate evidence.

(3) A presentation of a request for reciprocity must be made to the Minnesota apprenticeship advisory council in writing for information purposes and for the council's advice on the request.

(4) The requesting party must offer proof which indicates that all apprentices will receive not less than 50 hours per year of safety training under the program being registered in this state.

5200.0380 COMPLAINTS OF DISCRIMINATION.

Subpart 1. **Right to complain.** Any ~~apprentice~~ apprentices or ~~applicant~~ applicants for apprenticeship who believes that ~~he has~~ they have been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards in respect to ~~his~~ their selection have not been followed in the

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operation of an apprenticeship program may file a complaint. The complaint ~~shall~~ must be in writing and ~~shall~~ must be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a description of the circumstances of the failure to apply the equal opportunity standards.

Subp. 2. [Unchanged.]

Subp. 3. **Referral of complaint.** In the case of review boards designated by program sponsors to review ~~such~~ complaints, the referral of ~~such~~ the complaint by the complainant to the agency must occur within 90 days or 30 days after the final decision of ~~such~~ the review board, whichever is later.

Subp. 4. **Compliance reviews.** Where no review board exists, the apprenticeship agency may conduct ~~such~~ compliance reviews as found necessary in order to make a determination of facts relating to compliance with the equal employment opportunity plan.

Subp. 5. [Unchanged.]

5200.0390 DETERMINATION OF APPRENTICE WAGES.

Subpart 1. **Procedure.** Determination of the graduated schedule of wages for an apprenticeship agreement ~~shall~~ will be determined by the percentage rate used in the majority of individual apprenticeship agreements on file with the Division of Voluntary Apprenticeship ~~agency~~ in any particular trade. The beginning rate ~~shall not~~ must be ~~less than~~ at least the federal or state minimum wage rate, whichever is higher.

Subp. 2. **Journeyman wage rate.** The journeyman wage rate for apprenticeship agreements where no bargaining agreement exists shall be determined by counties, for all trades ~~and for the building construction trades, consideration shall be given to the current established so called federal Davis Bacon rate for that county, wage determinations that have been established under laws of Minnesota 1973, chapter 724, and existing apprenticeship rates on file in the Minnesota Division of Apprenticeship at St. Paul, Minnesota~~. If there is either a

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state or federal prevailing wage determination or apprenticeship agreement for a trade, the most current rate of the determination or agreement must be used as the journeyman wage rate.

Subp. 3. **Exceptions.** The only exceptions to this part ~~shall be~~ are programs in penal institutions including stipends paid by the Department of Corrections.

5200.0400 APPRENTICESHIP COMMITTEE RULES.

Adoption of apprenticeship committee rules or changes ~~shall~~ must be submitted to the director of the Division of Voluntary Apprenticeship in writing for approval. ~~Legal authority for adoption of rules and for the director to approve rules will be determined by the attorney general's office.~~

5200.0410 CERTIFICATE OF COMPLETION.

Subpart 1. **Signature.** The completion certificate ~~shall be~~ is the standard approved state certificate. This certificate ~~shall~~ must be signed by ~~the chairman of the State Apprenticeship Advisory Council,~~ the commissioner of labor and industry, director of apprenticeship, a representative of the local joint apprenticeship committee, the employer, and representative from the union if a bargaining agreement exists. ~~In the case of specialty trades where a state license is required, there shall be a signature from such licensing body~~ For those trades for which a state license is issued by a state licensing authority, issuance of the certificate of completion of apprenticeship is conditioned on the apprentice having secured the appropriate license and is a part of the registered standards for licensed trades.

Subp. 2. **Written request from sponsor.** Before any certificate of completion is issued, the Division of Voluntary Apprenticeship must receive a request in writing from the sponsor. If the employer does not request the completion certificate or refuses to sign a certificate, the director of the Division of Voluntary Apprenticeship, after investigating the circumstances, shall issue the certificate without the

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employer's request or signature, providing the apprentice has fully completed the program in compliance with the terms of the apprenticeship agreement.

5200.0420 MAINTENANCE OF RECORDS.

Subpart 1. **Advisory council's duty.** Minnesota apprenticeship advisory council business and records ~~shall be~~ are kept by the Division of Voluntary Apprenticeship for the council.

Subp. 2. **Sponsor's duty.** Sponsors shall keep and maintain records of progress as required by the Division of Voluntary Apprenticeship on record cards furnished by the sponsor or standard progress record cards furnished by the state, on an ongoing basis from the start to the completion of an apprenticeship. These progress records ~~shall~~ must be kept on the sponsor's premises and ~~shall~~ must be accessible to all authorized personnel of the ~~Minnesota~~ Division of Voluntary Apprenticeship. The definition of sponsor ~~shall be~~ is the employer, association of employers, organization of employees, apprenticeship coordinator, or individual representing the joint apprenticeship committee. The Division of Voluntary Apprenticeship ~~shall~~ must be notified of the current address where records ~~shall be~~ are kept and the person responsible for ~~same~~ the records.

Subp. 3. **Retention and availability of records.** Under the state of Minnesota plan for equal employment opportunity in apprenticeship, it ~~shall be~~ is the obligation of the sponsor to keep records as required by the Division of Voluntary Apprenticeship pertaining to individual applicants for apprenticeship whether selected or rejected, for five years and be made available upon request to authorized personnel of the ~~Minnesota~~ Division of Voluntary Apprenticeship. These records pertaining to applicants ~~shall~~ must be maintained in ~~such~~ a manner ~~as to permit~~ that permits identification of minority and female participants.

APPROVED IN THE REVISOR OF STATUTES OFFICE

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD632

Agency: Department of Labor and Industry

Division:

Agency Contact: Nancy Olson 297-4792

Minnesota Rules: Parts 5200.0290 to 5200.0420

Title: Proposed Rules Relating to Voluntary Apprentice Program Administration

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

John C. Fuller
Assistant Deputy Revisor
Phone: 296-0955
Date: October 8, 1984

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
VOLUNTARY APPRENTICESHIP DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Voluntary Apprenticeship Division, of Amendments to Rules Governing Administration of Voluntary Apprenticeship Programs

ORDER ADOPTING AMENDMENTS TO RULES WITHOUT A PUBLIC HEARING

Notice of intent to adopt the above-captioned amendments without a public hearing was published in the State Register on November 19, 1984 and was sent by United States mail to all persons and groups on the list maintained by the Department of Labor and Industry, Voluntary Apprenticeship Division, pursuant to Minn. Stat. § 14.22 (1982) (as amended by Minn. Laws 1984, ch. 640, § 12) on November 15, 1984. After affording interested persons and groups an opportunity to submit comments and requests for a hearing for 30 days after notice, receiving fewer than 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned amendments,

NOW, THEREFORE, IT IS ORDERED that the Amendments to Rules Governing Administration of Voluntary Apprenticeship Programs are adopted pursuant to the authority vested in me by Minn. Stat. § 178.041 (1982).

