

# Chapter 660

## 1967 REPLACEMENT PART

### Apprentices and Trainees

- |  |   |
|--|---|
| <b>660.002</b> Declaration of policy   | <b>660.128</b> Recognition of public employes as registered apprentices and trainees                  |
| <b>660.006</b> Application of chapter  | <b>660.130</b> Director of Apprenticeship and Training; tenure; duties                                |
| <b>660.010</b> Chapter definitions   | <b>660.135</b> Local joint committees; members; meetings; consultation with other agencies and groups |
| <b>660.015</b> Prior registration of apprenticeship or training applicants required; forms | <b>660.141</b> Duties of local joint committees   |
| <b>660.020</b> Necessity for written agreement   | <b>660.145</b> Trade apprenticeship and training committees   |
| <b>660.030</b> Filing of agreements; applicable standards                                  | <b>660.155</b> State joint committees   |
| <b>660.060</b> Contents of agreement   | <b>660.160</b> Coordination of schooling for apprentices and trainees                                 |
| <b>660.110</b> State Apprenticeship and Training Council; members; compensation            | <b>660.165</b> Preapprenticeship training programs  |
| <b>660.115</b> Requesting assistance of council in hiring and placement of applicants      | <b>660.170</b> Expenditures for administration  |
| <b>660.120</b> Duties of council   | <b>660.180</b> Enforcement of chapter; rules; judicial review   |
| <b>660.122</b> List of apprentices and trainees completing or terminating programs         | <b>660.990</b> Penalties  |
| <b>660.125</b> Trade, craft and industrial standards for agreements                        |   |

### CROSS REFERENCES

- |  |  |
|--|--|
| Administrative procedures and rules of state agencies, Ch. 183                   | Subsistence and mileage allowances for travel of state officers and employes, 292.210 to 292.260   |
| Discrimination in employment on account of age prohibited, 659.024               | <b>660.120</b>   |
| <b>660.006</b>   | Apprentice electricians required to obtain license, 479.630  |
| Training under U. S. Manpower Development and Training Act, 658.505 to 658.555   | <b>660.130</b>   |
| Work release program for inmates of penal and correctional institutions, 144.480 | Apprenticeship representatives prior to 1967 Act considered as field representatives, 1967 c.6 §27 |
| <b>660.110</b>   | <b>660.990</b>   |
| Effect of 1967 amendment on membership, 1967 c.6 §11                             | Special penalty for employing unindentured apprentice plumber, 693.030, 693.990                    |
| <b>General provisions applicable to state agencies, Ch. 182</b>                  |  |

**660.002 Declaration of policy.** It is the policy of the State of Oregon:

(1) To encourage the development of an apprenticeship and training system through the voluntary cooperation of management, 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 and training to safeguard the welfare of apprentices and trainees and assure proper training of an adequate, skilled labor force.

(3) To encourage the preparation of persons with skills that will enable them to find gainful employment in an ever-changing society and insure the continued growth and development of the economy of Oregon by contributing to the maintenance of an adequate supply of skilled workers.  
[1957 c.270 §2; 1967 c.6 §2]

**660.006 Application of chapter.** This chapter shall apply to persons, political subdivisions, employer associations, or organizations of employes that agree to conform with its provisions. However, apprenticeship training in trades which require a state license for journeymen, and which require in the opinion of the 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 except as otherwise provided by ORS 479.510 to 479.850.  
[1957 c.270 §10(1); 1963 c.151 §3; 1967 c.6 §3]

**660.010 Chapter definitions.** As used in this chapter, unless the context requires otherwise:

(1) "Apprentice" means any person, 16 years of age or over, who enters into a written contract of employment approved by the 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 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. However, "apprentice" shall not be used or applied to persons other than those qualifying as apprentices under this chapter except as otherwise provided by ORS 479.510 to 479.850.

(2) "Council" means the State Appren-

ticeship and Training Council.

(3) "Director" means the State Director of Apprenticeship and Training.

