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Bill Analysis
Legislative Service Commission

H.B. 478

125th General Assembly
(As Introduced)

**Reps. Setzer, Webster, Seitz, Young, Reinhard, Seaver, Kearns, Widowfield,
C. Evans, Faber, Carano, Brinkman**

BILL SUMMARY

- Requires the Ohio Apprenticeship Council to allow an apprenticeship program sponsor to choose the ratios of apprentices to journeypersons when a program sponsor is not bound to a collective bargaining agreement.

CONTENT AND OPERATION

Background

The Apprenticeship Council is authorized under existing law to establish minimum standards for apprenticeship programs and to formulate policies and issue rules necessary to carry out the Apprenticeship Law (R.C. Chapter 4139.). The Apprenticeship Council exists in the Department of Job and Family Services and is comprised of nine members who are appointed by the Director of Job and Family Services. An apprentice is defined under that law as a person at least 16 years old who is covered by an apprenticeship agreement. An apprenticeship agreement is a written agreement, registered with the Apprenticeship Council, providing for not less than 2,000 hours of reasonably continuous employment, and for participation in an approved schedule of work experience through employment, which must be supplemented by a minimum of 144 hours per year of related and supplemental instructions. Participation in apprenticeship programs is entirely voluntary and applies only to those who elect to subscribe to the standards and procedures established under the Apprenticeship Law.

The United States Department of Labor Employment and Training Administration Office of Apprenticeship Training, Employer and Labor Services Bureau of Apprenticeship Training has oversight over the state councils and agencies that are approved by the Secretary of Labor and registers apprenticeship programs in states that do not have an apprenticeship council or agency, the state's

agency is not approved, or recognition of the agency is withdrawn (see 29 C.F.R. 29.12). Eligibility for "federal purposes" depends upon an apprenticeship program's compliance with federal standards (29 C.F.R. 29.02).^{1, 2}

The bill

Under the bill, where a program sponsor is not bound by the terms of a collective bargaining agreement, the Apprenticeship Council must allow the program sponsor to select between the ratio of apprentices to journeypersons³ established by the Apprenticeship Council or the ratio of apprentices to journeypersons contained in an affiliate's national guidelines for apprenticeship standards registered with the United States Department of Labor Employment and Training Administration Office of Apprenticeship Training, Employer and Labor Services (see **COMMENT**).

COMMENT

The bill may be inconsistent with the Prevailing Wage Law (Ch. 4115. of the Revised Code), which requires that any public authority wishing to engage in construction of a public improvement ensure the employees are paid the prevailing wage for that project. The Prevailing Wage Law states that the ratio of apprentices to skilled workers under that law is determined upon the collective bargaining agreements in effect in that locality (see R.C. 4115.05).

¹ *Under federal regulations, an "apprenticeable" occupation is a skilled trade that has all of the following characteristics: "(a) It is customarily learned in a practical way through a structured, systematic on-the-job training. (b) It is clearly identified and commonly recognized throughout the industry. (c) It involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience. (d) It requires related instruction to supplement the on-the-job training." (29 C.F.R. 29.4.)*

² *"Federal purposes" "includes any Federal contract, grant, agreement or arrangement dealing with apprenticeship; and any Federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship" (29 C.F.R. 29.01).*

³ *A "journeyperson" or "journeyman," is "1. a worker who has learned a trade and works for another person usually by the day; 2. an experienced reliable worker or performer especially as distinguished from one who is brilliant or colorful" (Merriam-Webster's Collegiate Dictionary, 10th Ed., 632).*

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-29-04	p. 1794

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