STATE OF MINNESOTA

Steve Keefe

Steve Keefe, Commissioner
Department of Labor and Industry

Dated: 1/15/85

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
VOLUNTARY APPRENTICESHIP DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Voluntary Apprenticeship Division, of Amendments to Rules Governing Administration of Voluntary Apprenticeship Programs.

ORDER FOR PUBLICATION AND FOR NOTICE OF INTENT TO ADOPT AMENDMENTS WITHOUT A PUBLIC HEARING

IT IS ORDERED this 2nd day of November, 1984 that a Notice of Intent to Adopt Amendments Without a Public Hearing in the above-captioned matter be published in the State Register and be given to all persons and groups who have requested that their names be placed on the list maintained by the Minnesota Department of Labor and Industry for that purpose pursuant to Minn. Stat. § 14.30 (1982).

STATE OF MINNESOTA

Steve Keefe

Steve Keefe
Commissioner of Labor and Industry

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
VOLUNTARY APPRENTICESHIP DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Voluntary Apprenticeship Division, of Amendments to Rules Governing Administration of Voluntary Apprenticeship Programs

NOTICE OF INTENT TO ADOPT AMENDMENTS WITHOUT A PUBLIC HEARING

Notice is hereby given that the Department of Labor and Industry, Voluntary Apprenticeship Division, proposes to adopt the above-captioned amendments to Minn. Rules, Parts 5200.0290-5200.0420, without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21 - 14.28 (1982) (as amended by Minn. Laws 1984, ch. 640, §§ 12-15).

Persons or groups interested in these amendments shall have 30 days to submit comments on the proposed amendments. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of Minn. Stat. §§ 14.131 - 14.20 (1982) (as amended by Minn. Laws 1984, ch. 640, §§ 7 -11). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Robert Wickland
Director of Voluntary Apprenticeship Division
Department of Labor and Industry
4th Floor, Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2193

Authority for the adoption of these amendments is contained in Minn. Stat. § 178.041 (1982). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments, identifies the data and information relied upon to support the proposed amendments and assesses the impact of the proposed amendments on small business and on local public bodies has been prepared and is available from the Commissioner upon request at the above address. Since participation in voluntary apprenticeship programs is not mandatory, there will only be impact if a small business or public body choses to participate in an approved apprenticeship program. Should an entity choose to participate, record-keeping requirements are imposed on the entity. However, the proposed amendments do not substantially change the record-keeping requirements imposed by the rules currently in effect. The quantitative and qualitative impact of the proposed amendments is thus minimal.

Upon adoption of the final amendments without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written comments and requests for hearing received, and the final amendments as adopted, will be delivered to the Attorney General. The amendments will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the amendments and the existence of a rational basis for the need for and reasonableness of the proposed amendments. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the amendments as originally proposed, or who wish to receive a free copy of the final amendments as adopted, should submit a written request to the Commissioner at the above address.

The text of the proposed amendments follows this notice in the State Register. The amendments make the rule conform to current procedures used in approving and administering voluntary apprenticeship programs. The amendments are also intended to cover reciprocity agreements between states, and safety and training requirements, and to provide for compliance with federal equal employment opportunity legislation.

One free copy of the proposed amendments may be obtained by contacting Robert Wickland at the above address or by calling (612) 296-2193.

STATE OF MINNESOTA

Steve Keefe

Steve Keefe
Commissioner, Department of
Labor and Industry

Dated: November 2, 1984.

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
VOLUNTARY APPRENTICESHIP DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Voluntary Apprenticeship Division, of Amendments to Rules Governing Administration of Voluntary Apprenticeship Programs

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Penny Howard, being first duly sworn, deposes and says:

That on the 15th day of November, 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Amendments Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and groups who have requested that their names be placed on the list maintained by the Minnesota Department of Labor and Industry, Voluntary Apprenticeship Division, for the purpose of receiving notice of the proposed adoption of rules by this Department.

Penny Howard
PENNY HOWARD

Subscribed and sworn to before me
this 15th day of November, 1984.
A Colette M. Poxson

A. COLETTE M. POXSON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JUNE 21, 1991

VOLUNTARY APPRENTICESHIP DIVISION

December 13, 1984

Name and Address of Caller	Copy of rules	Copy of Statement
Glen Strub MN Electrical Association 3100 Humbolt Avenue South Minneapolis, MN 55408	X	X
James Kummet Box 457 Pierz, MN 56364	X	X
Victor Lahr Carpenters Local #930 1903 North 4th Street St. Cloud, MN 56301	X	
Ron Helms Minneapolis Electrical JATC 2440 Park Avenue Minneapolis, MN 55404	X	X
John Sheehan Iron Workers Local No. 512 2618 Territorial Road St. Paul, MN 55114	X	X
Gerald Setterholm Twin City Carpenters JAC 2804 North Fairview Roseville, MN 55113	X	X
Phyllis Karosov, Attorney at Law 1400 Norwest Center St. Paul, MN	X	X
Bob DeRoy, Bus. Agent District Lodge 77, I.A.M. 1399 Eustis Steet St. Paul, MN	X	X
James Corbett Plumbers Local #15 708 South 10th Street Minneapolis, MN 55404	X	X
Robert Widerski, Coordinator St. Paul Plumbers JAC 411 Main Street St. Paul, MN 55102	X	X

