

1 SB358  
2 199615-1  
3 By Senators Scofield and Livingston  
4 RFD: Education Policy  
5 First Read: 30-APR-19

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8 SYNOPSIS: This bill would provide that a person who  
9 completes an apprenticeship may be granted an  
10 occupational license in that trade if the person  
11 also meets other requirements, including completion  
12 of any required examination with a passing score,  
13 and provides that if a licensing authority requires  
14 an examination for a license, the authority may not  
15 impose higher testing standards upon that person  
16 than it does for any other applicant.

17 This bill also provides incentives for  
18 employers to hire in-school youth apprentices by  
19 allowing children from 14 years of age through 17  
20 years of age to participate in apprenticeship  
21 programs certified by the Alabama Office of  
22 Apprenticeship.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1           Relating to apprenticeships; to provide that a  
2 person who completes an apprenticeship may be granted an  
3 occupational license in that trade if the person also meets  
4 other requirements, including completion of any required  
5 examination with a passing score; to provide that if a  
6 licensing authority requires an examination for a license, the  
7 authority may not impose higher testing standards upon that  
8 person than it does for any other applicant; and to amend  
9 Sections 25-8-33, 25-8-35, and 25-8-43, Code of Alabama 1975,  
10 to allow in-school youth apprentices to work in certain  
11 occupations under certain conditions.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13           Section 1. This act may be known and shall be cited  
14 as the Eliminating Legal Barriers to Apprenticeships (ELBA)  
15 Act.

16           Section 2. As used in this act, the following terms  
17 shall have the following meanings:

18           (1) APPRENTICE. A worker at least 14 years of age,  
19 except where a higher minimum age standard is otherwise fixed  
20 by law, who is employed to learn an apprenticeable occupation.

21           (2) APPRENTICEABLE OCCUPATION. As defined in 29  
22 C.F.R. §29.4.

23           (3) APPRENTICESHIP AGREEMENT. A written agreement  
24 between an apprentice and either the apprentice's program  
25 sponsor or an apprenticeship committee acting as agent for the  
26 program sponsor, which contains the terms and conditions of  
27 the employment and training of the apprentice in conformance

1 with 29 C.F.R. §29.4. and Section 40-18-421, Code of Alabama  
2 1975.

3 (4) APPRENTICESHIP PROGRAM. A plan containing all  
4 terms and conditions for the qualification, recruitment,  
5 selection, employment, and training of apprentices, as  
6 required under the federal guidelines in CFR Title 29,  
7 Subtitle A, Parts 29 and 30, 29 U.S.C. §50, and the rules and  
8 regulations adopted by the Alabama Office of Apprenticeship.

9 (5) CERTIFICATION or CERTIFICATE. The written  
10 approval by the Alabama Office of Apprenticeship of a set of  
11 apprenticeship standards, of an individual for employment as  
12 an apprentice or probationary apprentice in a registered  
13 apprenticeship program, or of an individual who has  
14 successfully met the requirements to receive an interim  
15 credential.

16 (6) DIRECTOR. The Director of the Alabama Office of  
17 Apprenticeship.

18 (7) ELIGIBLE EMPLOYER. As defined in Section  
19 40-18-421, Code of Alabama 1975.

20 (8) EMPLOYER. A person or organization employing an  
21 apprentice whether or not the person or organization is a  
22 party to an apprenticeship agreement with the apprentice.

23 (9) FISCAL YEAR. An annually recurring period of  
24 time that begins on October 1 and concludes on September 30.

25 (10) LICENSING AUTHORITY. An agency, board,  
26 commission, or other office with the authority to require

1 occupational fees or issue licensing requirements for practice  
2 of an apprenticeable occupation.

3 (11) WORK-BASED LEARNING. Sustained interactions  
4 with industry or community professionals in real workplace  
5 settings, to the extent practicable, or simulated environments  
6 at an educational institution that foster in-depth, first-hand  
7 engagement with the tasks required of a given career field,  
8 that are aligned to curriculum and instruction.

9 Section 3. (a) A licensing authority shall grant an  
10 occupational license to any applicant who meets all of the  
11 following requirements:

12 (1) Has successfully completed the 8th grade.

13 (2) Has successfully completed an apprenticeship  
14 subject to a valid apprenticeship agreement and under the  
15 supervision of an eligible employer.

