

**RULES AND REGULATIONS
RELATING TO
LABOR STANDARDS FOR THE REGISTRATION OF
APPRENTICESHIP PROGRAMS UNDER TITLE 28, CHAPTER 45
APPRENTICESHIP PROGRAMS IN TRADE & INDUSTRY**

Section 1. Purpose and Scope –

- (a) Title 28, Chapter 45, authorizes the Rhode Island Apprenticeship Council to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to extend the application of such standards by requiring the inclusion thereof in contracts of apprenticeship.
- (b) The purpose of this regulation is to set forth labor standards to safeguard the welfare of apprentices, and to extend the application of such standards by prescribing rules and regulations concerning the registration of acceptable apprenticeship programs. These labor standards, rules and regulations cover the registration, termination and deregistration of apprenticeship programs and of apprenticeship agreements and matters relating thereto.
- (c) The provisions of this regulation shall apply to a person, firm, corporation or craft only after such person, firm, corporation or craft has voluntarily elected to conform with its provision.

Section 2. Definitions –

As used in this regulation:

- a. “Council” means the Rhode Island Apprenticeship and Training Council
- b. “Apprentice” means a person participating, through employment, in an approved schedule requiring not less than 2,000 hours of on-the-job work experience supplemented by related instruction and who is a party of an apprenticeship agreement registered with the Council.
- c. “Apprenticeship Agreement” means a written agreement which conforms to standards established under Title 28, Chapter 45 and this regulation and is entered into between an apprentice and either (1) an employer, (2) an association of employers, (3) an organization of employees, or (4) a joint committee representing employers and employees.
- d. “Apprenticeship Program” means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirements for a written apprenticeship agreement.

- e. “Apprenticeship Standard” means the written document which sets forth the minimum labor standards required by law for training apprentices in a specified industry, area or plant. By reference, it is a part of the apprenticeship agreement. There are two basic types of standards – one providing for joint employer-union participation in the program and the second, referred to as unilateral standards, where responsibility for the apprenticeship is assumed by either management or organized labor, but not both. Normally, unilateral programs are sponsored by single employers.
- f. “Sponsor” means any person, association, committee or organization operating an apprenticeship program and in whose name the program is approved and registered.
- g. “Employer” means any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice.
- h. “Apprenticeship Committee” means those persons designated by the sponsor to act for it in the administration of the program. A committee may be “joint”, i.e., it is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s) and has been established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be “unilateral” or “non-joint” and shall mean a program sponsor in which a bona fide collective bargaining agent is not a participant; it includes an individual non-joint sponsor (apprenticeship program sponsored by one employer without the participation of a union) and a group non-joint sponsor (apprenticeship program sponsored by two or more employers without the participation of a union).
- i. “Related Instruction” means an organized and systematic form of instruction designated to provide the apprentice with knowledge of the theoretical and technical subjects related to his/her trade.
- j. “Registration of an Apprenticeship Program” means the acceptance and recording of such program by the Council as meeting the basic standards and requirements of the Council for approval of such program. Approval is evidenced by a certificate of registration or other written indicia.
- k. “Registration of an Apprenticeship Agreement” means the acceptance and recording thereof by the Council as evidence of the participation of the apprentice in a particular registered apprenticeship program.

Section 3. Eligibility and Procedure for Council Registration –

- a. No apprenticeship program or agreement shall be eligible for Council registration unless it is in conformity with the requirements of Title 28, Chapter 45 of this regulation, and the training is in an apprenticeable occupation requiring not less than 2,000 hours of on-job-work experience and the characteristics set forth in Title 28, Chapter 45.
- b. Apprentices must be individually registered under a registered program. Such registration shall be effected by filing copies of each apprenticeship agreement with the Council. Registration shall be reserved for those desiring to learn a trade through reasonably continuous employment. Agreements shall not be registered for persons desiring only interim work or employed on a substantially shorter work week than is prevailing in the industry. This, however, does not apply to students pursuing a course of study in the same trade or closely related to the trade for which application is being made for registration.
- c. The Council shall be notified promptly of the termination or suspension of any apprenticeship agreement, with cause for same, and of apprenticeship completions.
- d. Approved apprenticeship programs shall be accorded registration, evidenced by a certificate of registration.
- e. Any modification(s) or change(s) to registered standards shall be promptly submitted to the Council, and if approved, shall be recorded and acknowledged as a revision of such standards.
- f. The request for registration, together with all documents and data required by Title 28, Chapter 45 and this regulation, shall be submitted to the Council.
- g. Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement or other instrument, provides for participation by a union in any matter in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or "no objection" to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union, if any, which is the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The Council shall provide a reasonable time period of not less than 30 days nor more than 60 days for receipt of union comments, if any, before final action on the application for registration and/or approval.