	Copy of Rules	Copy of Statement
Tom Hannon St. Cloud Fire Department 102 North 7th Avenue St. Cloud, MN 56301	X	X
Leo McGough, Council Member MN Apprenticeship Advisory Council 2737 North Fairview St. Paul, MN 55113	X	X
Joseph Meagher, State Director Bureau of Apprenticeship & Trng. U.S. Department of Labor 134 Federal Building, 316 Robert St. St. Paul, MN 55101	X	X
Sherlan J. Baker Baker Electric Inc. Route 1, Box 76B Willmar, MN 56201	X	
Dan Foth A.B.C. 6300 Walker St., Suite 109 Minneapolis, MN 55416	X	X
Bill Richmond Electric 622 - 7th Avenue North Minneapolis, MN 55411	X	X
James Bigham SMARCA of Minnesota 1111 Douglas Dr.,Suite 102 Minneapolis, MN 55422	X	
Don Early Minneapolis Building Trades Council 312 Central Ave.,Room 556 Minneapolis, MN 55414	X	
Tom Decker New Dimensions 978 West County Road I Shoreview, MN 55112	X	
Les Nelson MN Power Company 30 West Superior Street Duluth, MN 55802	X	

	Copy of Rules	Copy of Statement
Andy Nord Sprinklerfitters Local 417 312 Central Ave., Room 458 Minneapolis, MN 55414	X	
Richard Steffes St. Cloud Plumbers & Fitters JAC 1903 North 4th Street St. Cloud, MN 56301	X	
Don Severson South Central MN Electrical JATC 2101 Hennepin Avenue Minneapolis, MN 55405	X	
Martin Opem Northern States Power Co. 414 Nicollet Mall Minneapolis, MN 55401	X	
Roger Carlson MN Operating Engineers JAC Box 1-E Rosemount, MN 55068	X	

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
VOLUNTARY APPRENTICESHIP DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Voluntary Apprenticeship Division, of Amendments to Rules Governing Administration of Voluntary Apprenticeship Programs

CERTIFICATE

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I hereby certify that the list of interested persons and groups who have requested, pursuant to Minn. Stat. § 14.22 (1982), that their names be placed on the list maintained by the Minnesota Department of Labor and Industry for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 12 noon, this 15th day of November, 1984.

Robert L. Wickland

ROBERT WICKLAND

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Labor and Industry

Proposed Rules Relating to Volunteer Apprentice Program Administration

Notice of Intent to Adopt Amendments without a Public Hearing

Notice is hereby given that the Department of Labor and Industry, Voluntary Apprenticeship Division, proposes to adopt the above-captioned amendments to Minn. Rules, Parts 5200.0290-5200.0420, without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1982) (as amended by Minn. Laws 1984, ch. 640, §§ 12-15).

Persons or groups interested in these amendments shall have 30 days to submit comments on the proposed amendments. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (1982) (as amended by Minn. Laws 1984, ch. 640, §§ 7-11). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Robert Wickland
Director of Voluntary Apprenticeship Division
Department of Labor and Industry
4th Floor, Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2371

Authority for the adoption of these amendments is contained in Minn. Stat. § 178.041 (1982). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments, identifies the data and information relied upon to support the proposed amendments and assesses the impact of the proposed amendments on small business and on local public bodies has been prepared and is available from the Commissioner upon request at the above address. Since participation in voluntary apprenticeship programs is not mandatory, there will only be impact if a small business or public body chooses to participate in an approved apprenticeship program. Should an entity choose to participate, record-keeping requirements are imposed on the entity. However, the proposed amendments do not substantially change the record-keeping requirements imposed by the rules currently in effect. The quantitative and qualitative impact of the proposed amendments is thus minimal.

Upon adoption of the final amendments without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written comments and requests for hearing received, and the final amendments as adopted, will be delivered to the Attorney General. The amendments will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the amendments and the

existence of a rational basis for the need for and reasonableness of the proposed amendments. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the amendments as originally proposed, or who wish to receive a free copy of the final amendments as adopted, should submit a written request to the Commissioner at the above address.

The text of the proposed amendments follows this notice in the *State Register*. The amendments make the rule conform to current procedures used in approving and administering voluntary apprenticeship programs. The amendments are also intended to cover reciprocity agreements between states, and safety and training requirements, and to provide for compliance with federal equal employment opportunity legislation.

One free copy of the proposed amendments may be obtained by contacting Robert Wickland at the above address or by calling (612) 296-2371.

November 2, 1984.

Steve Keefe
Commissioner, Department of
Labor and Industry

Rules as Proposed

5200.0290 AUTHORITY, SCOPE, AND PURPOSE.

Parts 5200.0290 to 5200.0420 are adopted pursuant to Minnesota Statutes, section 178.041, subdivisions 1 and 2. Their purpose is to provide procedures for the voluntary apprentice program administration.

5200.0300 PROCEDURE FOR ESTABLISHING PROGRAMS.

The procedure for establishing an ~~occupation as apprenticeable shall be~~ approved apprenticeship program is as follows. The proposed ~~occupation shall~~ program must be presented to the director of the Division of Voluntary Apprenticeship by the program sponsor in duplicate and ~~should~~ must include a detailed job process for the occupation ~~showing~~ including the ~~total amount of time of~~ training standards, amount of time to be spent in each individual category of training, percentage of journeyman's wage rate to be paid the apprentice, graduated schedule of wage increases, and the journeyman's wage rate for the proposed occupation. If the program is approved by the director, a certificate of registration will be issued to the program sponsor. Within 90 days of the certificate being issued, the program sponsor must submit to the director of the Division of Voluntary Apprenticeship a copy of at least one apprenticeship agreement or the director may revoke the certificate of registration.

5200.0310 MINIMUM TRAINING STANDARDS.

The minimum training standards to be met ~~shall~~ in an apprenticeship agreement must be the ~~established joint apprenticeship committee~~ standards for the ~~particular trade in a given occupational area. In the event no joint~~ apprenticeship ~~committee standards have been established, the approved~~ program registered with the division but must be no less than the Minnesota minimum standards ~~shall be used~~ listed in part 5200.0320.

~~The minimum inclusions for coverage in apprenticeship standards will be the approved Minnesota minimum standards.~~

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

5200.0320 ~~STANDARD APPRENTICESHIP AGREEMENT~~ MINNESOTA MINIMUM STANDARDS.

~~MINNESOTA MINIMUM~~
~~STANDARDS OF APPRENTICESHIP~~
~~for~~

_____
~~(Name of Sponsor)~~

_____
~~(Address of Sponsor)~~

~~for occupation(s) of~~
_____
_____

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~~1. DEFINITIONS~~

Subpart 1. Definitions. When used in parts 5200.0290 to 5200.0420 the terms defined in this subpart have the meaning given them.

