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OFFICE OF THE
SECURITY

VINCENT C. GRAY
MAYOR

DEC - 1 2014

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Ave. N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed please find the "Apprenticeship Modernization Temporary Emergency Amendment Act of 2014 and its accompanying declaration resolution and temporary legislation. This legislation, if enacted, would update language to a 1978 law regarding apprenticeships to ensure the District Department of Employment Services (DOES) can continue to be recognized by the U. S. Department of Labor as a State Apprenticeship Agency.

The US Department of Labor began the process of updating the Federal rules governing Apprenticeship Programs, Labor Standards for Registration, and Amendment of Regulations. Once finalized, each State Apprenticeship Agency must update its existing apprenticeship regulations and underlying statutes for continued recognition as an apprenticeship registration agency. The Department of Employment Services has worked closely with the US Department of Labor, Office of Apprenticeship, to draft mutually agreeable changes to the District's apprenticeship regulations and underlying statutes. The US Department of Labor has indicated by letter that once the drafted changes are enacted, the District will retain its more than 60 years of recognition as a State Apprenticeship Agency.

These changes are necessary in order to move forward with local apprenticeship regulations that conform with the Federal standards.

I urge prompt and favorable consideration of this legislation. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".
Vincent C. Gray

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Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, an Act to Provide for Voluntary Apprenticeship in the District of Columbia Act 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 US Department of Labor to operate as a State Apprenticeship Agency pursuant to Title 29 CFR, part 29.13.

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

Sec. 2. An Act to Provide for Voluntary Apprenticeship in the District of Columbia Act, approved May 21, 1946 (60 Stat. 204, ch. 267: D.C. Official Code § 32-1401 *et seq.*) is amended as follows:

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

(1) After the phrase “It is the purpose of this subchapter to open to” strike the phrase “young people in the District of Columbia” and insert the phrase “residents of the District of Columbia” in its place.

(2) After the phrase “to promote employment opportunities”, strike the phrase “young people” and insert the phrase “District of Columbia residents” in its place.

(3) After the phrase “local joint trade apprenticeship committees”, insert the phrase “and non-joint committees”.

(4) After the phrase “to assist in effectuating the purposes of this subchapter”, strike the phrase “to provide for a director” and insert the phrase “to provide for an associate director” in its place.

(5) After the phrase “apprenticeship within the District of Columbia”, strike the phrase “to provide reports to the Congress” and insert the phrase “to provide reports to the Council of the District of Columbia” in its place.

47 (b) Section 2 (D.C. Official Code § 32-1402) is amended as follows:
48

49 (1) Strike the word “superintendent” and insert the word “Chancellor” in its place.

50 (2) After the phrase “appointed for a term of three years.”, insert a new sentence that
51 reads:

52 “At the end of a term, a member shall continue to serve until a successor is appointed and
53 sworn into office.”
54

55 (3) Strike the sentence “The compensation of each member not otherwise compensated
56 by public money shall be paid not more than \$ 25 per day for each day spent in attendance at
57 meetings of the Apprenticeship Council; provided, however, that any applicable laws passed by
58 the Council of the District of Columbia shall supersede the provisions of this section.”
59

60 (c) Section 3 (D.C. Official Code § 32-1403) is amended by striking the existing language in
61 its entirety and inserting new language to read as follows:
62

63 “32-1403. Associate Director of Apprenticeship; registration agency; assistance
64 authorized.
65