- h. Where the employees to be trained have no collective bargaining agent, an apprenticeship program may be proposed for registration by an employer or group of employers.
- i. If the sponsor is involved in any abnormal labor condition such as a strike, lockout, or other similar condition, the application for an apprenticeship program may be withheld until such issue is resolved.
- j. If it should be determined by the Council that a sponsor is in violation of any Federal or State Labor laws or rules and regulations affecting registration of programs, the application for an apprenticeship program may be withheld until such issues are resolved.

Section 4. Criteria for Apprenticeable Occupations –

An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

- a. Is customarily learned in a practical way through a structured systematic program on on-the-job supervised training;
- b. It is clearly identified and commonly recognized throughout an industry;
- c. It involves manual, mechanical or technical skills and knowledge which require a minimum number of hours as required by statute of on-the-job work experience; and
- d. It requires related instruction to supplement the on-the-job training.

Section 5. Standards of Apprenticeship –

An apprenticeship program to be eligible for registration by the Council shall conform to the following standards:

- a. The program is an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in the apprenticeable occupation, as defined in Title 28, Chapter 45, and this regulation, and this regulation, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.
- b. The following standards are prescribed for an apprenticeship program:
 1. A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall not be less than the statutory minimum number of hours of reasonably continuous employment;
 2. An outline of work processes in which the apprentice will receive supervised work experience and training on-the-job, and the allocation of the approximate time to be spent in each major process;
 3. A statement of the number of hours to be spent in related instruction which shall not be less than the statutory minimum number of hours per year, provided that the Council may, in the best interest of apprenticeship, reduce the hours of related instruction of which instruction may be given in a classroom through trade or industrial courses, or by correspondence courses of equivalent value, or other forms of self-study approved by the Council;
 4. A statement that apprentices shall be not less than sixteen years of age, with the exception of a higher age requirement which the Council has determined applicable in accordance with the State and Federal Child Labor Laws;
 5. A statement of the progressively increasing scale of wages to be paid the apprentice consistent with the skill acquired, the entry wage to be not less than the minimum wage prescribed by the Federal and State Labor Standards Acts, where applicable, unless a higher wage is required by other applicable Federal law, State law, respective regulations, or by collective bargaining agreement;
 6. A provision for probationary period reasonable in relation to the full apprenticeship term, with full credit given for such period toward completion of apprenticeship;
 7. A provision that during the period of probation, the Council shall be directed to terminate an apprenticeship agreement at the request in writing of any party thereto;