16 (3) Has made a passing score on any examination  
17 deemed to be necessary for licensing by a licensing authority.

18 (4) Is otherwise eligible to receive a license.

19 (b) (1) A licensing authority may not set a higher  
20 required minimum passing score for applicants who satisfy the  
21 requirements of subsection (a) than that which is required for  
22 any other test taker.

23 (2) If a licensing authority does not require an  
24 examination, no examination may be required for applicants who  
25 complete an apprenticeship.

1 (c) The term of the apprenticeship shall comport  
2 with program standards for apprenticeships as outlined in 29  
3 C.F.R. §29.5.

4 (d) Licensing authorities shall adopt necessary  
5 rules for the implementation and administration of this  
6 section.

7 Section 4. Sections 25-8-33, 25-8-35, and 25-8-43,  
8 Code of Alabama 1975, are amended to read as follows:

9 "§25-8-33.

10 "(a) No person under 16 years of age shall be  
11 employed, except in agricultural service, and except as  
12 otherwise provided in this chapter. Any person 14 or 15 years  
13 of age may be employed outside school hours and during school  
14 vacation periods, so long as the person is not employed in,  
15 about, or in connection with, any manufacturing or mechanical  
16 establishment, cannery, mill, workshop, warehouse, or machine  
17 shop or in any occupation or place of employment otherwise  
18 prohibited by law. The presence of any person under 18 years  
19 of age in any restricted business establishment or restricted  
20 occupation shall be prima facie evidence of his or her  
21 employment ~~therein~~ in the business establishment or  
22 occupation.

23 "(b) (1) This section does not apply to an individual  
24 14 years of age or 15 years of age when both of the following  
25 are true:

26 "a. The individual is enrolled in either of a youth  
27 pre-apprenticeship program, youth industry-registry

1 apprenticeship program, or similar program in which employment  
2 and work-based learning are an integral part of the course of  
3 study.

4 "b. The program the individual is enrolled in is  
5 registered by the Alabama Office of Apprenticeship.

6 "(2) This section does not apply to employment  
7 procured by an individual 14 years of age or 15 years of age  
8 when the employment is supervised through the Alabama  
9 Department of Education and approved by the Alabama Department  
10 of Labor.

11 "§25-8-35.

12 "(a) No person under 16 years of age shall be  
13 employed, permitted, or suffered to work at any of the  
14 following occupations, positions, or places:

15 "(1) Operating or assisting in operating any  
16 sandpaper or wood polishing machinery, any washing, grinding,  
17 or mixing machinery, or commercial laundry equipment.

18 "(2) Operating or assisting in operating any  
19 machines used in picking wool, cotton, hair, or any other  
20 material.

21 "(3) In any work in or about a rolling mill, machine  
22 shop, or manufacturing establishment which is hazardous or  
23 dangerous to health, limb, or life.

24 "(4) In proximity to any hazardous or unguarded  
25 gearing.

26 "(5) Upon any vessel or boat engaged in navigation  
27 or commerce within the jurisdiction of this state.

1                   "(6) In the manufacture or packing of paints,  
2 colors, or white or red lead.

3                   "(7) In occupations causing dust in injurious  
4 quantities.

5                   "(8) In soldering, brazing, heat treating, or  
6 welding.

7                   "(9) In the building trades, except that persons 14  
8 or 15 years of age who are members of the immediate family of  
9 the contractor may be employed in trades involving  
10 nonhazardous duties or occupations.

11                   "(10) Repairing, painting, or cleaning buildings or  
12 structures while working at the top of ladders, lifts, or  
13 scaffolds exceeding a height of six feet.

14                   "(11) In connection with a junk or scrap metal yard.

15                   "(12) Assorting, manufacturing, or packing tobacco.

16                   "(13) Operating any automobile, truck, or motor  
17 vehicle, or flagging or directing traffic.

18                   "(14) In airport hangars or landing strips or taxi  
19 and maintenance aprons.

20                   "(15) In connection with any lumberyard.

21                   "(16) In any place or occupation which the  
22 department declares dangerous to life or limb or injurious to  
23 the health or morals of persons under 16 years of age.

24                   "(17) Selling of fireworks, unless under the direct  
25 supervision of an individual at least 18 years of age.



