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H.452

~~SHORT FORM~~

Introduced by Representatives Marcotte of Coventry, Carroll of Bennington,
Chase of Chester, Graning of Jericho, Jerome of Brandon,
Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Priestley of
Bradford, Sammis of Castleton, White of Bethel, and Williams
of Barre City

Referred to Committee on

Date:

Subject: Commerce and trade; workforce development; apprenticeship

Statement of purpose of bill as introduced: This bill proposes to expand
apprenticeships and other workforce opportunities in this State.

An act relating to expanding apprenticeship and other workforce
opportunities

It is hereby enacted by the General Assembly of the State of Vermont:

~~(TEXT OMITTED IN SHORT FORM BILLS)~~

Sec. 1. 21 V.S.A. chapter 13 is amended to read:

CHAPTER 13. APPRENTICESHIP

§§ 1101–1105. [Repealed.]

§ 1111. DEFINITIONS

As used in this chapter:

(1) “Accessibility” means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them. “Accessibility” includes the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of physical and attitudinal barriers to equitable opportunities, a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space, and the pursuit of best practices such as universal design.

(2) “Advanced standing” means a process for reviewing and granting credit for prior related work experience or related technical instruction for an incoming apprentice or career seeker that allows the individual to accelerate the completion of the registered apprenticeship program.

(3) “Apprentice” means an individual who is:

(A) 16 years of age or older, except when a higher minimum age standard is otherwise fixed by law;

(B) employed to learn an apprenticeable occupation under the standards of apprenticeship established under section 1117, standards of apprenticeship, of this title; and

(C) registered with the Department.

(4) “Apprenticeable occupation” means an occupation approved by the federal Office of Apprenticeship or by the Department as an occupation that:

(A) is specified, identified, and commonly recognized throughout an industry;

(B) involves skills that are customarily learned in a practical way through a structured, systematic program of on-the-job supervised learning;

(C) involves the progressive attainment of manual, mechanical, or technical skills and knowledge that, in accordance with the industry standard for the occupation, would require the completion of a minimum of 2,000 hours or one-year of on-the-job learning to attain; and

(D) requires related technical instruction to supplement the on-the-job learning.

(5) “Apprenticeship agreement” means a written agreement, on forms approved by the Department under section 1119, registered apprentices, of this title, between an apprentice and either the apprentice’s program sponsor or an apprenticeship committee acting as agent for the program sponsor, that contains the terms and conditions of the employment and training of the apprentice.

(6) “Apprenticeship program” or “local apprenticeship training program” means a program registered with the Department or the federal

Office of Apprenticeship that includes a written plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, as minimally required under 29 C.F.R. Parts 29 and 30.

(7) “Certificate of completion” means a document issued by the Department that certifies that the named apprentice has met all the requirements set forth in an apprenticeship program.

(8) “Certificate of registration” means a document issued by the Department that certifies that the named sponsor’s apprenticeship program meets the requirements for registration under section 1115, program registration, of this title and identifies the registration status as either provisional or permanent.

(9) “Competency” means the attainment of knowledge, skills, and abilities in a subject area, as specified by an occupational skill standard and demonstrated by an appropriate written or hands-on proficiency measurement.

(10) “Commissioner” means the Commissioner of the Vermont Department of Labor.

(11) “Department” means the Vermont Department of Labor.

(12) “Director” or “State Director” means the director of the Vermont Registered Apprenticeship Program.

(13) “Diversity” means the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of Vermonters, including underserved communities.

(14) “Equity” means the consistent and systemic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

(15) “Fringe benefits” means benefits, including health insurance, retirement benefits, paid vacations and holidays, sick leave, and similar benefits that are incidents of employment.

(16) “Inclusion” means the recognition, appreciation, and use of the talents and skills of employees of all backgrounds.

(17) “Interim credential” means a credential issued by the Department, upon request of a sponsor, that certifies specific competency attainment by an apprentice.

(18) “Journey-worker” means a worker who has attained a level of skill, abilities, and competencies recognized within an industry as having mastered the skills and competencies required for the occupation. The term may also refer to a mentor, technician, specialist, or other skilled worker who has documented proficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and

formal training, or to describe any person who has achieved recognition in the person's profession as a "master."

(19) "Mentor" or "supervisor" means a journey-worker who assists in a registered apprenticeship program and who works with or oversees the work of an apprentice, assigns tasks, reviews performance, and is generally someone who facilitates personal and professional growth in the apprentice by sharing the knowledge learned through years of experience on the job.

(20) "National Guideline Standards" means a template of high-quality apprenticeship program standards submitted by a labor union, trade or industry association, employer, workforce intermediary, education provider, or other organizations with national scope, which standards may be certified by the federal Office of Apprenticeship.