66 The Director of the Department of Employment Services shall appoint an Associate Director of
67 Apprenticeship whose office shall have responsibility and accountability for the apprenticeship
68 system in the District of Columbia. The DC Office of Apprenticeship, Information and Training
69 hereinafter known as the Registration Agency, shall have the authority to approve apprenticeship
70 registration for federal purposes. Without regard for the provisions of any other law with respect
71 to the appointment of officers and employees of the District of Columbia, the Associate Director
72 of Apprenticeship shall be chosen from among the employees of Apprenticeship Training
73 Service actually engaged in formulating and promoting standards of apprenticeship under the
74 provisions of An Act to enable the Department of Labor to formulate and promote the
75 furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate
76 with the States in the promotion of such standards, effective August 16, 1937 (50 Stat. 664; 29
77 U.S.C. §§ 50, 50a and 50b). The Office of Apprenticeship, Information and Training is further
78 authorized to supply the Associate Director or the Council with such clerical, technical, and
79 professional assistance as shall be deemed by said office to be essential to effectuate the
80 purposes of this subchapter.”
81

82 (d) Section 4 (D.C. Official Code § 32-1404) is amended as follows:
83

84 (1) After the phrase “meet at the call of the”, insert the word “Associate”.
85

86 (2) Strike the phrase “Secretary of Labor” and insert the phrase “Director of the Director
87 of the Department of Employment Services” in its place.
88

89 (3) Strike the sentence “Not less than once every 2 years the Apprenticeship Council
90 shall make a report through the Mayor of its activities and findings to Congress and to the
91 public.” and insert a new sentence that reads:
92

93 “Once every year the Registration Agency shall make a report through the Mayor of its
94 activities and findings to the Council of the District of Columbia and to the public.”
95

96 (e) Section 5 (D.C. Official Code § 32-1405) is amended by striking the existing language
97 after the section heading in its entirety and inserting new language that reads as follows:
98

99 “The Associate Director, under the supervision of the Director of the Department of
100 Employment Services and with the advice and guidance of the Apprenticeship Council, is
101 authorized to administer the provisions of this subchapter in cooperation with the Apprenticeship
102 Council, local joint apprenticeship committees, and non-joint apprenticeship committees to set
103 up conditions and training standards for apprentices, which conditions or standards shall in no
104 case be lower than those prescribed by this subchapter; to act as secretary of the Apprenticeship
105 Council; to approve, if approval is in the best interest of the apprentice, any apprentice
106 agreement which meets the standards established by or in accordance with this subchapter; to
107 terminate or cancel any apprenticeship agreement in accordance with the provisions of such
108 agreement; to engage with the state Board of Education and the area community colleges on the
109 administration and supervision of related and supplemental instruction for apprentices, to ensure
110 coordination of the instruction with job experiences; and to perform such other duties as are
111 necessary to carry out the intent of this subchapter.”
112

113 (f) Section 6 (D.C. Official Code § 32-1406) is amended as follows:
114

115 (1) Strike the sentence “Local joint trade apprenticeship committees in any trade or
116 group of trades may be approved by the Apprenticeship Council.” and insert a new sentence that
117 reads as follows:
118

119 “Local joint apprenticeship committees and non-joint apprenticeship committees in any
120 trade or group of trades may be submitted to the Registration Agency for approval.”
121

122 (2) After the phrase “bona fide employee organization,” strike the language “the
123 Apprenticeship Council may appoint a joint trade apprenticeship committee from persons known
124 to represent the interests of employers and of employees, or the Council may act itself as such
125 joint committee. Subject to the review of the Council, and in accordance with standards
126 established by or under authority of this subchapter, joint trade apprenticeship committees” and
127 insert new language to read as follows:
128

129 “the Registration Agency with the advice and guidance of the Apprenticeship Council
130 may approve a joint trade apprenticeship committee and a non-joint apprenticeship committee
131 also referred to as unilateral or group non-joint committee. Subject to the approval of the
132 Registration Agency, and in accordance with standards established by or under authority of this
133 subchapter, joint trade apprenticeship committees and non-joint apprenticeship committees”.
134

135 (g) Section 7 (D.C. Official Code § 32-1407) is amended by striking the existing language
136 after the section heading in its entirety and inserting new language that reads as follows:
137

