

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, An Act To provide for voluntary apprenticeship in the District of Columbia and the Amendments to An Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978 to make technical and conforming amendments to allow the District of Columbia to continue to be recognized by the U.S. Department of Labor as a State Apprenticeship Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Apprenticeship Modernization Emergency Amendment Act of 2014”.

Sec. 2. An Act To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1401 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 32-1401) is amended to read as follows:

“It is the purpose of this act to:

“(1) Open to District of Columbia residents the opportunity to obtain training that will equip them for profitable employment and citizenship;

“(2) Establish, as a means to this end, a program of voluntary apprenticeship under approved apprenticeship agreements providing facilities for the training and guidance of apprentices in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education;

“(3) Promote employment opportunities for young people under conditions providing adequate training and reasonable earnings;

“(4) Relate the supply of skilled workers to employment demands;

“(5) Establish standards for apprentice training;

“(6) Establish an Apprenticeship Council;

“(7) Provide for the establishment of local joint trade apprenticeship committees and non-joint committees to assist in effectuating the purposes of this act;

“(8) Provide for an associate of apprenticeship within the District of Columbia;

“(9) Provide that reports be submitted to the Council of the District of Columbia and to the public regarding the status of apprenticeship in the District of Columbia;

“(10) Establish a procedure for the determination of apprenticeship agreement controversies; and

“(11) Accomplish related purposes.”.

(b) Section 2 (D.C. Official Code § 32-1402) is amended as follows:

(1) Strike the phrase “Superintendent of Schools” and insert the phrase “Chancellor of District of Columbia Public Schools” in its place.

(2) Strike the phrase “appointed for a term of three years. Any member” and insert the phrase “appointed for a term of 3 years. At the end of a term, a member shall continue to serve until a successor is appointed and sworn into office. Any member” in its place.

(3) Strike the sentence “The compensation of each member not otherwise compensated by public money shall be paid not more than \$ 25 per day for each day spent in attendance at meetings of the Apprenticeship Council; provided, however, that any applicable laws passed by the Council of the District of Columbia shall supersede the provisions of this section.”.

(c) Section 3 (D.C. Official Code § 32-1403) is amended to read as follows:

“Sec. 3. Associate Director of Apprenticeship.

“(a) The Director of the Department of Employment Services shall appoint an Associate Director of Apprenticeship whose office shall have responsibility and accountability for the apprenticeship system in the District of Columbia. The Office of Apprenticeship, Information and Training, which shall be known as the Registration Agency, shall have the authority to approve apprenticeship registration for federal purposes.

“(b) The Associate Director of Apprenticeship shall be chosen from among the employees of the Apprenticeship Training Service actually engaged in formulating and promoting standards of apprenticeship under the provisions of An Act To enable the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards, approved August 16, 1937 (50 Stat. 664; 29 U.S.C. §§ 50, 50a, and 50b).

“(c) The Office of Apprenticeship, Information and Training is authorized to supply the Associate Director of Apprenticeship or the Apprenticeship Council with the clerical, technical, and professional assistance considered essential to effectuate the purposes of this act.”.

(d) Section 4 (D.C. Official Code § 32-1404) is amended as follows:

(1) Strike the word “Director” and insert the phrase “Associate Director of Apprenticeship” in its place.

(2) Strike the phrase “Secretary of Labor” and insert the phrase “Director of the Department of Employment Services” in its place.

(3) Strike the sentence “Not less than once every two years the Apprenticeship Council shall make a report through the Mayor of its activities and findings to Congress and to the public.”.

(4) Add the following sentence at the end:

“Once every year the Registration Agency shall make a report through the Mayor of its findings and activities to the Council of the District of Columbia and to the public.”.

(e) Section 5 (D.C. Official Code § 32-1405) is amended to read as follows:

“The Associate Director of Apprenticeship, under the supervision of the Director of the Department of Employment Services and with the advice and guidance of the Apprenticeship Council, shall:

“(1) Administer the provisions of this act in cooperation with the Apprenticeship Council, local joint apprenticeship committees, and non-joint apprenticeship committees to develop criteria and training standards for apprentices, which shall in no case be lower than those required by this act;

“(2) Act as secretary of the Apprenticeship Council;

“(3) Approve, if approval is in the best interest of the apprentice, any apprentice agreement that meets the standards established by or in accordance with this act;

“(4) Terminate or cancel any apprenticeship agreement in accordance with the provisions of the apprenticeship agreement;

“(5) Engage with the State Board of Education and area community colleges on the administration and supervision of related and supplemental instruction for apprentices to ensure coordination of the instruction with job experiences; and

“(6) Perform such other duties necessary to carry out the intent of this act.”.

(f) Section 6 (D.C. Official Code § 32-1406) is amended to read as follows:

“(a) Local joint apprenticeship committees and non-joint apprenticeship committees in any trade or group of trades may be submitted to the Registration Agency for approval. Such apprenticeship committees shall be composed of an equal number of employer and employee representatives appointed by the groups or organizations they represent, or the committee may consist of the employer and not less than 2 representatives from the recognized bargaining agency.

“(b) In a trade or group of trades in which there is no bona fide employee organization, the Registration Agency, with the advice and guidance of the Apprenticeship Council, may approve a joint trade apprenticeship committee and a non-joint apprenticeship committee (also referred to as a unilateral or group non-joint committee).

“(c) Subject to the approval of the Registration Agency, and in accordance with standards established by or under authority of this act, joint trade apprenticeship committees and non-joint apprenticeship committees may develop standards to govern the training of apprentices and give such aid as may be necessary to effectuate the standards.”.

(g) Section 7 (D.C. Official Code § 32-1407) is amended to read as follows:

“For the purposes of this act, the term “apprentice” means a worker at least 16 years of age, except when a higher minimum age standard age is otherwise fixed by law, who is employed to learn an apprenticeable occupation meeting the criteria approved by the Registration Agency and who has entered into a written apprenticeship agreement, which contains the terms and conditions of the employment and training of the apprentice, with either the apprentice’s program sponsor or an apprenticeship committee acting as agent for the program sponsor.”.

(h) Section 8 (D.C. Official Code § 32-1408) is amended to read as follows:

“Every apprenticeship agreement entered into pursuant to this act shall contain:

“(1) The names and signatures of the contracting parties, including the apprentice’s parent or guardian, if the apprentice is a minor, and the contact information of the program sponsor and the Registration Agency;

“(2) The date of birth of the apprentice and social security number, given on a voluntary basis;

“(3) A statement of the craft or occupation that the apprentice is to be taught and the time period at which the apprenticeship will begin and end;

“(4) A statement showing:

“(A) The number of hours to be spent by the apprentice in on-the-job learning in a time-based program;

“(B) A description of the skill sets to be attained by completion of a competency-based program, including the on-the-job learning component; or

“(C) The minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid program; and

“(D) Provisions for related and supplemental instruction;

“(5) A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be trained and the approximate time to be spent in each process;

“(6) A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated;

“(7) A statement providing for a period of probation without adverse impact on the sponsor during which time the apprenticeship agreement shall be terminated by the Associate Director of Apprenticeship at the request, in writing, of the apprentice or suspended or cancelled by the sponsor for good cause with due notice to the apprentice and a reasonable opportunity for corrective action with due notice to the Associate Director of Apprenticeship, and providing that after a probationary period, the apprenticeship may be cancelled by the Associate Director of Apprenticeship by mutual agreement of all parties or canceled by the Associate Director of Apprenticeship for good and sufficient reasons;

“(8) Contact information (name, address, phone, and e-mail, if appropriate) of the person in the Registration Agency designated under the program to receive, process, and make disposition of a controversy or difference arising out of the apprenticeship agreement when the controversy or difference cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions.

“(9) A provision that a sponsor who is unable to fulfill the obligations under the apprenticeship agreement may, with the approval of the Associate Director of Apprenticeship or under the direction of the joint trade apprenticeship committee or non-joint apprenticeship committee or individual sponsor, transfer the apprenticeship agreement to another sponsor; provided, that:

“(A) The apprentice consents and that the other sponsor agrees to assume the obligations of the apprenticeship agreement;

“(B) The transferring apprentice is provided a transcript of related instruction and on-the-job learning by the program sponsor;

“(C) The transfer is to the same occupation; and

“(D) A new apprenticeship agreement is executed when the transfer between program sponsors occurs; and

“(10) Such additional terms and conditions as may be prescribed or approved by the Registration Agency with the advice and guidance of the Apprenticeship Council, if not inconsistent with the provisions of this act.”.

(i) Section 9 (D.C. Official Code § 32-1409) is amended by striking the word “Director” both times it appears and inserting the phrase “Associate Director of Apprenticeship” in its place.

(j) Section 10 (D.C. Official Code § 32-1410) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the word “Director” and insert the phrase “Associate Director of Apprenticeship” in its place.

(B) Strike the phrase “under this act, and he may hold” and insert the phrase “under this act and may hold” in its place.

(C) Strike the phrase “Secretary of Labor” and insert the phrase “Registration Agency” in its place.

(2) Subsection (b) is amended to read as follows:

“(b)(1) The determination of the Associate Director of Apprenticeship shall be filed with the Apprenticeship Council. If no appeal is filed with the Apprenticeship Council within 10 days after the date of filing the appeal, the determination of the Associate Director of Apprenticeship shall become the order of the Apprenticeship Council.

“(2) Any person aggrieved by a determination or action of the Associate Director of Apprenticeship may appeal to the Apprenticeship Council, which shall hold a hearing after due notice to the interested parties.

“(3) Any person aggrieved by the action of the Apprenticeship Council may appeal as provided in Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).”.

(k) Section 12 (D.C. Official Code § 32-1412) is repealed.

Sec. 3. Section 5(c)(2) of the Amendments to An Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978, effective March 6, 1979 (D.C. Law 2-156; D.C. Official Code § 32-1431(c)(2)), is amended by striking the phrase “Contracting Officer” wherever it appears and inserting the phrase “Department of Employment Services” in its place.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia