

Chapter 660

1957 REPLACEMENT PART

Apprentices

660.002	Declaration of policy	660.128	Supervision of participation of state agencies and political subdivisions in on-the-job training programs
660.006	Application of chapter	660.130	State Director of Apprenticeship; duties and functions
660.010	Apprentice defined	660.140	Local committees, purpose, representation; state trade apprenticeship committees
660.020	Necessity for written apprenticeship agreement	660.150	Duties of local committees
660.030	Filing of agreements; applicable standards	660.160	Coordination of schooling for apprentices
660.060	Contents and terms of agreement	660.170	Expenditures for administration
660.110	State Apprenticeship Council; members; tenure; compensation	660.180	Enforcement of chapter
660.120	Duties of council	660.990	Penalties
660.125	Trade and craft standards, required contents		

CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183

660.110

General provisions applicable to state agencies, Ch. 182

Subsistence and mileage allowances for travel of state officers and employes, 292.210 to 292.260

660.120

Apprentice electricians required to ^{obtain license,} register and procure identification cards, 694.120

660.990

Special penalty for employing unindentured apprentice plumber, 693.030, 693.990

660.002 Declaration of policy. It is declared to be the policy of the State of Oregon:

(1) To encourage the development of an apprenticeship system through the voluntary cooperation of management and labor and interested state agencies, and in cooperation with other states and the Federal Government.

(2) To provide for the establishment and furtherance of standards of apprenticeship training to safeguard the welfare of apprentices and assure proper training of an adequate skilled labor force. [1957 c.270 §2]

660.006 Application of chapter. The provisions of this chapter shall apply to persons, political subdivisions, employer associations, or organizations of employes that agree to conform with its provisions, provided that apprenticeship training in trades which require a state license for journeymen, and which require in the opinion of the State Apprenticeship Council based on industry practice not less than 4,000 hours to learn, shall be supervised by the council and shall conform to the provisions of this chapter. [1957 c.270 §10(1)]

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 approved by the State Apprenticeship Council, whereby he is to receive from or through his employer, or the agent of his employer, in part consideration for his services, complete instruction in any trade or craft, requiring in the opinion of the State Apprenticeship Council based on industry practice not less than 4,000 hours to learn. The learning of any such trade or craft shall be an essential part of the written contract of employment 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. [Amended by 1957 c.270 §3]

660.020 Necessity for written 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 a written agreement of apprenticeship.

(2) No person shall employ an apprentice in violation of this chapter. [Amended by 1955 c.719 §1; 1957 c.270 §4]

660.030 Filing of agreements; applicable standards. Apprenticeship agreements under this chapter shall be in writing and shall be filed with the State Apprenticeship Council, subject to the approval of the council. A written statement describing conditions of employment for apprentices shall be made by the employer to the council where there is no bona fide employe organization in the place of employment. All apprenticeship 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; 1957 c.270 §5]

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 filed subsequent to August 20, 1957, 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 provision that the parties thereto shall abide by the duly promulgated applicable trade or craft standards, a copy of which shall be attached to and become a part of the agreement.

(4) A provision that the services of the State Apprenticeship Council and the State Director of Apprenticeship shall be utilized as a condition precedent to the right to sue in a court of proper jurisdiction 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.

(5) Such other provisions and information as shall set forth the duties and obligations of the apprentice, employer and apprenticeship committees, provided such provisions and information are customarily subject to agreement between employers and apprentices and are in conformity with the provisions of this chapter. [Amended by 1955 c.719 §3; 1957 c.270 §6]

660.070 to 660.100 [Reserved for expansion]

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 employe groups and in conformity with this chapter, or approve or disapprove trade or craft standards for apprenticeship agreements submitted for approval under this chapter.

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

(3) 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.

(4) 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; 1957 c.270 §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.

(4) A statement designating the geographical area or areas in which the standards shall be applicable.

(5) A statement of the progressively increasing schedule of wages to be paid the apprentice. This wage scale shall be based upon the prevailing wage paid in the area for journeymen in the occupation for which the apprentice is being trained. In determining the prevailing wage, resort shall be made first to the wage prescribed in a bargaining agreement in force in the area for the particular trade or craft in question and such wage shall be adopted. If there is no bargaining agreement in force in the area, resort may be made to the findings of an appropriate federal agency which determines prevailing wages, or an independent survey may be made by the appropriate apprenticeship committee or the State Apprenticeship Council. All wages to be paid apprentices shall be approved by the appropriate apprenticeship committee or in the absence of such a committee in the local area, by the State Apprenticeship Council. Should the prevailing wage rate change during the life of the agreement, the wage rates contained in the agreement shall be adjusted by the appropriate apprenticeship committee to conform to such change upon application to the committee by either party. Any change so approved shall be in effect from the date of the change in the prevailing wage rate.

(6) 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.

(7) 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.

(8) A statement setting forth the minimum number of journeymen, in full employment on the job, required for the adequate training and supervision of each apprentice.

(9) Statements of the minimum working conditions, training conditions and training facilities to be provided by the employer.

(10) Statements of the minimum qualifications, minimum age, and performance levels to be required of the apprentice.

(11) Such other provisions as may be submitted by joint employer and employee groups for the approval of the State Apprenticeship Council, provided the council in making its decision shall take into consideration the following factors:

(a) The possibility the provision might result in curtailment of opportunities for apprentices to receive training under the standards.

(b) The possibility the provision might result in the diversion of needed qualified applicants for training into unskilled or semi-skilled jobs for which an adequate supply of labor already exists.

(c) The possibility the provision might result in disputes among the participants in the apprenticeship program which might curtail the cooperation necessary to build an adequate skilled labor force in Oregon.

(d) The need to safeguard the health, safety and welfare of the apprentices.

(e) The need to encourage and protect the investment of employers in the proper training of apprentices.

(f) The need to raise the level of skill in each trade or craft to provide for the public quality goods and services at a fair price and adequate skilled manpower for the defense of the nation. [1955 c.719 §5; 1957 c.270 §8].

660.128 Supervision of participation of state agencies and political subdivisions in on-the-job training programs. The State Apprenticeship Council shall have the power and duty to supervise the participation of state agencies and political subdivisions in

the programs of on-the-job training in any trade or craft requiring in the opinion of the council based on industry practice not less than 4,000 hours on the job to learn, provided that this shall not include training programs in which the trainee is an employe of the state or political subdivisions and does not intend to become a journeyman. All other agencies of the state and its political subdivisions shall cooperate with the council and shall refer matters concerning such on-the-job training to the council for approval and supervision. [1957 c.270 §10(2)]

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 where-in 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 employe. 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. (1) The trade apprenticeship committees, with the approval of the State Apprenticeship Council, shall:

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

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

(c) In general be responsible for the successful operation and further development of apprenticeship in their respective trades or crafts.

(2) The local apprenticeship committees, with the approval of the State Apprenticeship Council, shall:

(a) Assume the duties and functions of a trade apprenticeship committee with the advice of trade consultants where the State Apprenticeship Council has not authorized such a trade committee.

(b) In general be responsible for the successful operation and further development of apprenticeship in their respective areas. [Amended by 1955 c.719 §10; subsection (2) enacted as 1957 c.270 §9]

660.160 Coordination of schooling for apprentices. All school boards shall cooperate 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. The State Apprenticeship Council shall have the power and duty to enforce the provisions of this chapter in order to carry out its intent and purposes. The council shall have the power to make investigations, subpoena and swear witnesses and enter suit in a court of 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. The council shall have the power and duty to hold hearings, to issue orders to equitably settle differences arising out of the terms of an apprenticeship agreement between any of the parties thereto and to establish rules of procedure for the settlement of such differences. Any party aggrieved by any finding or order issued by the council under the terms of this section may appeal to a court of proper jurisdiction. The findings and orders of the council shall be prima facie evidence of the facts therein stated in all proceedings having to do therewith. [Amended by 1957 c.270 §11]

660.190 to 660.980 [Reserved for expansion]

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 December 2, 1957.

Sam R. Haley
Legislative Counsel