138 “The term “apprentice” as used herein, shall mean a worker at least 16 years of age,
139 except when a higher minimum age standard age is otherwise fixed by law, who is employed to
140 learn an apprenticeable occupation meeting the criteria approved by Registration Agency; and
141 who has entered into a written agreement, hereinafter called an apprenticeship agreement,
142 between the apprentice and either the apprentice’s program sponsor, or an apprenticeship
143 committee acting as agent for the program sponsor(s), which contains the terms and conditions
144 of the employment and training of the apprentice.”
145

146 (h) Section 8 (D.C. Official Code § 32-1408) is amended by striking the existing language
147 after the section heading in its entirety and inserting new language that reads as follows:
148

149 “Every apprenticeship agreement entered into under this subchapter shall contain:

150
151 (1) The names and signatures of the contracting parties, including the
152 apprentice’s parent or guardian, if a minor, and the contact information of the Program
153 Sponsor and Registration Agency;
154

155 (2) The date of birth of the apprentice and Social Security Number given on a
156 voluntary basis;
157

158 (3) A statement of the craft, or occupation which the apprentice is to be taught
159 and the time at which the apprenticeship will begin and end;
160

161 (4) A statement showing the number of hours to be spent by the apprentice in on-
162 the-job learning in a time based program; or a description of the skill sets to be attained
163 by completion of a competency-based program, including the on-the-job-learning
164 component; or the minimum number of hours to be spent by the apprentice and a
165 description of the skill sets to be attained by completion of a hybrid program; and
166 provisions for related and supplemental instruction;
167

168 (5) A statement setting forth a schedule of the processes in the occupation or
169 industry divisions in which the apprentice is to be trained and the approximate time to
170 be spent at each process;
171

172 (6) A statement of the graduated scale of wages to be paid the apprentice and
173 whether the required school time shall be compensated;
174

175 (7) A statement providing for a period of probation without adverse impact on the
176 sponsor during which time the apprenticeship agreement shall be terminated by the
177 Associate Director at the request in writing of the apprentice or, suspended or cancelled
178 by the sponsor for good cause with due notice to the apprentices and a reasonable
179 opportunity for corrective action with due notice to the Associate Director, and providing
180 that after such probationary period the apprenticeship may be cancelled by the Associate
181 Director by mutual agreement of all parties thereto, or canceled by the Associate Director
182 for good and sufficient reasons;
183

184 (8) Contact information (name, address, phone, and e-mail if appropriate) of the
185 Associate Director of the Registration Agency designated under the program to receive,
186 process and make disposition of controversies or differences arising out of the
187 apprenticeship agreement when the controversies or differences cannot be adjusted
188 locally or resolved in accordance with the established procedure or applicable collective
189 bargaining provisions.
190

191 (9) A provision that a sponsor who is unable to fulfill the obligations under the
192 apprenticeship agreement may, with the approval of the Associate Director or under the
193 direction of the joint trade apprenticeship committee or non-joint apprenticeship
194 committee or individual sponsor transfer such contract to any other sponsor provided that
195 the apprentice consents and that such other sponsor agrees to assume the obligations of
196 said apprenticeship agreement; the transferring apprentice is provided a transcript of
197 related instruction and on-the-job learning by the program sponsor; the transfer is to the
198 same occupation; and a new apprenticeship agreement is executed when the transfer
199 between program sponsors occurs; and
200

201 (10) Such additional terms and conditions as may be prescribed or approved by
202 the Registration Agency with the advice and guidance of the Apprenticeship Council if
203 not inconsistent with the provisions of this subchapter.
204

205 (i) Section 9 (D.C. Official Code § 32-1409) is amended as follows:
206

207 (1) After the phrase “registered or approved by the”, insert the word “Associate”.

208
209 (2) After the phrase “has been approved by the”, insert the word “Associate”.
210

211 (j) Section 10 (D.C. Official Code § 32-1410) is amended as follows:
212

213 (1) Subsection (a) is amended as follows:
214

215 (A) After the phrase “upon his own initiative, the”, insert the word “Associate”.