(21) "National Program Standards of Apprenticeship" or "National Program Standards" (NPS) are programs that are registered by the federal Office of Apprenticeship on a national basis and that consist of occupational standards that any Vermont employer may sign on to or under which any individual may be apprenticed.

(22) "Nontraditional apprenticeship population" means a group of individuals, such as individuals from the same gender, race, or ethnicity, the members of which comprise fewer than 25 percent of the program participants in an apprenticeable occupation.

(23) “Nontraditional apprenticeship industry or occupation” refers to an industry sector or occupation that represents fewer than 10 percent of apprenticeable occupations or the programs under the national apprenticeship system.

(24) “Office of Apprenticeship” means the part of the U. S. Department of Labor responsible for the National Apprenticeship System and the implementing regulations.

(25) “Pre-apprentice” means a participant in a registered pre-apprenticeship program.

(26) “Pre-apprenticeship program” means a training model or program that prepares individuals for acceptance into an apprenticeship program and that is registered by the Department as provided in section 1123, pre-apprenticeship program, of this title or, as applicable, federal Office of Apprenticeship.

(27) “Provisional registration” or “provisional approval” means a temporary approval status granted to newly registered programs that lasts one year and is followed by an evaluation to determine whether it will:

(A) qualify for permanent recognition;

(B) maintain provisional status until more information is available to make a complete program assessment; or

(C) commence the process for deregistration.

(28) “Quality assurance assessment” means a comprehensive review conducted by the Department regarding all aspects of an apprenticeship program’s performance, including determining whether:

(A) apprentices are receiving on-the-job training consistent with the schedule outlined in the registered standards for the apprenticeship program;

(B) scheduled wage increases are consistent with the registered standards for the apprenticeship program;

(C) related technical instruction through the appropriate curriculum and delivery systems is compliant with any relevant federal and State standards; and

(D) the Department is receiving notification of all new apprentices in a registered apprenticeship program, apprentices who leave a registered apprenticeship program, and apprentices who complete the registered apprenticeship program within 45 business days of those changes.

(29) “Registration agency” means the Vermont Department of Labor acting as the designated State Apprenticeship Agency, which may also be referred to as the “Vermont Registered Apprenticeship Program.”

(30) “Related technical instruction” or “related instruction” means an organized and systematic form of instruction, concurrent with on-the-job training, designed to provide an apprentice with the knowledge of the theoretical and technical subjects related to the apprentice’s occupation. Such

instruction may be accomplished through classroom, occupational, or industrial courses, or by correspondence courses of equivalent value, electronic media, or other forms of self-study approved by the Department.

(31) “Sponsor” means an employer, a joint labor-management organization, a trade association, a professional association, a labor organization, an education and training provider, or a qualified intermediary that is applying to register, administer, and operate an apprenticeship program.

(32) “State Apprenticeship Agency” means the Vermont Department of Labor as the federally designated apprenticeship agency and may also refer to the “Vermont Registered Apprenticeship Program.”

(33) “Underserved communities” means the populations sharing a particular characteristic, as well as geographic communities, who have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. This term includes individuals who belong to communities of color, such as Black and African American, Hispanic and Latino, Native American, Alaskan Native and Indigenous, Asian American, Native Hawaiian and Pacific Islander, Middle Eastern, and North African persons. It also includes individuals who belong to communities that face discrimination based on sex, sexual orientation, and gender identity, including lesbian, gay, bisexual, transgender, queer, gender non-conforming, and non-binary (LGBTQ+ persons); persons who face discrimination based on

pregnancy or pregnancy-related conditions; parents; and caregivers. It also includes individuals who belong to communities that face discrimination based on their religion and disability; first-generation professionals or first-generation college students; individuals with limited English proficiency; immigrants; individuals who belong to communities that may face employment barriers based on older age or former incarceration; persons who live in rural areas; veterans and military spouses; and persons otherwise adversely affected by persistent poverty, discrimination, or inequality. Individuals may belong to more than one underserved community and face intersecting barriers.

(34) “Vermont Apprenticeship Advisory Board” or “Board” means the entity created in section 1114, Vermont Apprenticeship Advisory Board, of this title and described as a “State Apprenticeship Council” in 29 C.F.R. Part 29 that supports Vermont’s registered apprenticeship system.

(35) “Youth apprentice” means a participant, 16 or 17 years of age, in a youth apprenticeship program.

(36) “Youth Apprenticeship program” means a program registered by the Department as provided in section 1124, youth apprenticeship programs, of this title or, as applicable, by the federal Office of Apprenticeship.