(4) "Trainee" means any person, 16 years of age or over, who enters into a written contract of employment approved by the council, whereby he is to receive from or through his employer, or the agent of his employer, in part consideration for his services, a systematic program of training in an industrial occupation not qualifying as a trade or craft under subsection (1) of this section. The learning of any such industrial occupation shall be an essential part of the written contract of employment and of the benefit to be derived therefrom.

[Amended by 1957 c.270 §3; 1963 c.151 §4; 1967 c.6 §1]

**660.015 Prior registration of apprenticeship or training applicants required; forms.** Any person who applies for training under the apprenticeship program shall first register with the council, and the council may maintain a registry of such applicants. Forms for such registration shall be prescribed and provided by the council. Forms shall be made available by the council at the offices of the council and through apprenticeship committees, at the offices of apprenticeship representatives and, through the Department of Employment Commissioner, at branch public employment offices.  
[1963 c.645 §2; 1967 c.6 §6]

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

(2) No person shall employ an apprentice in violation of this chapter.

[Amended by 1955 c.719 §1; 1957 c.270 §4; 1967 c.6 §7]

**660.030 Filing of agreements; applicable standards.** Apprenticeship or training agreements under this chapter shall be in writing and shall be filed with the council, subject to the approval of the council. A written statement describing conditions of employment for apprentices and trainees shall be made by the employer to the council where there is no bona fide employe organization in the place of employment. All agreements shall be in conformity with the applicable trade, craft or industrial standards and the provisions of this chapter.

[Amended by 1955 c.719 §2; 1957 c.270 §5; 1967 c.6 §8]

660.040 [Repealed by 1955 c.719 §12]

660.050 [Repealed by 1955 c.719 §12]

**660.060 Contents of agreement.** Every apprenticeship or training agreement filed after February 20, 1967, shall contain:

(1) The names of the parties to the agreement.

(2) A statement of the apprentice's or trainee'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, craft or industrial standards, a copy of which shall be attached to and become a part of the agreement.

(4) A provision that the services of the council and the director 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 agreement where such differences cannot be adjusted locally or in accordance with established trade, craft or industrial procedure or in accordance with provisions of an applicable labor contract.

(5) Such other provisions and information as shall set forth the duties and obligations of the apprentice or trainee employer and apprenticeship or training committees, provided such provisions and information are customarily subject to agreement between employers and apprentices or trainees, and are in conformity with the provisions of this chapter.

[Amended by 1955 c.719 §3; 1957 c.270 §6; 1967 c.6 §9]

**660.110 State Apprenticeship and Training Council; members; compensation.** (1) The State Apprenticeship and Training Council shall consist of 11 members including the Commissioner of the Bureau of Labor and 10 members appointed by the Governor, as follows:

(a) Two members representing apprenticeable crafts;

(b) Two members representing industrial occupations;

(c) Two members representing industrial employers;

(d) Two members representing employers from the apprenticeable crafts or trades;

(e) Two members representing the public.

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

(3) Any vacancy occurring among the appointed members shall be filled by appointment, as provided in this section, for the unexpired portion of the term.

(4) 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.

(5) 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 \$20 for each day spent in attending to business of the council.

[Amended by 1955 c.719 §6; 1967 c.6 §10]

**660.115 Requesting assistance of council in hiring and placement of applicants.** Employers may request assistance from the council in the hiring and placement of applicants for apprenticeship or training.

[1963 c.645 §3; 1967 c.6 §12]

**660.120 Duties of Council.** The council shall: (1) Determine the policy of the program so as to encourage the promotion, expansion and improvement of programs of apprenticeship, training and preapprenticeship, in full cooperation with the Department of Education and other interested state and federal agencies.

(2) Establish and register trade, craft or industrial standards for apprenticeship or training agreements in cooperation with joint employer and employe groups and in conformity with this chapter, or approve and register trade, craft or industrial standards for agreements submitted which are in conformity with this chapter, and disapprove such standards or agreements submitted which are not in conformity with this chapter.