8. A provision that after the probationary period, the Council shall be empowered to terminate an apprenticeship agreement upon agreement of the parties thereto, or for good cause on the Council's own motion after giving all parties notice and opportunity to be heard;
9. Provision that the services of the Council may be utilized for consultation regarding the settlement of differences arising out of apprenticeship agreement and where the differences cannot be adjusted locally, or in accordance with the established trade procedure, and any such differences which cannot be amicably settled by the parties may be submitted to the Council for final decision;
10. Provision for the numeric ration of apprentice to journeymen consistent with proper supervision, training, safety, and reasonably continuity of employment, and applicable provisions in collective bargaining agreements, in relation to which it is recommended that a minimum ratio of no more than one apprentice for each journeymen regularly employed by a participating employer in each apprenticeable occupation be established;
11. Provision for transfer of employer's training obligation when the employer is unable to fulfill the obligation under the apprenticeship agreement to another employer under the same program with the consent of the apprentice and apprenticeship committee or program sponsor, with full credit to the apprentice for satisfactory time and training earned;
12. Provision for minimum qualifications required by a sponsor for persons entering the apprenticeship program;
13. Provision for granting of an advanced standing or credit for previously acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted;
14. A provision that the employer shall instruct the apprentice in safe and healthful work practices and shall insure that the apprentice is trained in facilities and other environments that are in compliance with either the occupational safety and health standards promulgated by the Secretary of Labor under Public Law 91-596, or State standards that have been found to be at least as effective as the Federal standards;
15. A provision for the placement of an apprentice under a written apprenticeship agreement, which shall directly, or by reference, incorporate the standards of the program as part of this agreement;
16. A provision for periodic review and evaluation of the apprentice's progress in job performance and in related instruction, and the maintenance of appropriate progress records;

17. A provision of recognition for successful completion of apprenticeship evidenced by an appropriate certificate;
18. Identification of the registration agency;
19. A statement that the regular work day or work week for apprentices shall not be greater than those of the journeymen;
20. Provision for the registration, cancellation and deregistration of the program, and requirement for the prompt submission of any modification or revision thereto;
21. Provision for registration of apprenticeship agreements and revisions, notice the Council of persons who have successfully completed apprenticeship programs, and notice of terminations and suspensions of apprenticeship agreements and causes therefore;
22. A statement of how the committee is to be organized and a statement of the functions of the committee are required if the program sponsor is a joint apprenticeship committee;
23. A statement containing the equal opportunity pledge prescribed as follows: “The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, sex, age, religion, color, ancestry, physical handicap, marital status, or arrest and court record”;
24. Name and address of the appropriate authority under the program to receive, process and make disposition of complaints;
25. Provision for a participating employer’s agreement; and,
26. All apprenticeship standards must contain articles to comply with Federal laws, regulations and rules pertaining to apprenticeship.

Section 6. Apprenticeship Agreement –

The apprenticeship agreement shall contain explicitly or by reference:

- a. Name and signature of the contracting parties (apprentice, and the program sponsor or employer”, and the signature of a parent or guardian if the apprentice is a minor;
- b. The date of birth of apprentice;
- c. Name and address of the program sponsor and registration agency;

- d. A statement of the trade or craft in which the apprentice is to be trained and the beginning date and term of apprenticeship;
- e. A statement showing:
 - 1. The number of hours to be spent by the apprentice in work on the job; and
 - 2. The number of hours to be spent in related and supplemental instruction;
- f. A statement setting forth a schedule of the work processes in the trade in which the apprentice is to be trained and the approximate time to be spent at each process;
- g. A statement of the graduated scale of wages to be paid the apprentice and whether or not the required school time shall be compensated;
- h. Statements providing:
 - 1. For a specific period of probation during which the apprenticeship agreement may be terminated by either party to the agreement upon notice to the Council; and
 - 2. That, after the probationary period, the agreement may be terminated at the request of the apprentice, or may be suspended, or terminated by the sponsor, for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and to the Council of the final action taken;
- i. A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, ancestry, sex, age, physical handicap, marital status, or court and arrest record; and
- j. Name and address of the appropriate authority, if any, designated under the program to receive, process and make disposition of controversies or differences arising out of the apprenticeship agreement; any such controversies and differences which cannot be amicably settled by the parties may be submitted to the Council for final decision.

Section 7. Deregistration of Council-Registered Program –

Deregistration of a program may be effected upon the voluntary action of the sponsor by a request for cancellation of the registration or, upon reasonable cause, by the Council, instituting formal deregistration proceedings in accordance with the provisions of this regulation.

