

Chapter 660

1955 REPLACEMENT PART

Apprentices

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APPRENTICESHIP AGREEMENTS

660.010 Apprentice defined. As used in this chapter, "apprentice" means any person, 16 years of age or over, who enters into a written contract of employment, whereby he is to receive from or through his employer, or the agent of his employer, in consideration for his services, in whole or in part, instruction in any trade or craft, requiring not less than 4,000 hours to learn, and whereby the learning of any such trade or craft is an essential part of the condition thereof and of the benefit to be derived therefrom. The term "apprentice" shall not be used or applied to persons other than those qualifying as apprentices under this chapter.

660.020 Necessity for apprenticeship agreement. (1) Every applicant for an apprenticeship and his employer, or the agent of his employer, shall, within 30 days after he enters the service of the employer, or the agent of the employer as an apprentice, enter into an agreement of apprenticeship.

(2) No person shall employ an apprentice in violation of this chapter. [Amended by 1955 c.719 §1]

660.030 Delivery and filing of agreements; applicable standards. Apprenticeship agreements under this chapter shall be in writing and shall be filed with the State Apprenticeship Council. The apprentice, the employer or the agent of the employer, the local apprenticeship committee, or trade apprenticeship committee shall each receive a certified copy of the apprenticeship agreement and a copy of the trade or craft standards applicable to the apprenticeship agreement. A written statement describing conditions of employment for apprentices shall be made where there is no bona fide employee organization in the place of employment. All agreements shall be in conformity with the applicable trade or craft standards for apprentice training and the provisions of this chapter. [Amended by 1955 c.719 §2]

660.040 [Repealed by 1955 c.719 §12]

660.050 [Repealed by 1955 c.719 §12]

660.060 Contents and terms of agreement. Every apprenticeship agreement shall contain:

- (1) The names of parties to agreement.
- (2) A statement of the apprentice's age,

which may not be less than 16 years.

(3) A statement of the progressively increasing schedule of wages to be paid the apprentice.

(4) A provision for a period of probation during which the State Apprenticeship Council or the State Director of Apprenticeship may terminate an apprenticeship agreement at the request in writing of the trade apprenticeship committee or in the absence of a trade apprenticeship committee, either party to the agreement.

(5) A provision that after the probationary period the State Apprenticeship Council, or the State Director of Apprenticeship under a procedure approved by the council, may terminate the apprenticeship agreement.

(6) A provision that the services of the State Apprenticeship Council and the State Director of Apprenticeship may be utilized regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with established trade procedure.

(7) A provision that if an employer is unable to fulfill his obligation under the apprenticeship agreement, the trade apprenticeship committee may transfer this obligation to another employer, or to the local union of the trade, or to the trade apprenticeship committee. [Amended by 1955 c.719 §3]

660.070 to 660.100 [Reserved for expansion]

STATE APPRENTICESHIP COUNCIL

660.110 State Apprenticeship Council; members; tenure; compensation. (1) The Commissioner of the Bureau of Labor, with eight other members representing industry, shall constitute the State Apprenticeship Council. The state director of vocational education, or his designated representative shall be an ex officio member of the council without a vote.

(2) The eight industrial members of the council shall be appointed by the Governor and shall be selected from recognized apprenticeship trade groups where such exist. Four shall be representatives of employers and four shall be representatives of employees.

(3) Each member shall be appointed for a term of four years and shall hold office until his successor has been appointed and has qualified.

(4) Any vacancy occurring in said office shall be filled by appointment, as provided in this section, for the unexpired portion of the term.

(5) The Commissioner of the Bureau of Labor shall serve as the chairman of the council with the power to cast the deciding vote in case of a tie.

(6) Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for transportation and subsistence and shall be paid not more than \$10 for each day spent in attending to business of the council. [Amended by 1955 c.719 §6]

660.120 Duties of council. The State Apprenticeship Council shall:

(1) Establish trade or craft standards for apprenticeship agreements in cooperation with joint employer and employee groups and in conformity with this chapter, or approve or disapprove trade or craft standards for apprenticeship agreements submitted for approval under ORS 660.150.

(2) Issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter.

(3) Perform such other duties as are described and imposed by this chapter.

(4) Hold four regular meetings each year. Any additional meetings deemed necessary shall be held on call of the chairman, or at the written request of a majority of the members of the council.