(3) Establish committees and approve nominations to existing committees which are submitted in conformity with this chapter.

(4) Terminate registration of committees for failure of the committee to abide by the provisions of this chapter.

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

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

(7) Present through the Commissioner of the Bureau of Labor, on or before the second Monday in January of each odd-numbered year, a biennial report to the legisla-

ture including but not limited to a list of all trade, craft or industrial occupations for which there are current standards, the numbers of registered apprentices and trainees in each trade, craft or industrial occupation, statistics relating to the dropout rate and completion rate of apprentices and trainees, and estimates of the need for apprentices and trainees in each trade, craft or industrial occupation.

[Amended by 1955 c.719 §7; 1957 c.270 §7; 1967 c.6 §13]

**660.122 List of apprentices and trainees completing or terminating programs.** The council shall prepare a list on the first day of each month, which shall be immediately posted in all council offices and which shall be made available to all Department of Employment offices, containing the following information:

(1) The names of all apprentices and trainees who will complete their program during the following month, the dates of completion, the trade, craft or industrial occupations for which the apprentice or trainee is being trained and the name and address of each employer.

(2) The names of all apprentices and trainees who dropped out of their program during the preceding month, the dates of termination, the trade, craft or industrial occupation for which each was being trained and the name and address of each employer.  
[1963 c.645 §4; 1967 c.6 §14]

**660.125 Trade, craft and industrial standards for agreements.** Trade, craft or industrial standards for apprenticeship or training agreements established under subsection (2) 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 or a statement of the industrial occupation to be taught and the required hours for completion of training.

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

(3) A statement of the number of hours to be spent by the apprentice or trainee at work in the trade, craft or industrial occupation 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 local joint 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 or trainee. This wage scale shall be based upon the prevailing wage paid in the area for journeymen in the occupation for which the apprentice or trainee is being trained. A monthly salary range set by a civil service commission or other appropriate body for a journeyman in the employment of a state agency or political subdivision shall be assumed to equal the prevailing wage for journeymen in the occupation in the area, and the monthly salary of an apprentice or trainee in the employment of a state agency or political subdivision shall be based upon the monthly salary of the journeyman in the same employment in the occupation for which the apprentice or trainee is being trained. In determining the prevailing wage, resort may be made to the wage prescribed in a bargaining agreement in force in the area for the particular trade, craft or industrial occupation in question, findings of an appropriate federal agency which determines prevailing wages, or an independent survey may be made by the appropriate local joint committee or the council. All wages to be paid apprentices or trainees shall be approved by the appropriate local joint committee or in the absence of such a committee in the local area, by the 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 local joint committee to conform to such change. 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 council may terminate an apprenticeship or training agreement at the request, in writing, of the local joint committee or, in the absence of a local joint committee, either party to the agreement.

(7) A provision that after the probationary period the council or the director, under a procedure approved by the council, may terminate the apprenticeship or training 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 or trainee.

(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 or trainee.

(11) Such other provisions as may be submitted by joint employer and employe groups or as may be part of legitimate bargaining agreements between an employer and his employes even though the provisions of such a legitimate bargaining agreement may depart in some respects from the standards set forth in subsections (1) to (10) of this section, and approved by the council. 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 or trainees to receive training under the standards.

(b) The possibility the provision might result in the diversion of needed qualified applicants for apprenticeship or training into unskilled or semiskilled 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 and training programs 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, trainees and the public.

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

(f) The need to raise the level of skill in each trade, craft or industrial occupation to provide for the public quality goods and services at a fair price and adequate, skilled manpower for the defense of the nation.

(g) The need for providing trained, licensed craftsmen for the protection of the general public.

[1955 c.719 §5; 1957 c.270 §8; 1967 c.6 §15]

**660.128 Recognition of public employes as registered apprentices and trainees.** Employes of state agencies and political subdivisions shall be recognized as registered apprentices or trainees and may serve on apprenticeship committees or training com-

mittees when approved by the council as in conformity with this chapter.

