

2020 Regular Session

SENATE BILL NO. 250

BY SENATOR CARTER

EMPLOYMENT. Requires a contractor for a state capital outlay project to designate no less than two percent of man-hours in any apprenticeable occupation to registered apprentices. (8/1/20)

1 AN ACT

2 To enact R.S. 23:388.1 and R.S. 39:103(A)(1)(g) and 121(8), relative to apprenticeship; to  
3 require contractors for capital outlay projects to employ certain registered  
4 apprentices; to provide for apprenticeship agreements; to provide for capital outlay  
5 contracts; to provide for waivers; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:388.1 is hereby enacted to read as follows:

8 **§388.1. Apprenticeship requirements for capital outlay projects**

9 **A. In order to promote employment opportunities for young people and**  
10 **to train a skilled workforce in Louisiana, beginning August 1, 2020, any**  
11 **employer who is awarded a contract pursuant to R.S. 39:121 by the state of**  
12 **Louisiana to construct a capital outlay project shall designate no less than two**  
13 **percent of the man-hours in any apprenticeable occupation, as defined by the**  
14 **United States Department of Labor, to apprentices who are registered pursuant**  
15 **to this Chapter.**

16 **B. The director of apprenticeship shall approve all apprenticeship**  
17 **agreements which are in furtherance of this Section and which meet the**

1 **standards established in this Chapter.**

2 **C.(1) If the executive director of the workforce commission determines,**  
3 **in good faith, that an insufficient number of registered apprentices are available**  
4 **for a particular state capital outlay project, the executive director shall certify**  
5 **the number of registered apprentices who are available for the particular state**  
6 **capital outlay project and shall issue a waiver for the remaining number of jobs**  
7 **which would otherwise be reserved for registered apprentices in order for the**  
8 **contractor to meet the two percent man-hour requirement provided for in R.S.**  
9 **39:121.**

10 **(2) The executive director shall provide the waiver to the office of**  
11 **facility planning and control of the division of administration to meet the**  
12 **requirements of R.S. 39:121.**

13 Section 2. R.S. 39:103(A)(1)(g) and 121(8) are hereby enacted to read as follows:

14 §103. Standards for capital projects and evaluations

15 A.(1) The office of facility planning and control of the division of  
16 administration shall establish standards for capital projects which shall include but  
17 not be limited to criteria of requirements for:

18 \* \* \*

19 **(g) Standards for compliance with requirements for hiring apprentices**  
20 **as required in R.S. 39:121.**

21 \* \* \*

22 §121. Division of administration powers, duties, and functions

23 The division of administration in accordance with the provisions of R.S.  
24 39:1410 in order to exercise supervision over the expenditure of funds and the  
25 construction projects, shall specifically:

26 \* \* \*

27 **(8)(a) Beginning August 1, 2020, require each contractor who obtains a**  
28 **contract for a capital outlay project pursuant to this Section to meet all of the**  
29 **following requirements:**

1                    (i) Except as provided for in Subparagraph (b) of this Paragraph, the  
 2                    contractor shall designate no less than two percent of man-hours in any  
 3                    apprenticeable occupation, as defined by the United States Department of  
 4                    Labor, to be held by registered apprentices.

5                    (ii) The contractor shall cooperate with the director of apprenticeship  
 6                    and meet the standards and requirements set forth for the apprenticeship  
 7                    program as provided for in Chapter 4 of Title 23 of the Louisiana Revised  
 8                    Statutes of 1950.

9                    (b) If there are an insufficient number of registered apprentices  
 10                    available for a particular capital outlay project, the requirements of  
 11                    R.S. 23:388.1(C)(1) are to be waived only to the extent that such insufficiency  
 12                    is certified by the executive director of the Louisiana Workforce Commission  
 13                    pursuant to R. S. 23:388.1 as provided for in R.S. 23:388.1.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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DIGEST

SB 250 Original

2020 Regular Session

Carter

Present law provides that the director will, in cooperation with the apprenticeship council, set conditions and training standards for apprentice agreements, which are not lower than those prescribed by the U.S. Dept. of Labor's Office of Apprenticeship.

Proposed law retains present law but requires that any employer who is awarded a contract by the state of La. to construct a capital outlay project (i.e. state construction project) will designate no less than 2% of the man-hours in any apprenticeable occupation, as defined by the U.S. Dept. of Labor, to registered apprentices.

Present law provides that the director of apprenticeship will approve all apprenticeship agreements which meet the standards established in present law.

Proposed law retains present law but requires that the state director of apprenticeship also approve the apprenticeship agreements under proposed law.

Proposed law provides that, if the executive director of the workforce commission determines, in good faith, that an insufficient number of registered apprentices is available for a particular capital outlay project, the executive director will certify the number of registered apprentices who are available for the particular capital outlay project and will issue a waiver for the remaining number of jobs which would otherwise be reserved for registered apprentices in order for the contractor to meet the 2% man-hour requirement provided for in proposed law.

Present law provides that the office of facility planning and control of the division of

administration shall establish standards and criteria for capital outlay projects.

Proposed law retains present law but requires that the office of facility planning set standards for compliance with requirements for hiring apprentices as required by proposed law.

Proposed law provides that, beginning Aug. 1, 2020, the division of administration shall require each contractor for a capital outlay job to meet the following requirements:

- (1) Except when the contractor receives a waiver from the executive director of the La. Workforce Commission as provided for in proposed law, the contractor will designate no less than 2% of man-hours in any apprenticeable occupation to be held by registered apprentices.
- (2) The contractor shall cooperate with the state director of apprenticeship and meet the standards and requirement of the apprenticeship program as provided for in proposed law.

Effective August 1, 2020.

(Adds R.S. 23:388.1, R.S. 39:103(A)(1)(g) and 121(8))