(5) Present through the Commissioner of the Bureau of Labor, on or before the first Monday in January of each odd numbered year, a biennial report to the legislature. [Amended by 1955 c.719 §7]

660.125 Trade and craft standards, required contents. Trade and craft standards for apprenticeship agreements established under subsection (1) of ORS 660.120 shall contain:

(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall be not less than 4,000 hours of reasonably continuous employment.

(2) A statement of the work schedule in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process or branch of the trade or craft.

(3) A statement of the number of hours to be spent by the apprentice at work in the

trade or craft, and the number of hours to be spent in related and supplemental instruction, which related or supplemental instruction shall be 144 hours per year, or as determined by the appropriate trade apprenticeship committee. [1955 c.719 §5]

660.130 State Director of Apprenticeship; duties and functions. The State Apprenticeship Council shall make and terminate the appointment of a State Director of Apprenticeship, an assistant apprenticeship director and one or more apprenticeship representatives. The director shall be under the supervision of the Commissioner of the Bureau of Labor. The director, assistant director and apprenticeship representatives shall not be subject to the State Civil Service Law. With the advice and guidance of the council, the director shall:

(1) Act as secretary of the council and of the state trade apprenticeship committees.

(2) Encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this chapter.

(3) When authorized by the council, register such apprenticeship agreements as are in the best interests of the apprentices and which conform to the standards established by or in accordance with this chapter.

(4) Keep a record of apprenticeship agreements and other matters pertaining to apprenticeship and issue certificates of completion of apprenticeship.

(5) Act to bring about the settlement of differences arising between the parties to an apprenticeship agreement where such differences cannot be adjusted by the local apprenticeship committees or trade apprenticeship committees.

(6) Suspend or cancel apprenticeship agreements under a procedure approved by the council. [Amended by 1955 c.719 §8]

660.140 Local committees, purpose, representation; state trade apprenticeship committees. (1) In each locality wherein apprentices are employed there shall be formed a local apprenticeship committee or trade apprenticeship committee or committees for the administration of local problems concerning apprenticeship.

(2) Where practicable, each trade wherein apprentices are employed shall be equally represented on the local apprenticeship committee or the trade apprenticeship committee

by not less than one employer and one employee. These representatives shall be delegated by a recognized apprenticeable trade group where such exists.

(3) State trade apprenticeship committees may be formed by the State Apprenticeship Council for the purpose of promoting and standardizing apprenticeship in their respective trades if formed on the same basis as that set forth for the formation of local apprenticeship committees or trade apprentice committees.

(4) Where, in the judgment of the State Apprenticeship Council, there are not sufficient apprentices to justify a local apprenticeship committee or trade apprenticeship committee the council shall exercise jurisdiction.

(5) The names of the members of local apprenticeship committees or trade apprenticeship committees, together with a statement of their trade representation and the names of the officers thereof who are authorized to approve apprenticeship agreements, shall be filed with and approved by the council. [Amended by 1955 c.719 §9]

660.150 Duties of local committees. The trade apprenticeship committees, with the approval of the State Apprenticeship Council, shall:

(1) In cooperation with joint employer and employee groups and in conformity with the provisions of this chapter, establish trade or craft standards for apprenticeship agreements.

(2) Issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter.

(3) In general be responsible for the successful operation and further development of apprenticeship in their respective trades or crafts. [Amended by 1955 c.719 §10]

660.160 Coordination of schooling for apprentices. All school boards shall coop-

erate with the State Apprenticeship Council, the division of vocational education, and the local apprenticeship committees or trade apprenticeship committees in providing the necessary related instruction classes for apprentices. The coordination of related instruction offered in these classes with job instruction, and the carrying out of the other details shall be the responsibility of the recognized local or state agency for vocational education. The apprentice shall attend such classes, either within or without the usual working hours. [Amended by 1955 c.719 §11]

660.170 Expenditures for administration. The Commissioner of the Bureau of Labor, with the advice and approval of the State Apprenticeship Council, may appoint such other personnel and incur such other expenses as may be necessary to aid the council and the State Director of Apprenticeship in carrying out their duties and functions under this chapter.

660.180 Enforcement of chapter. It shall be the duty of the State Apprenticeship Council, and it shall have the power, jurisdiction and authority to enter suit in the court of the proper jurisdiction in its name, or in the name of the apprentice, on behalf of the apprentice, through the district attorney, or the Attorney General; and to investigate, subpoena and swear witnesses. The findings and orders of the council shall be prima facie evidence of the facts therein stated in all proceedings having to do therewith.

660.190 to 660.980 [Reserved for expansion]

PENALTIES

660.990 Penalties. Violation of the provisions of this chapter by an employer is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

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