[1957 c.270 §10(2); 1967 c.6 §16]

**660.130 Director of Apprenticeship and Training; tenure; duties.** The Commissioner of the Bureau of Labor, with the advice and consent of the council, shall appoint a Director of Apprenticeship and Training and an assistant director who shall serve at the pleasure of the commissioner. The director and assistant director shall not be subject to the State Civil Service Law. Any disputes arising from dismissals of the director or assistant director may be reviewed in public hearing by the council at the written request of the dismissed director or assistant director. Such reviews, if accepted, shall be held not later than the 30th day after receipt of the request. Subject to the State Civil Service Law, the commissioner shall appoint one or more field representatives. Under the supervision of the commissioner, the director shall:

(1) Carry out the policies that are determined by the council.

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

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

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

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

(6) Suspend or cancel apprenticeship or training agreements under a procedure approved by the council.

[Amended by 1955 c.719 §8; 1967 c.6 §17]

**660.135 Local joint committees; members; meetings; consultation with other agencies and groups.** (1) In each locality where apprentices or trainees, or both, are employed, there shall be formed as many

local joint apprenticeship committees or local joint training committees, or both, as are necessary for the administration of local problems concerning apprenticeship and training.

(2) Local joint committees shall be established for the respective trades, crafts or industrial occupations. It is the responsibility of the local joint committees to administer the apprenticeship and training programs in accordance with the terms and conditions in the approved standards.

(3) Each local joint committee shall consist of an equal number of representatives of employers and employe organizations, not to exceed eight, who represent employers and employe organizations that are actively participating in apprenticeship or training programs. Each local joint committee shall select a chairman and a secretary, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the committee determines. The secretary shall maintain an accurate record of all proceedings of the committee, which shall be made available for public inspection at any reasonable time upon request. A copy of the minutes of each meeting shall be sent to the Commissioner of the Bureau of Labor. A quorum for the transaction of business consists of at least two representatives of employers and two representatives of employe organizations. Each local joint committee shall meet as often as is necessary to transact business. Meetings may be called by the chairman, or at the request of the majority of the members of the committee.

(4) Any local joint committee may request the district school board to appoint a representative to advise it on all matters pertaining to related or supplemental instruction. A local joint committee may consult with representatives of the council, with representatives of the Bureau of Apprenticeship and Training of the United States Department of Labor or its successor agency, or with any other group or individual whose services are desired by the local joint committee. However, such consultants have no vote on the local joint committee.

(5) The members of the existing local apprenticeship committees on February 20, 1967 shall become members of the appropriate local joint committee if they represent employer or employe organizations that are actively participating in apprenticeship or training programs.

[1967 c.6 §19]

**660.140** [Amended by 1955 c.719 §9; repealed by 1967 c.6 §29]

**660.141 Duties of local joint committees.** Each local joint committee shall:

(1) Conduct a survey to determine the need for preapprenticeship training and the availability of apprentice or trainee applicants in its area.

(2) Hear and adjust all complaints regarding apprenticeship or training agreements.

(3) Approve apprentices or trainees for registration with the council under the supervision of the committee, periodically rate their progress and advance them, recommend them for completion of apprenticeship or training or terminate their agreement for failure to progress.

(4) Evaluate previous work experience, education and training experience of apprentices and trainees and give credit toward completion of the apprenticeship or training program for substantial work, education and training experience related to the trade, craft or industrial occupation.

(5) Be responsible for the apprentices and trainees receiving necessary on-the-job experience and related technical instruction.

(6) Keep adequate and required records on all apprentices and trainees for work experience, instruction on the job, and their progress.

(7) See that all apprenticeship or training agreements are properly registered with the council.

(8) Be responsible for preparation and submission of all reports concerning its apprenticeship or training programs that may be desirable and lawfully required by local, state or federal agencies.

(9) Supervise enforcement of or recommend to the council modifications of all provisions of its approved standards.

(10) Subject to ORS 660.165, establish and modify specific standards which shall be filed with the council whereby all claims made by applicants for appropriate credit of any valid previous experience or training may be evaluated and credited to the apprenticeship or training term.

[1967 c.6 §20]

**660.145 Trade apprenticeship and training committees.** In an area where it is not practicable to establish a local joint apprenticeship committee or local joint training committee, a trade apprenticeship and training committee may be formed. Members shall

consist of one employer and one employe representing each trade, craft or industry affected, who shall be designated by the recognized apprenticeship or training group where such exists. When it becomes practicable in the opinion of the council to establish a local joint committee in an area, the local joint committee shall assume the responsibility of the trade apprenticeship and training committee for the area. Until such time, a trade apprenticeship and training committee shall function in the manner prescribed for a local joint committee.

[1967 c.6 §21]

**660.150** [Amended by 1955 c.719 §10; subsection (2) of 1965 Replacement Part enacted as 1957 c.270 §9; repealed by 1967 c.6 §29]

**660.155 State joint committees.** (1) State joint apprenticeship committees and state joint training committees may be formed by trades, crafts or industrial occupations for the purpose of promoting and standardizing apprenticeships or training in their respective trades, crafts or industrial occupations, in the same manner as local joint committees.

(2) State joint committees shall act as consulting and coordinating groups for the respective local joint committees and the council in the development of state-wide standards for apprenticeship and training, and shall choose their own officers.

[1967 c.6 §22]

**660.160 Coordination of schooling for apprentices and trainees.** All district school boards shall cooperate with the council, the Department of Education, and the local joint committees or trade committees in providing the necessary related instruction classes for apprentices and trainees. 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 or trainee shall attend such classes, either with or without the usual working hours.

[Amended by 1955 c.719 §11; 1967 c.6 §23]

**660.165 Preapprenticeship training programs.** The council and the person from the Department of Education who is designated by the Superintendent of Public Instruction as responsible for vocational education planning jointly shall establish preapprenticeship training in community colleges and other educational institutions in the state for those trades or crafts in which, after considera-

tion of manpower surveys and other available data, it is their joint determination that there is a need for additional skilled persons. Training provided under this section is in addition to and not in lieu of other educational programs provided under Oregon statutes. Each state joint committee, or appropriate local joint committee in those trades where a state joint committee does not exist, upon the request of the council shall make recommendations for course content of the preapprenticeship training and designate how much credit on the apprenticeship term shall be awarded for the completion of a course that complies with its recommendations.

[1967 c.6 §5]

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

[Amended by 1967 c.6 §24]

**660.180 Enforcement of chapter; rules; judicial review.** (1) The council shall enforce the provisions of this chapter in order to carry out its intent and purposes. The council may make investigations, subpoena and swear witnesses and enter suit in a court of proper jurisdiction in its name, or in the name of an apprentice or trainee, on behalf of the apprentice or trainee, through the district attorney, or the Attorney General. The council shall hold hearings, issue orders to equitably settle differences arising out of the terms of an apprenticeship or training agreement between any of the parties thereto and establish rules of procedure for the settlement of such differences.

(2) The council shall establish a procedure whereby any person aggrieved by any finding or order of a local joint committee or a state joint committee may appeal to the council.

(3) Any party aggrieved by any finding or order issued by the council under the terms of this section may obtain judicial review pursuant to ORS 183.480 to 183.500. The findings and orders of the council shall be prima facie evidence of the facts therein stated in all proceedings having to do therewith.

(4) All rules of the council under this

chapter shall be promulgated in compliance with ORS chapter 183.

[Amended by 1957 c.270 §11; 1967 c.6 §25]

**660.990 Penalties.** Violation of any pro-

vision of this chapter by an employer is punishable, upon conviction, by a fine of not more than \$100.

[Amended by 1967 c.6 §26]

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 1, 1967.

Robert W. Lundy  
Legislative Counsel