216
217 (B) After the phrase “under this subchapter, and”, strike the word “he”.
218

219 (C) Strike the phrase “Secretary of Labor” and insert the phrase “Registration
220 Agency” in its place.
221

222 (2) Subsection (b) is amended as follows:
223

224 (A) After the phrase “The determination of the”, insert the word “Associate”.

225
226 (B) After the phrase “shall be filed with the”, insert the word “Apprenticeship”.
227

228 (C) After the phrase “If no appeal”, strike the phrase “therefrom is filed with the
229 Council” and insert the phrase “is filed with the Apprenticeship Council” in its place.

230
231 (D) After the phrase “shall become the order of the”, insert the word
232 “Apprenticeship”.

233
234 (E) Strike the sentence “Any person aggrieved by any determination or action of
235 the Director may appeal therefrom to the Council, which shall hold a hearing thereon
236 after due notice to the interested parties.” and insert a new sentence that reads as follows:

237
238 “Any person aggrieved by any determination or action of the Associate Director
239 may appeal to the Apprenticeship Council, which shall hold a hearing after due notice to
240 the interested parties.”

241
242 (F) After the phrase “aggrieved by the action of the”, insert the word
243 “Apprenticeship”.

244
245 (k) Section 12 (D.C. Official Code § 32-1412) is repealed

246
247 Sec. 3. Section 5 (c)(2) of the Amendments to an Act to Provide for Voluntary
248 Apprenticeship in the District of Columbia Act of 1978, effective March 6, 1979 (D.C. LOaw 2-
249 156; D.C. Official Code § 32-1431) is amended by striking the phrase “Contracting Officer” in
250 each place it appears and inserting he phrase “Department of Employment Services” in its place.

251
252 Sec. 4. Fiscal impact statement.

253
254 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
255 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved
256 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

257
258 Sec. 4. Effective date.

259
260 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
261 the Mayor, action by the Council to override the veto), a 30-day period of Congressional review
262 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
263 24, 1973 (87 Stat. 813;D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
264 Columbia Register.

265
266 (b) This act shall expire after 225 days of having taken effect.


Government of the District of Columbia
Office of the Chief Financial Officer



Jeff DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeff DeWitt
Chief Financial Officer 

DATE: November 10, 2014

SUBJECT: Fiscal Impact Statement – “Apprenticeship Modernization Temporary Amendment Act of 2014”

REFERENCE: Draft bill as provided to the Office of Revenue Analysis on November 3, 2014

Conclusion

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill.

Background

The bill updates language to a 1978 law¹ regarding apprenticeships² to ensure the District Department of Employment Services (DOES) can continue to be recognized by the U. S. Department of Labor to operate as a State Apprenticeship Agency.³

Financial Plan Impact

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill. The changes are technical and do not have a fiscal impact. All positions referred to in the bill already exist and are fully paid for in the District’s budget and financial plan.

¹ 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 § 32-1401 *et seq.*)

² The bill defines an apprentice as a worker at least 16 years old, earning less than minimum wage, employed to learn an apprentice-able occupation, meeting certain federal and state-level criteria.

³ Recognition of State Apprenticeship Agencies confers non-exclusive authority to determine whether an apprenticeship program conforms to the published standards and whether the program is, therefore, eligible for purposes which require such a determination by the Department of Labor. (29 CFR 29.13)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

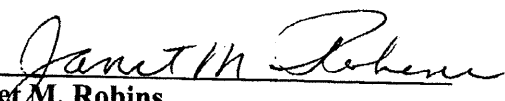
TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: November 24, 2014

SUBJECT: Legal Sufficiency Review of Draft Bills, "Apprenticeship Modernization
Emergency Amendment Act of 2014" and "Apprenticeship Modernization
Temporary Amendment Act of 2014"
(AE-14-691)

This is to Certify that this Office has reviewed the above-referenced emergency bill and emergency declaration resolution and found them to be legally unobjectionable. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins