



Alan Van Dyne

*Bill Analysis*  
*Legislative Service Commission*

## **S.B. 235**

125th General Assembly  
(As Introduced)

**Sens. Jordan, Stivers, Mumper, Wachtmann, Schuler**

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### **BILL SUMMARY**

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

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### **CONTENT AND OPERATION**

#### **Background**

The Apprenticeship Council is authorized by 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 appointed by the Director of Job and Family Services.

"Apprentice" is defined under the apprenticeship 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 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 voluntary and applies only to those who elect to subscribe to the standards and procedures established under the apprenticeship law.

The Office of Apprenticeship Training, Employer and Labor Services in the United States Department of Labor has oversight over state apprenticeship councils and agencies approved by the Secretary of Labor and registers

apprenticeship programs in states that do not have an approved apprenticeship council or agency (see 29 C.F.R. 29.12).<sup>1,2</sup>

### **The bill**

(R.C. 4139.03)

Under the bill, if a program sponsor is not bound by the terms of a collective bargaining agreement, the Apprenticeship Council must allow the sponsor to select between the ratio of apprentices to journeypersons 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 Office of Apprenticeship Training, Employer and Labor Services in the United States Department of Labor.

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### **COMMENT**

In the case of public buildings, the bill may be inconsistent with Ohio's prevailing wage law (R.C. Chapter 4115.), which requires that any public authority wishing to engage in construction of a public improvement ensure that employees are paid the prevailing wage for that project. The prevailing wage is determined on the basis of collective bargaining agreements in effect in the locality of the project. The prevailing wage law further provides that the ratio of apprentices to skilled workers on a project is also determined in accordance with the collective bargaining agreements in effect in that locality (see R.C. 4115.05).

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<sup>1</sup> 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.)

<sup>2</sup> Eligibility for "federal purposes" depends upon an apprenticeship program's compliance with federal standards (29 C.F.R. 29.02). "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).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-29-04	p. 1827

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