1           "(b) (1) This section does not apply to an individual  
2 14 years of age or 15 years of age when both of the following  
3 are true:

4           "a. The individual is enrolled in either of a youth  
5 pre-apprenticeship program, youth industry-registry  
6 apprenticeship program, or similar program in which employment  
7 and work-based learning are an integral part of the course of  
8 study.

9           "b. The program the individual is enrolled in is  
10 registered by the Alabama Office of Apprenticeship.

11           "(2) This section does not apply to employment  
12 procured by an individual 14 years of age or 15 years of age  
13 when the employment is supervised through the Alabama  
14 Department of Education and approved by the Alabama Department  
15 of Labor.

16           "§25-8-43.

17           "(a) No person under 18 years of age shall be  
18 employed or permitted or suffered to work at any of the  
19 following occupations, positions, or places:

20           "(1) In or about or in connection with any mine,  
21 coke breaker, coke oven, or quarry in any capacity.

22           "(2) In wrecking, demolition, and shipbreaking.

23           "(3) In any tunnel or excavation with a depth of  
24 four feet or more.

25           "(4) In any roofing, scaffolding, or sandblasting  
26 operations.

1           "(5) Operating or driving any truck or heavy  
2 equipment over three tons gross weight.

3           "(6) In logging or around any sawmill, lath mill,  
4 shingle, or cooperage-stock mill.

5           "(7) Operating any power-driven woodworking, bakery,  
6 or paper-products machinery.

7           "(8) Upon any steam, electric, diesel, hydraulic, or  
8 other railroad.

9           "(9) As firefighters.

10          "(10) Operating any stamping machines used in sheet  
11 metal or tin ware, or in paper or leather manufacturing, or  
12 washer or nut factories.

13          "(11) In or around any steam boiler or rolling mill  
14 machinery.

15          "(12) Operating any power-driven metal forming,  
16 cutting, straightening, drawing, punching, or shearing  
17 machines.

18          "(13) Operating or assisting in operating any  
19 elevators, open-freight elevators, cranes, derricks, or other  
20 power-driven hoisting apparatus, with the exception of an  
21 unattended automatic passenger elevator.

22          "(14) Operating any paper cutting, stapling,  
23 corrugating, or punching machines.

24          "(15) Assembling, adjusting, cleaning, oiling, or  
25 servicing machinery in motion.

26          "(16) Operating any circular saws, band saws, or  
27 guillotine shears.

1           "(17) In or around any distillery where alcoholic  
2 beverages are manufactured, bottled, wrapped, or packed.

3           "(18) In the manufacture, storage, or transportation  
4 of explosive components.

5           "(19) In the manufacturing of brick, tile, or  
6 similar products.

7           "(20) In the manufacture or transportation of  
8 dangerous or toxic chemicals or compounds.

9           "(21) In, about, or in connection with, poisonous  
10 dyes, dangerous or poisonous gases, compositions of lye in  
11 dangerous quantities, dangerous or poisonous acids, or  
12 pesticides.

13           "(22) In any activity involving exposure to  
14 radioactive substances or ionizing radiation.

15           "(23) Around asbestos or any other cancer-causing  
16 agents.

17           "(24) Operating or assisting in operating any job,  
18 cylinder, or offset printing presses.

19           "(25) In any activity involving slaughtering,  
20 butchering, and meat cutting.

21           "(26) In any place or occupation which the  
22 department may declare dangerous to life or limb or injurious  
23 to the health or morals of persons under 18 years of age.

24           "(b) This section shall not apply to persons 16 or  
25 17 years of age enrolled in work-study, student-learner,  
26 cooperative education, youth registered apprentice programs,  
27 youth industry registry apprenticeship programs, or similar

1 programs in which ~~the~~ employment ~~is~~ and work-based learning  
2 are an integral part of the course of study and ~~is~~ are  
3 registered by the ~~Bureau of Apprenticeship and Training of the~~  
4 ~~United States Department of Labor~~ Alabama Office of  
5 Apprenticeship or to employment procured and supervised  
6 through the Alabama Department of Education and approved by  
7 the Alabama Department of Labor."

8 Section 5. This act shall become effective on the  
9 first day of the third month following its passage and  
10 approval by the Governor, or its otherwise becoming law.