

Regulations of Connecticut State Agencies

TITLE 31. Labor

Agency

Department of Labor

Subject

Commissioner of Labor's Work Training Standards for Apprenticeship and Training Programs

Inclusive Sections

§§ 31-51d-1—31-51d-12

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Commissioner of Labor's Work Training Standards for Apprenticeship and Training Programs

Sec. 31-51d-1. Purpose and scope

This regulation publishes the Labor Commissioner's work training standards, policies and procedures related to the approval, registration, cancellation and deregistration of apprenticeship and other on the job programs and agreements.

(Effective January 22, 1980)

Sec. 31-51d-2. Apprenticeship definitions

(a) "Commissioner" means the Commissioner of Labor for the State of Connecticut.

(b) "Department" means the Connecticut Labor Department, Office of Job Training and Skill Development which is the registration agency for all programs.

(c) "Director" means the administrator of the Office of Job Training and Skill Development.

(d) "Council" means the Connecticut State Apprenticeship Council which recommends policy concerning apprenticeship to the Commissioner.

(e) "Apprentice" means a person employed with a sponsor receiving skill training under a written agreement which provides specific terms of apprenticeship and employment including but not limited to wage progression; specific hours of job training processes; hours and courses of school instruction which satisfactory completion thereof provides recognition as a qualified professional, technical, craft or trade worker.

(f) "Pre-apprentice" means a person, student or minor employed under a written agreement with an apprenticeship program sponsor for a term of training and employment not exceeding 2,000 hours or 24 months. During this period pre-apprentices may be paid less than the apprentice starting rate but not less than the minimum wage.

(g) "Trainee" means a person employed with a sponsor receiving on the job training under a written agreement which provides for specific terms of employment and training including but not limited to wage progression; specific hours of job training processes; hours and courses of school instruction which satisfactory completion thereof provides recognition of attaining a specific occupational objective which is not recognized as a full craft skill. All requirements of this regulations pertaining to apprentices and apprenticeship programs apply to trainees and training programs.

(h) "Journey person" means any person who has completed an apprenticeship or is recognized/classified as a skilled person and possesses a valid journey person card of occupational license when required.

(i) "Apprentice Agreement" means a written agreement entered into by an apprentice or, in case of a minor 16 and 17 years of age only, on his behalf by his parent or guardian with an employer or with an association of employees and an organization of employers acting as a joint apprenticeship committee which agreement provides for not less than (2) two thousand hours of work experience in approved trade training consistent with recognized requirements established by industry or joint labor-industry practice and for the

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number of hours of related and supplemental instructions prescribed by the Council or which agreement meets requirements of the federal government for on the job training schedules which are essential in the opinion of the Labor Commissioner for the development of man power in Connecticut industries.

(j) “Apprenticeship Program” shall mean a plan containing all terms and training of apprentices including such matters as the requirements for a written agreement.

(k) “Sponsor” shall mean any duly established firm, association, committee, organization or corporation permanently located within the State of Connecticut with recognized capability to operate an apprenticeship program and in whose name the program is approved and registered.

(l) “Employer” shall mean any establishment which is party to an apprenticeship program employing an apprentice whether or not such establishment is a party to an apprenticeship agreement with the apprentice.

(m) “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 nonexistent or has waived participation.

(n) “Related Instruction” means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to his/her trade.

(o) “Registration of an apprentice program” means the acceptance and recording of such a program by the department as meeting the basic standards and requirements of the Commissioner for approval of such program where required for federal and state purpose. Approval is evidenced by formal notice in writing from the Office of the Commissioner.

(p) “Registration of an apprentice” means the acceptance and recording of a duly executed apprenticeship agreement by the Commissioner as evidence of participation in a particular bona fide registered apprenticeship program as required for state or federal purposes.

(q) “Bona fide apprentice” means an apprentice training and registered under standards recognized by the Secretary of Labor or a state apprenticeship agency.

(Effective January 22, 1980)

Sec. 31-51d-3. Eligibility and procedure for approval and registration

(a) No apprenticeship program or agreement shall be eligible for approval and registration unless it is in conformity with the requirements of this regulation.

(b) The apprentice must be individually registered by filing copies of each apprenticeship agreement with the director. This registration is not transferable from one program sponsor

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to another program sponsor without written notice to the director and formal transfer thereof. When sponsor reorganization occurs, transfer of program obligations to the new entity is allowed when new organization is controlled by former principal officers or owners. Registration is reserved for those desiring to learn a trade through reasonably continuous employment. Agreements shall not be registered for persons desiring only work or employment on a substantially shorter work week than is prevailing in the industry. This, however, does not apply to pre-apprentices who are pursuing a course of career study as students in the same trade or in study related to the trade.

(c) The director shall be notified promptly of the termination or suspension of any registered training agreement, with cause for same, and of apprenticeship and training completions. Certification of the registration status of any apprentice shall be issued in writing by the director upon request.

(d) Any modification(s) or change(s) to registered standards shall be promptly submitted to the director and, if duly approved, shall be recorded and acknowledged as a revision of such standards.

(e) Under a program proposed for approval and 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 the application for registration and of the apprenticeship program. The director shall provide a reasonable time 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 for approval.

(f) If the sponsor is involved in any abnormal labor condition such as a strike, lockout, or other similar condition, the approval of an apprenticeship program may be temporarily suspended until such issue is resolved.

(g) If it should be determined by the department that a sponsor is in violation of any federal or state labor laws or rules or regulation, the apprenticeship program approval may be suspended until such issue is resolved.

(Effective January 22, 1980)

Sec. 31-51d-4. Criteria for apprenticeable occupations

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

- (a) Is customarily learned in a practical way through a structured systematic program of on the job supervised training;
- (b) It is clearly identified and commonly recognized throughout the industry;
- (c) It involves manual, mechanical or technical skill and knowledge which requires a

minimum of 2,000 hours of on the job work experience; and

(d) It requires a recommended minimum equivalent of 144 hours per year related instruction to supplement the on the job training.

(Effective January 22, 1980)

Sec. 31-51d-5. Standards of apprenticeship

An apprenticeship program, to be eligible for approval and registration by the department, 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 an apprenticeable occupation and subscribed to by the sponsor's standards. All apprentice employees under the jurisdiction of a sponsor's standards must be duly registered;

(b) A statement of the trade, craft or occupation to be taught and the required hours for completion of training;

(c) An outline of the 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;

(d) A statement of the number of hours to be spent in related instruction per year. A minimum of 144 hours per year is recommended. The department may, with the advice of the Council in the best interest of apprenticeship, reduce or increase 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;

(e) 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 average minimum wage prescribed by industry practice, public contracts, state laws, respective regulation, or by collective bargaining agreement. All apprenticeship programs within the construction industry shall have progressive wage scales negotiated on a normal percentage factor of the sponsor's minimum journeyman completion base rate. The percentage rate will remain constant but the journeyman completion rate will conform to the prevailing journeyman rate posted for each project if higher than the base rate;

(f) A statement that time spent in related classroom instruction, if during a scheduled work period, shall be considered as time worked and paid accordingly with the exception that hours spent in classroom instruction may not be used in computing overtime;

(g) A provision for a probationary period reasonable in relation to the full apprenticeship term, with full credit given for such period toward completion of apprenticeship; during the period of probation, an apprenticeship agreement may be terminated at the request in writing of any party thereto, and that during the entire period of the apprenticeship the sponsor may terminate the apprenticeship agreement for good cause with due notice to the apprentice and a reasonable opportunity for corrective action after giving all parties notice and opportunity to be heard;

(h) Provision that the services of the department may be utilized for consultation

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regarding the settlement of differences arising out of the apprenticeship agreement and where the differences cannot be adjusted locally, or in accordion with the established trade procedure, and such differences which cannot be amicably settled by the parties may be submitted to the department for final decision;

(i) Provision for the numeric ration of apprentices to journeypersons consistent with proper supervision, training, safety, and reasonable continuity of employment, and applicable provisions in collective bargaining agreements. Each program's ratio requirements are reviewed based on such factors as specific trade requirements, availability of skilled personnel, previous training history, economic factors, affirmative action efforts and such other factors which may be pertinent to a successful program operation. Regardless of any established hiring ratio, the work site ratio shall not be less than one full-time journeyperson instructing and supervising the work of each apprentice in a specific trade;

(j) Provision for transfer of employer's training obligation in a multi-employer program when an 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;

(k) Provision for apprentices suspended because of lack of work to be reinstated before new apprentices are hired. Such periods of suspension shall not be for intermittent periods. The suspension and reinstatement of apprentices shall be done in accordance with the collective bargaining agreement or in relation to retention of the most advanced apprentice;

(l) Provision for minimum qualifications required for persons entering the apprenticeship program;

(m) Provision for granting of an advanced standing or credit for previously acquired experience, training, or skills for each sponsor's applicants equally, with commensurate wages for any progression so granted;

(n) 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 state and federal occupational safety and health standards;

(o) 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 the agreement;

(p) 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;

(q) A provision of recognition for successful completion of apprenticeship and journeyperson status evidenced by an appropriate certificate issued by the department;

(r) Identification of the approval and registration agency;

(s) Provision for the approval, registration, cancellation and deregistration of the program, and requirement for the prompt submission of any modification or revision thereto;

(t) Provision for registration of apprenticeship agreements and revisions, notice to the department of persons who have successfully completed apprenticeship programs, and

notice of terminations and suspension of apprenticeship agreements and causes therefore;

(u) A documentation of the committee organization and a statement of the functions of the committee are required if the program sponsor is an apprenticeship committee;

(v) 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, color, religious creed, age¹, marital status, national origin, ancestry, sex, mental retardation or physical disability including but not limited to blindness; unless such disability prevents performance of the work involved in the apprenticeship program. The sponsor will operate the apprenticeship program as required under applicable laws, regulations and executive orders.

(w) Name and address of the appropriate authority under the program to receive, process and make dispositions of complaints and maintain appropriate record keeping.

(Effective January 22, 1980)

Sec. 31-51d-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; (ages 16 and 17);

(b) The date of birth, the address, sex, race and ethnic information, education level of the 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 when classes are held outside of a scheduled work period;

(h) Statements providing:

(1) that during the probationary period apprenticeship agreement may be terminated by either party to the agreement without stated cause with notice to the department;

(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 department of the final action taken;

(i) A statement that the apprentice will be accorded equal opportunity in all phases of

¹ C.G.S.-31-126 exempts apprenticeship from age requirements.

apprenticeship employment and training without discrimination because of race, color, religious creed, age², marital status, national origin, ancestry, sex, mental retardation or physical disability including, but not limited to blindness; unless such disability prevents performance of the work involved in the apprenticeship program.

(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 department for final decision;

(k) A reference incorporating as part of the agreement the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

(Effective January 22, 1980)

Sec. 31-51d-7. Deregistration of programs

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 department instituting formal deregistration proceedings in accordance with the provisions of this regulation.

(a) **Request by sponsor.** The department may cancel the registration of an apprenticeship program by a written acknowledgment of such request stating but not limited to the following:

(1) the registration is cancelled at the sponsor's request and giving the effective date of such cancellation; and

(2) that within 15 working days of the date of the acknowledgment, the sponsor must notify all apprentices of such cancellation and the effective date and that such cancellation automatically deprives the apprentice of his/her individual registration.

(b) **Deregistration by department.**

(1) deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated or administered in accordance with the registered standards. In its discretion the department may allow the sponsor a reasonable time to achieve voluntary corrective action. The Council may conduct an informal hearing prior to a formal notice.

(2) once a final decision of non-compliance is made the department shall so notify the program sponsor by registered mail, return receipt requested, shall state deficiency(ies) and remedy(ies) require and shall state that the program will be deregistered for cause unless corrective action is taken within 30 days.

(3) upon request by the 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 department.

(4) if the required action is not taken within the allotted time, the department shall send a notice to the sponsor by registered mail or certified mail, return receipt requested, stating

² C.G.S.-31-126 exempts apprenticeship from age requirements.

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the following:

- (i) this notice is sent pursuant to this subsection;
- (ii) that certain deficiencies were called to the sponsor's attention and remedial action requested;
- (iii) based upon the stated cause, the program will be deregistered unless within 15 work days 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.

(5) if the sponsor requests a hearing, the department shall convene a hearing in accordance with Connecticut General Statutes, Section 4-177 through 4-181 inclusive.

(a) Within 10 work days of a request for a hearing, the department shall give reasonable notice of such hearing by registered mail, return receipt requested, to the appropriate sponsor. Such notice shall include:

- (1) statement of the time, place and nature of hearing;
 - (2) a statement of legal authority and jurisdiction under which the hearing is to be held;
 - (3) a reference to the particular sections of the statutes and regulations involved.
- Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved;

(4) a short and plain statement of the matters asserted;

(5) every order of deregistration shall contain a provision that the sponsor shall, within 15 work days of the effective date of 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.

(Effective January 22, 1980)

Sec. 31-51d-8. Reinstatement of programs

Any apprenticeship program deregistered may be reinstated upon presentation of adequate evidence that the apprenticeship program will operate in accordance with registered standards with the department.

(Effective January 22, 1980)

Sec. 31-51d-9. Complaints

(a) This 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 difference 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 department for 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

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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.

(Effective January 22, 1980)

Sec. 31-51d-10. Reciprocity

(a) When a sponsor of an apprenticeship program which is registered and operating in another state or territory requests registration from the department to train apprentices in a permanent facility located in this state, the sponsor will be granted registration providing the sponsor conforms with this regulation.

(b) An apprentice registered as a bona fide apprentice in a neighboring state will be awarded certification of registration for state purposes upon request.

(Effective January 22, 1980)

Sec. 31-51d-11. Exemptions

The Commissioner with advice from the Council may grant exemptions to any part of this regulation upon written request of any program participant. On matters which involve exemptions for federal purposes the Administrator of the Bureau of Apprenticeship and Training of the U.S. Labor Department will be consulted for concurrence and approval.

(Effective January 22, 1980)

Sec. 31-51d-12. Authority for regulation

(a) This regulation is promulgated pursuant to See. 31-51d and in conformance with the uniform Administrative Procedures Act, Chapter 54 of the Connecticut General Statutes.

(Effective January 22, 1980)

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