A. ~~The~~ "Employer" ~~shall mean~~ means the apprenticeship sponsor ~~as named above~~. (Employer, apprenticeship committee, association of employers, or organization of employees.)

B. "Approval agency" or "registration agency" ~~shall mean~~ means the ~~Minnesota~~ apprenticeship advisory council.

C. "Apprenticeship agreement" ~~shall mean~~ means a written agreement ~~(VAL Form #1)~~ on a form prescribed by the commissioner between the employer and the apprentice, and, ~~(~~if the apprentice is a minor~~)~~, his or her parent or guardian, and approved by the approval agency. ~~(VAL Form #1 may~~ The form can be obtained from the ~~Minnesota~~ Division of Voluntary Apprenticeship, Department of Labor and Industry, St. Paul, Minnesota.~~)~~

D. "Apprentice" ~~shall mean~~ means a person at least 16 years of age who has entered into an apprenticeship agreement with an employer, which apprenticeship agreement provides for not less than ~~4,000~~ 2,000 hours of reasonably continuous employment for ~~such persons~~ the apprentice and for his or her participation in an approved program of training through employment and through education in related and supplemental subjects.

E. "Supervisor of apprentices" ~~shall mean~~ means the individual designated by the employer to perform the duties described in ~~section~~ subpart 9 ~~herein~~.

F. "Standards" ~~shall mean these entire~~ means the Minnesota minimum standards of apprenticeship ~~including these definitions~~.

~~2. POLICY~~

Subp. 2. Policy. It ~~shall~~ must be the policy of the employer:

~~A.~~ that all apprentices employed in a trade covered ~~herein shall~~ under parts 5200.0290 to 5200.0420 must be governed by the terms of these standards and by the ~~provisions of the~~ Minnesota voluntary apprenticeship law~~.~~; and

~~B.~~ that the recruitment, selection, employment, and training of apprentices during their apprenticeship, ~~shall~~ must be without discrimination because of race, color, religion, national origin, or sex. The employer will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under ~~the~~ Code of Federal Regulations, title 29, part 30, and under the Minnesota plan for equal employment opportunity in apprenticeship.

~~3. QUALIFICATIONS OF APPRENTICES~~

Subp. 3. Qualifications of apprentices. Applicants for apprenticeship must be at least 16 years of age and must be physically qualified to perform the manual work of the trade. ~~Veterans may be given special consideration if otherwise qualified.~~

~~4. APPRENTICESHIP AGREEMENT~~

Subp. 4. Apprenticeship agreement. The apprentice (and if a minor, his or her parent or guardian) shall sign the properly filled out apprenticeship agreement, which agreement ~~shall~~ must also be signed by the employer and submitted for approval to the approval agency. The apprenticeship agreement ~~shall~~ must contain a clause making these standards a part of ~~said~~ the agreement.

The approval agency ~~shall~~ must furnish approved copies of ~~said~~ the agreement to:

~~1.~~ A. the apprentice;

~~2.~~ B. the employer; and

~~3.~~ C. other interested organizations or agencies as required.

~~5. TERM OF APPRENTICESHIP~~

Subp. 5. Term of apprenticeship. The term of apprenticeship ~~shall~~ must be designated in hours, months, or years for the individual trades included in these standards. For each trade to be ~~so~~ included, a job process schedule including the total training term applicable ~~thereto shall~~ must be attached to ~~these~~ the standards ~~as Appendix~~ registered with the division.

~~6. CREDIT FOR PREVIOUS EXPERIENCE~~

Subp. 6. Credit for previous experience. Credit may be awarded for previous experience and/or training ~~that~~ which is applicable to training program requirements. If credit is awarded, the apprentice shall be advanced in the graduated wage schedule accordingly.

~~7. PROBATIONARY PERIOD~~

Subp. 7. Probationary period. An apprentice under these standards shall be subject to a probationary period of not more than 500 hours of employment and instruction extending over not more than four months. During ~~such~~ that period the apprenticeship agreement ~~shall~~ will be terminated by the director of the Division of Voluntary Apprenticeship at the request in writing of either party~~, and providing that~~. After ~~such~~ the probationary period the apprenticeship agreement may be terminated by the director, by mutual agreement of all parties thereto, or canceled by the director for good and sufficient reason, including violation of minimum standards.

~~8. RESPONSIBILITIES OF THE APPRENTICE~~

Subp. 8. Responsibilities of apprentice. ~~Each apprentice~~ Apprentices employed under these standards ~~agrees~~ shall agree to be punctual and regular in attendance, and to endeavor to the best of ~~his or her~~ their ability to perfect the required skills in the chosen craft.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

~~9. SUPERVISION OF APPRENTICES~~

Subp. 9. Supervision of apprentices. The employer shall designate a qualified individual as supervisor of apprentices who shall:

~~a.~~ A. maintain an adequate record of progress in training each apprentice~~.~~;

~~b.~~ B. be responsible for assuring that the requirements of the applicable training program are met during the prescribed training term~~.~~; and

~~c.~~ C. perform ~~such~~ other duties as may be assigned by the employer relative to the development and operation of an effective program of apprenticeship.

~~10. SCHEDULE OF WORK PROCESSES AND WAGE SCHEDULE~~

~~A.~~ **Subp. 10. Schedule of work processes and wage schedule.** The apprentice ~~shall~~ must be given work experience and instruction according to the applicable job processes schedule ~~(Appendix A attached)~~ in the apprenticeship program registered with the division which must be attached to the apprenticeship agreement.

~~B.~~ Training experience need not be in the exact order as listed in the schedule. Eighty percent adherence to the schedule ~~shall~~ will be considered adequate provided the full training term is accounted for.

~~C.~~ The job process schedule ~~shall~~ must provide for a minimum of 50 hours per year of training in safe work practices.

~~D.~~ For each job title there ~~should~~ must be a minimum graduated wage schedule ~~as follows: (May be~~ in ~~percentages of journeyman~~ the apprenticeship agreement which must be in percentages of journeyman wage ~~or a~~ and rate per hour~~)~~.

~~-----months hours----- %----- e~~	~~---- months hours----- %----- e~~
~~---- months hours----- %----- e~~	~~---- months hours----- %----- e~~
~~---- months hours----- %----- e~~	~~---- months hours----- %----- e~~
~~---- months hours----- %----- e~~	~~---- months hours----- %----- e~~
~~---- months hours----- %----- e~~	~~---- months hours----- %----- e~~

~~Journeyman wage rate on ---------- was ----------~~ .

~~11. RELATED INSTRUCTION~~

Subp. 11. Related instruction. During each year of the apprenticeship term, a minimum of 144 hours of related instruction is required. Failure on the part of the apprentice to fulfill his or her related instruction requirement ~~shall~~ will be sufficient cause for cancellation of the apprenticeship agreement.

~~12. HOURS OF WORK~~

Subp. 12. Hours of work. Working hours for apprentices ~~shall~~ must be the same as for journeymen in the trade. Time spent in related instruction ~~shall not~~ cannot be considered as hours of work as required by the job process schedule.

~~13. CERTIFICATE OF COMPLETION OF APPRENTICESHIP~~

Subp. 13. Certificate of completion of apprenticeship. Upon successful completion of the apprenticeship term and related training requirements, and upon appropriate recommendation by the employer, the approval agency ~~shall~~ must issue to the apprentice a certificate of completion of apprenticeship.

~~14. MODIFICATIONS~~

~~A.~~ **Subp. 14. Modification of program.** Details of ~~this~~ a ~~program may be modified from time to time subject to approval by the approval agency~~ director.

~~B.~~ Any ~~such~~ modification ~~shall not~~ cannot, at the time of modification, affect apprenticeship agreements then in effect without the consent of the parties to the agreement.

~~C.~~ The employer may withdraw from the program by submitting a written request to the approval agency.

~~D.~~ The approval agency may cancel the standards of apprenticeship for good and sufficient reason, including violation of the Minnesota minimum standards in part 5200.0320.

~~15. COMPLIANCE WITH THE MINNESOTA PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP~~

~~A.~~ **Subp. 15. Compliance with Minnesota plan for equal employment opportunity in apprenticeship.** The provisions of the ~~subject plan, as may be amended shall apply to the employer or sponsor named in these standards of~~ apprenticeship program must comply with part 5200.0370 and must include an approved equal opportunity pledge.

~~B. Additional material and information as may be required (Sec. III of the subject plan) shall be attached to these Standards of Apprenticeship as Appendix B, and shall be considered a part thereof subject to approval by the approval agency.~~

~~Signature of Sponsor~~

~~Title~~	~~Date~~
~~Approved by the Minnesota Apprenticeship Council~~	
~~Secretary~~	~~Date~~

5200.0330 CANCELLATION OF APPRENTICESHIP AGREEMENT.

The apprenticeship agreement may be canceled by the director of apprenticeship for failure to comply with ~~related~~ training requirements.

5200.0340 APPROVAL OF ~~STANDARDS AND~~ APPRENTICESHIP AGREEMENTS.

All ~~standards and~~ apprenticeship agreements ~~shall~~ must be submitted to the Division of Voluntary Apprenticeship for approval.

5200.0350 DUTIES OF SPONSORS.

It shall be the sponsor's obligation to:

A. Prepare ~~standards~~ the apprenticeship program for submission to the Division of Voluntary Apprenticeship.

B. Prepare apprenticeship agreements. All sponsors shall use the state of ~~Minnesota~~ approved apprenticeship agreement form.

C. ~~All programs~~ Each program operating under ~~a~~ an apprenticeship committee ~~shall~~ pursuant to Minnesota Statutes, section 178.05, must in its standards provide for a tie-breaking procedure so it will be able to reach a majority decision.

D. Submit two copies of a safety program providing for a minimum of 50 hours per year for safety training of apprentices. Any request for variance from this part must be presented in writing and approved by the ~~Minnesota Apprenticeship Advisory Council~~ director of the Division of Voluntary Apprenticeship.

5200.0360 TERMINATION, CANCELLATION, OR TRANSFER OF AGREEMENTS.

Subpart 1. Written notice. The Division of Voluntary Apprenticeship ~~shall~~ must be notified in writing by the sponsor of all terminations, cancellations, or transfer of apprenticeship agreements.

Subp. 2. Director's approval required. All terminations, cancellations, and transfers shall be approved by the director of the Division of Voluntary Apprenticeship. The director shall notify the sponsor and all other concerned parties in writing.

Subp. 3. [Unchanged.]

5200.0370 EQUAL OPPORTUNITY FOR APPRENTICES.

Requirements of program sponsors under the Minnesota plan for equal employment opportunity in apprenticeship and Code of Federal Regulations, title 29, part 30 are as follows:

A. Programs with fewer than five apprentices ~~shall~~ must submit the following: two copies of the proposed ~~standards~~ program, and include in its standards the approved equal opportunity pledge.

B. Programs with five or more apprentices ~~shall~~ must submit the following: two copies of the proposed ~~standards~~ program, ~~include~~ including in its standards the approved equal opportunity pledge~~,~~ and a written affirmative action plan~~, and adopt~~ adopting one of the following four approved selection procedures under the Minnesota plan for equal employment in apprenticeship:

(1) to (4) [Unchanged.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike~~ ~~outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike~~ ~~outs~~ indicate deletions from proposed rule language.

C. Requirements for program reciprocity under the Minnesota plan for equal employment opportunity in Apprenticeship and Code of Federal Regulations, title 29, part 30, are as follows:

(1) The sponsoring entity must operate a multistate program and not be in the building construction industry.

(2) The applicant shall offer evidence that the program meets the requirements of Code of Federal Regulations, title 29, part 30, in some other state. A certificate of registration is adequate evidence.

(3) A presentation of a request for reciprocity must be made to the Minnesota apprenticeship advisory council in writing for information purposes and for the council's advice on the request.

(4) The requesting party must offer proof which indicates that all apprentices will receive not less than 50 hours per year of safety training under the program being registered in this state.

5200.0380 COMPLAINTS OF DISCRIMINATION.

Subpart 1. Right to complain. Any ~~apprentice~~ apprentices or ~~applicant~~ applicants for apprenticeship who believe that ~~he has~~ they have been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards in respect to ~~his~~ their selection have not been followed in the operation of an apprenticeship program may file a complaint. The complaint ~~shall~~ must be in writing and ~~shall~~ must be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a description of the circumstances of the failure to apply the equal opportunity standards.

Subp. 2. [Unchanged.]

Subp. 3. Referral of complaint. In the case of review boards designated by program sponsors to review ~~such~~ complaints, the referral of ~~such~~ the complaint by the complainant to the agency must occur within 90 days or 30 days after the final decision of ~~such~~ the review board, whichever is later.

Subp. 4. Compliance reviews. Where no review board exists, the apprenticeship agency may conduct ~~such~~ compliance reviews as found necessary in order to make a determination of facts relating to compliance with the equal employment opportunity plan.

Subp. 5. [Unchanged.]

5200.0390 DETERMINATION OF APPRENTICE WAGES.

Subpart 1. Procedure. Determination of the graduated schedule of wages for an apprenticeship agreement ~~shall~~ will be determined by the percentage rate used in the majority of individual apprenticeship agreements on file with the Division of Voluntary Apprenticeship ~~agency~~ in any particular trade. The beginning rate ~~shall not~~ must be ~~less than~~ at least the federal or state minimum wage rate, whichever is higher.

Subp. 2. Journeyman wage rate. The journeyman wage rate for apprenticeship agreements where no bargaining agreement exists shall be determined by counties, for all trades ~~and for the building construction trades, consideration shall be given to the current established so-called federal Davis Bacon rate for that county, wage determinations that have been established under Laws of Minnesota 1973, chapter 724, and existing apprenticeship rates on file in the Minnesota Division of Apprenticeship at St. Paul, Minnesota~~. If there is either a state or federal prevailing wage determination or apprenticeship agreement for a trade; the most current rate of the determination or agreement must be used as the journeyman wage rate.

Subp. 3. Exceptions. The only exceptions to this part ~~shall be~~ are programs in penal institutions including stipends paid by the Department of Corrections.

5200.0400 APPRENTICESHIP COMMITTEE RULES.

Adoption of apprenticeship committee rules or changes ~~shall~~ must be submitted to the director of the Division of Voluntary Apprenticeship in writing for approval. ~~Legal authority for adoption of rules and for the director to approve rules will be determined by the attorney general's office.~~

5200.0410 CERTIFICATE OF COMPLETION.

Subpart 1. Signature. The completion certificate ~~shall be~~ is the standard approved state certificate. This certificate ~~shall~~ must be signed by ~~the chairman of the State Apprenticeship Advisory Council,~~ the commissioner of labor and industry; director of apprenticeship, a representative of the local joint apprenticeship committee, the employer, and representative from the union if a bargaining agreement exists. ~~In the case of specialty trades where a state license is required, there shall be a signature from such licensing body~~ For those trades for which a state license is issued by a state licensing authority, issuance

of the certificate of completion of apprenticeship is conditioned on the apprentice having secured the appropriate license and is a part of the registered standards for licensed trades.

Subp. 2. Written request from sponsor. Before any certificate of completion is issued, the Division of Voluntary Apprenticeship must receive a request in writing from the sponsor. If the employer does not request the completion certificate or refuses to sign a certificate, the director of the Division of Voluntary Apprenticeship, after investigating the circumstances, shall issue the certificate without the employer's request or signature, providing the apprentice has fully completed the program in compliance with the terms of the apprenticeship agreement.

5200.0420 MAINTENANCE OF RECORDS.

Subpart 1. Advisory council's duty. Minnesota apprenticeship advisory council business and records ~~shall be~~ are kept by the Division of Voluntary Apprenticeship for the council.

Subp. 2. Sponsor's duty. Sponsors shall keep and maintain records of progress as required by the Division of Voluntary Apprenticeship on record cards furnished by the sponsor or standard progress record cards furnished by the state, on an ongoing basis from the start to the completion of an apprenticeship. These progress records ~~shall~~ must be kept on the sponsor's premises and ~~shall~~ must be accessible to all authorized personnel of the ~~Minnesota~~ Division of Voluntary Apprenticeship. The definition of sponsor ~~shall be~~ is the employer, association of employers, organization of employees, apprenticeship coordinator, or individual representing the joint apprenticeship committee. The Division of Voluntary Apprenticeship ~~shall~~ must be notified of the current address where records ~~shall be~~ are kept and the person responsible for ~~same~~ the records.

Subp. 3. Retention and availability of records. Under the state of Minnesota plan for equal employment opportunity in apprenticeship, it ~~shall be~~ is the obligation of the sponsor to keep records as required by the Division of Voluntary Apprenticeship pertaining to individual applicants for apprenticeship whether selected or rejected, for five years and be made available upon request to authorized personnel of the ~~Minnesota~~ Division of Voluntary Apprenticeship. These records pertaining to applicants ~~shall~~ must be maintained in ~~such~~ a manner ~~as to permit~~ that permits identification of minority participants.

Department of Labor and Industry

Withdrawal of Proposed Rules Governing Pipefitters' Fees

Notice is hereby given that the State of Minnesota, Department of Labor and Industry, hereby withdraws the Proposed Rules Governing Pipefitters' Fees as published in 9 *State Register* 726, October 8, 1984 (9 SR 1033).

October 26, 1984

Steve Keefe
Commissioner
Department of Labor and Industry

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STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
VOLUNTARY APPRENTICESHIP DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Voluntary Apprenticeship Division, of Amendments to Rules Governing Administration of Voluntary Apprenticeship Programs

FINDING OF FACT AND CONCLUSIONS

The above-captioned amendments were published in the State Register, together with a Notice of Intent to Adopt Amendments without a Public Hearing, on November 19, 1984. Proper notice was served upon all interested persons and groups registered for that purpose with the Department of Labor and Industry, Voluntary Apprenticeship Division, as required by Minn. Stat. § 14.22 (as amended by Minn. Laws 1984, ch. 640, § 12).

After affording interested persons and groups an opportunity to present written and oral data, statements and arguments, and having considered all of the evidence adduced upon the records, files and proceedings herein, I make the following:

FINDING OF FACT

1. During the 30-day comment period following publication of the proposed amendments, a comment was received which is the basis for the change to the proposed amendments described at finding 2. below.

2. The change and the rationale for the change to the proposed amendments, which is nonsubstantial, is as follows:

Part 5200.0420, subp. 3 - Rentention and availability of records.

"Under the State of Minnesota plan for equal employment opportunity in apprenticeship, it is the obligation of the sponsor to keep records as required by the Division of Voluntary Apprenticeship pertaining to individual applicants for apprenticeship whether selected or rejected, for five years and be made available upon request to authorized personnel of the Division of Voluntary Apprenticeship. These records pertaining to applicants must be maintained in a manner that permits identification of minority and female participants."

This addition is added at the suggestion of the Minneapolis Plumbers Joint Apprenticeship Committee. In its comment letter dated December 12, 1984, the committee noted that records should also be kept in a manner which permits identification of female participants. The added language discourages discrimination on the basis of sex by facilitating compliance with state and federal equal employment opportunity regulations through the collection of complete records. Requiring clear records enhances the implementation of parts 5200.0370 and 5200.0380.

This amendment is a technical change which is not substantial. Most records and forms already indicate the sex of the applicant. The requirement thus places no additional burdens on parties.

Based upon the Finding of Fact, I make the following:

CONCLUSIONS

1. That the Department gave proper notice of the proposed amendments to all interested persons and groups.

2. That the Department has fully complied with all procedural requirements of law or rule in adopting the proposed amendments.

3. That the Department has acted within its statutory authority in adopting these proposed amendments.

4. That the proposed amendments as modified are needed and reasonable and fully comply with substantive requirements imposed by law or rule.

STATE OF MINNESOTA

Steve Keefe

Steve Keefe, Commissioner
Department of Labor and Industry

Dated: 1/15/85

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
VOLUNTARY APPRENTICESHIP DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Division of Voluntary Apprenticeship of Amendments to Rules Governing Administration of Apprenticeship Programs.

STATEMENT OF NEED AND REASONABLENESS

The above-captioned rules are amendments to existing rules of the Department of Labor and Industry governing the Voluntary Apprenticeship program. Under Minn. Stat. § 178.01, the Commissioner of the Department of Labor and Industry is responsible for the following duties and functions: 1) to promote apprenticeship and other forms of on-the-job training; 2) to establish, in cooperation with the apprenticeship advisory council and with the apprenticeship committees, conditions and training standards for the approval of apprenticeship programs and agreements; 3) to issue certificates of registration to sponsors of approved apprenticeship programs; 4) to approve apprenticeship agreements which meet the established standards; 5) to keep record of apprenticeship agreements; 6) to make wage determinations which are applicable t apprenticeship agreements; 7) to investigate complaints; and 8) to carry out the appeal procedure as required.

The existing rules were originally adopted in January, 1975, to facilitate implementation of the apprenticeship program under Minn. Stat. § 178.01 through 178.10 (1982). The amendments to the present rules are needed in response to subsequent developments in the areas of reciprocity agreements between states, safety training requirements, required state licenses, and issuance of completion certificates. Additionally, the proposed amendments clarify existing procedures concerning apprenticeship agreements and address aspects of the statutory provisions not previously clarified by rule. The amended rules are intended to: 1) provide concise and consistent guidelines and rules of operation governing all apprenticeship agreements; 2) set forth the procedures necessary from initiation to completion of apprenticeship programs; and 3) conform with federal standards by requiring compliance with title 29 C.F.R., parts 29 and 30 for reciprocity agreements.

Throughout the rules, archaic language and male pronouns have been stricken and replaced with simple English and gender neutral terms. "Shall" has been replaced with "must" or "will" where the "shall" did not refer to an action by a person.

Part 5200.0290/Authority, Scope and Purpose.

The authority of the Department of Labor and Industry to promulgate and adopt these rules is contained in Minn. Stat. § 178.041, subd. 1 and subd. 2 (1982). Part 5200.0290 recognizes the statutory authority for the Commissioner to adopt rules governing administration of Voluntary Apprenticeship programs.

Part 5200.0300/Procedure for Establishing Programs.

Part 5200.0300 was amended to require sponsors of apprenticeship programs to provide the director with proof that they have indentured at least one apprentice to retain their certificate of registration. This was necessary to insure that sponsors using the certificate of registration to obtain building contracts requiring active participation in an apprenticeship program are in fact indenturing apprentices.

Part 5200.0310/Minimum Training Standards.

Part 5200.0310 was amended to clarify the standards used by the director. The rule previously referred to "joint apprenticeship committee standards" and "Minnesota minimum standards." The standards for apprenticeship programs are those registered with the Division of Voluntary Apprenticeship. "Joint Committee Standards" are those arrived at by a committee established under Minn. Stat. § 178.05. They are subject to registration with the division in the same manner as any other apprenticeship program. It is therefore unnecessary to have a separate category for "joint apprenticeship committee standards."

Part 5200.0320/Minnesota Minimum Standards.

Part 5200.0320 was amended for clarification. This part had previously been incorrectly titled "Standard Apprenticeship Agreement." The Agreement form was intended to be used when registering an apprenticeship program with the Division of Voluntary Apprenticeship. The form was kept on file with the division so that the division could have ready access to the apprenticeship program standards. The purpose of having the form in the rule was to insure that all registered apprenticeship programs contained at least the Minnesota Minimum Standards. The amended rule clearly states that the rule is providing the Minnesota Minimum Standards which part 5200.0310 requires be the minimum standards used in an apprenticeship program registered with the division. Except as noted below, the amendments in this part are changes in form, not substance. The standards remain consistent with the earlier rule.

Subpart 1.B.

"Minnesota" was deleted from the definition because it is unnecessary. The rules govern only Minnesota programs. "Advisory" was added to correctly identify the council created by Minn. Stat. § 178.02 which advises the Apprenticeship director. "Advisory" was mistakenly omitted from the title of the council at the time this rule was promulgated.

Subpart 1.D.

This provision reduces the former requirement of 4,000 hours of employment to 2,000 hours to qualify as an apprentice. The amendment is needed to conform with federal law contained in the Equal Employment Opportunity and Apprenticeship and Training regulations at 29 C.F.R. § 30 (1984).

Subpart 3.

The sentence relating to permissive veteran's preference in this subpart is deleted as unnecessary. Program sponsors are required to formulate affirmative action plans designed to protect certain groups. Veterans are not included as a protected class and thus are not designated as persons in need of special preference. It is reasonable to provide opportunities for those outside of the classes protected by federal law based on prior experience and training.

Subpart 14.

"Director" is substituted for "approval agency" to reflect the actual practice of the division. The amendment reasonably promotes administrative efficiency. The director is able to approve modifications expediently, thus facilitating the continuing operation of the plan. The advisory council is not available as readily and need not be consulted for minor plan modifications.

The language added to the last sentence of the rule further defines the basis upon which the approval agency may cancel standards of apprenticeship. It is a necessary clarification of what constitutes "good and sufficient reason," thereby providing specific guildelines to program participants.

Subpart 15.

Amendment to this subpart is necessary to convert what was formerly part of an agreement form containing rules, into a clearer rule. The requirements have not changed. The rule is improved by the inclusion of a cross-reference to the related rule governing equal opportunity.

The section formerly labeled "B" is deleted as unnecessary. Procedures for program modification are contained in subpart 14. The statement in "B" and signature lines were appropriate in the old rule as part of an agreement form. Modification of this part into rule form renders these provisions obsolete. It is unnecessary to include them in the rules.

Part 5200.0340/Approval of Apprenticeship Agreements.

Part 5200.0340 is being amended for clarification. Part 5200.0310 requires the director to approve standards. The inclusion of "standards" was redundant in this section.

Part 5200.0350/Duties of Sponsors.

The amendments in this part were primarily to clarify language. The last sentence in subpart D. was amended to clarify that it is the Director of Voluntary Apprenticeship who approves variances in safety programs which are part of an apprenticeship program's standards registered with the division.

Part 5200.0360/Termination, Cancellation, or Transfers of Agreements.

The amendments to this part are editorial clarifications that make usage consistent throughout the rules and facilitate use of the rules. The changes have no effect on the substance of the rule.

Part 5200.0370/Equal Opportunity for Apprentices.

Item C was added to this section to insure that approved apprenticeship programs and programs approved for reciprocity comply with C.F.R., Title 29, part 30. This is necessary to promote equal employment opportunity in apprenticeship programs as required by federal law.

Part 5200.0380/Complaints of Discrimination.

The amendments to this part are editorial clarifications that do not affect the substance of the rule.

Part 5200.0390/Determination of Apprentice Wages.

Subpart 2. of this part was amended to more clearly state the current rule. The rule requires that apprentice wages must be set according to the most current wage regulation under state and federal law. It is reasonable to use the current established wage rates to fairly compensate the apprentice. The current language of the rule is clarified by the amendment which provides a straight forward explanation of wage calculation.

Part 5200.0400/Apprenticeship Committee Rules.

This part was amended to delete surplus language. It is unnecessary to note in the rule the Attorney General's role in the rule adoption process.

Part 5200.0410/Certificate of Completion.

Subpart 1 of this part was amended to more accurately reflect the current practice. The apprentice is required to have the appropriate license prior to receiving the certificate of completion; however, the licensing authority is not required to sign the certificate of completion.

Subpart 2 of this part was amended to provide the apprentice with a procedure to secure a certificate of completion when the sponsor/employer refuses to request the certificate. This was added to protect the apprentices who have completed the registered program but for some reason have sponsor/employers who are unwilling or unable to request the certificate.

Part 5200.0420/Maintenance of Records.

The amendments to this part are editorial clarifications which make the wording in the rules consistent and facilitate use of the rules.

IMPACT ON SMALL BUSINESS

Participation in voluntary apprenticeship is by definition a matter of choice. If employers do not wish to have apprentices in approved programs, they are not required to set up programs. Therefore, these rules do not necessarily have any impact on small businesses. A business is affected by the rules only if it chooses to participate in the program.

The amendments to the rules are primarily not changes in substance but, rather, clarify the form and procedure to be used in administering an approved apprenticeship program. The amendments do not increase any burdens which the current rules may place on small or large businesses. The division has nonetheless considered each of the following methods for reducing the impact on small businesses.

1. Less Stringent Reporting Requirements.

Although the requirement of providing a detailed apprenticeship program to the division may involve an initial burden, once the program is approved, it can be used for any number of apprenticesip agreements in the future and it can

be modified with little difficulty. If certification of a program is going to have any meaning, it is essential that the department be given the full standards of the program so that the director can verify that the program complies with the Minnesota Minimum Standards.

2. Less Stringent Schedules and Deadlines.

Since the rule deals with voluntary programs, there are very few schedules or deadlines. The 90 day deadline in part 5200.0300 is essential for both large and small businesses to insure that the division is not used to certify programs where there is no intention to actually indenture apprentices.

3. Consolidation or Simplification of Reporting Requirements.

The reporting requirements after a program has been certified involve maintaining records of an apprentice's individual progress. To allow lesser records to be kept would put the apprentice of a small business at a disadvantage. Should an apprentice move from a small business to a large business, working in the same trade, he/she would have no record of how much of the apprenticeship program had been completed and could be forced to repeat the entire program. The purpose of reporting requirements are to protect the apprentice and cannot be modified without compromising this purpose.

4. Establishment of Performance Standards for Small Business to Replace Design or Operational Standards Required in the Rule.

These rules contain no design or operational standards. This consideration is not applicable.

5. Exemption for Small Businesses.

This is also not relevant since a small business can exempt itself from the requirements by simply not creating an approved apprenticeship program.

FISCAL IMPACT ON LOCAL PUBLIC BODIES

This rule will not require the expenditure of public monies by local public bodies. Apprenticeship programs are generally set up by private businesses. A public body could not be forced to institute an apprenticeship program.

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
VOLUNTARY APPRENTICESHIP DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Voluntary Apprenticeship Division, Governing Administration of Voluntary Apprenticeship Programs

CERTIFICATE OF COMPLIANCE WITH RULEMAKING PROCEDURES

I hereby certify that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures; the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

Steven M. Gunn
Special Assistant
Attorney General

Dated: 1/21/85

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
VOLUNTARY APPRENTICESHIP DIVISION

In the Matter of the Proposed Adoption by the Minnesota Department of Labor and Industry, Voluntary Apprenticeship Division, of Amendments to Rules Governing Administration of Voluntary Apprenticeship Programs

CERTIFICATE

I hereby certify that no persons or groups have requested to be informed that materials in the above-captioned matter have been submitted to the Attorney General pursuant to Minn. Stat. § 14.26 (Supp. 1983).

Penny Howard

Penny Howard, Attorney
Department of Labor and Industry

Dated: 1-3-85