- a. **REQUEST BY SPONSOR.** The Council may cancel the registration of an apprenticeship program by a written acknowledgement of such request stating, but not limited to, the following:
 1. The registration is cancelled at sponsor's request, and giving the effective date of such cancellation; and
 2. That, within 15 workdays of the date of the acknowledgement, the sponsor must notify all apprentices, of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of his/her individual registration.
- b. **Deregistration by Council**
 1. Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, or administered in accordance with the registered standards or the requirements of Title 28, Chapter 45, or this regulation.
 2. Where it appears the program is not being operated in accordance with the registered standards or with requirements of Title 28, Chapter 45, or this regulation, the Council shall so notify the program in writing.
 3. The notice shall be sent by registered or certified mail, return receipt requested, shall state the deficiency(s) and remedy(s) required and shall state that the program will be deregistered for cause unless the corrective action is taken within 30 days.
 4. Upon request by sponsor, the 30 day period may be extended for up to an additional 30 day period. During the period for correction the sponsor may be assisted in every reasonable way by the Council.
 5. If the required action is not taken within the allotted time, the Council shall send a notice to the sponsor by registered or certified mail, return receipt requested, stating the following:
 - I. This notice is sent pursuant to this subsection;
 - II. That certain deficiencies were called to the sponsor's attention and remedial actions requested;
 - III. Based upon the stated cause, the program will be deregistered, unless within 15 workdays of receipt of this notice, the sponsor requests a hearing; and

- IV. If a hearing is not requested by the sponsor, the program will be automatically deregistered.
6. If the sponsor requests a hearing, the Council shall convene a hearing in accordance with Section 8 of these regulations.
 7. In its discretion, the Council may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Council's decision is that the apprenticeship program is not operating in accordance with the registered standards or requirements of Title 28, Chapter 45, and this regulation, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the Council shall notify the sponsor.
 8. Every order of deregistration shall contain a provision that the sponsor shall, within 15 workdays of the effective date of the order, notify all registered apprentices of the deregistration of the program, the effective date, and that such action automatically deprives the apprentice of his/her individual registration.

Section 8. Hearings –

- a. Within 10 workdays of receipt of a request for a hearing, reasonable notice of such hearing shall be registered mail, return receipt requested, to the appropriate sponsor. Such notice shall include:
 1. A reasonable time and place of hearing;
 2. A statement of the provisions of this regulation pursuant to which the hearing is to be held; and
 3. A concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.
- b. The Chairman of the Council shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his/her case including such cross-examination as may be appropriate in the circumstances. The Council shall render final decisions based on their findings.

Section 9. Reinstatement of Program Registration –

Any apprenticeship program deregistered pursuant to Title 28, Chapter 45, and this regulation, may be reinstated upon presentation of adequate evidence that the apprenticeship program is operating in accordance with Title 28, Chapter 45, and this regulation. Such evidence shall be presented to the Council, if an order of deregistration were entered pursuant to a hearing.

Section 10. Complaints –

- (a) The section is not applicable to any complaint concerning discrimination or other equal opportunity matters; all such complaints shall be submitted, processed, and resolved in accordance with State or Federal Equal Opportunity laws.
- (b) Any controversy or differences arising under an apprenticeship agreement which cannot be resolved locally, or which is not covered by a collective bargaining agreement, may be submitted by an apprentice or his/her authorized representative to the Council for review. Matters covered by a collective bargaining agreement are not subject to such review.
- (c) The complaint, in writing, and signed by the complainant, or authorized representative, shall be submitted within 60 days of the final local decision. It shall set forth the specific matter(s) complained of, together with all relevant facts and circumstances. Copies of all pertinent documents and correspondence shall accompany the complaint.
- (d) The Council shall render an opinion within 90 days after receipt of the complaint, based upon such investigation of the matters submitted as may be found necessary, and the record before it. During the 90 day period, the Council shall make reasonable efforts to effect a satisfactory resolution between the parties involved. If so resolved, the parties shall be notified that the case is closed. Where a decision is rendered, copies of the decision shall be sent to all interested parties which shall be final.

Section 11. Reciprocity –

Where there exists similar Standards between the Rhode Island Apprenticeship Council and other states and the Federal Government, reciprocity shall be exercised by the Rhode Island Council and recognition be given upon presentation of appropriate information.

Apprenticeship RIGL 28-45-1 through 28-45-17