§ 1112. STATE APPRENTICESHIP AGENCY

(a) The Department is the federally designated State Apprenticeship Agency and has the responsibility to oversee apprenticeship programs and apprentices in Vermont.

(b) The Department shall take all necessary steps as required and permitted by law to maintain its status as the State Apprenticeship Agency and recognized by the federal Office of Apprenticeship under 29 C.F.R. Part 29, section 29.13.

§ 1113. VERMONT REGISTERED APPRENTICESHIP PROGRAM

(a) Purpose.

(1) The Vermont Registered Apprenticeship Program shall develop and regulate apprenticeship programs, pre-apprenticeship, and youth apprenticeship programs that are industry-driven, high-quality career pathways in partnership with employers to attract, train, and develop talent.

(2) The Vermont Registered Apprenticeship Program shall coordinate with State and local workforce development entities that serve individuals seeking employment and shall partner with State and local education and economic development leaders to expand the use of apprenticeship programs as a workforce and economic development strategy.

(b) Administration. The Vermont Registered Apprenticeship Program shall be administered by the Department and shall employ a Director of Apprenticeship who shall serve as the primary point of contact with the federal

Office of Apprenticeship and who shall have overall responsibility for the administration of the Vermont Registered Apprenticeship Program.

(c) Operation. The Vermont Registered Apprenticeship Program shall:

(1) develop, register, monitor, and maintain records of program standards for apprenticeship programs, pre-apprenticeship programs, and youth apprenticeship programs;

(2) promote and provide technical support to employers, sponsors, education and training providers, workforce and economic development providers, jobseekers, and apprentices related to apprenticeship programs;

(3) develop and support strategies that promote diversity, equity, accessibility, and inclusion in apprenticeship programs;

(4) expand the number of apprenticeship programs and opportunities to meet employer and worker needs;

(5) administer apprenticeship programs and apprenticeship agreements, including issuing certificates of program registration, certificates of completion, interim credentials, and apprentice registration cards to comply with intra- and interstate requirements;

(6) maintain a publicly available list and information about apprenticeship programs and sponsors;

(7) determine, evaluate, and approve standards for the registration of an apprenticeship program;

(8) perform quality assurance assessments and monitor programs;

(9) maintain records related to program registration and deregistration, apprentices enrollment and completion, compliance reviews and investigations, and any other matters required by State or federal law;

(10) report on program outcomes;

(11) deregister programs that are not in compliance with the requirements of this chapter;

(12) develop and submit regular strategic and implementation plans, including the State Plan for Equal Employment Opportunity in Apprenticeship, as required by 29 C.F.R. Part 30;

(13) promote and develop reciprocity agreements with other states to support the recognition of apprenticeship programs and enable portability of credentials;

(14) assist in the adoption and implementation of National Guideline Standards or National Program Standards;

(15) coordinate alignment in apprenticeship program development and implementation with employers, sponsors, education and training providers, and other stakeholders; and

(16) maximize available State and federal funding to expand the availability of apprenticeship programs to Vermont employers and workers.

(d) Powers and duties.

(1) The Commissioner shall:

(A) ~~promulgate~~ adopt rules to implement the Vermont Registered Apprenticeship Program, ensuring that it complies with State and federal regulations;

(B) promote equality of opportunity in apprenticeship programs pursuant to the State Plan for Equal Employment Opportunity in Apprenticeship as required by 29 C.F.R. Part 30;

(C) support the integration of apprenticeship programs into the education, workforce, and economic development systems in the State;

(D) establish journey-worker to apprentice ratios and procedures for variance requests for ratios in accordance with section 1116, ratios, of this title, except that the ratio in a youth apprenticeship programs shall not exceed 1:1;

(E) safeguard the rights of employers and apprentices engaged in an apprenticeship program; and

(F) direct the distribution of funds to support apprentices and apprenticeship programs.

(2) The Director shall:

(A) advise the Commissioner on the adoption of rules concerning the Vermont Registered Apprenticeship Program;

(B) approve new apprenticeable occupations in consultation with the Board;

(C) approve and oversee the development, registration, monitoring, and maintenance of program standards for apprenticeship, pre-apprenticeship, and youth apprenticeship programs; and

(D) approve and oversee the registration of apprentices, maintenance of apprenticeship agreements, and issue certificates of completion and interim credentials.

(e) Strategic planning and reporting. The Vermont Registered Apprenticeship Program shall:

(1) develop and disseminate a strategic plan once every five years, beginning on July 1, 2024;

(2) prepare and submit to the Vermont General Assembly an annual report on the status of the Vermont Registered Apprenticeship Program on or before December 1 of each year that includes:

(A) general program statistics, including a list of programs by county;

(B) an analysis of apprentices in the program disaggregated by age, race, sex, gender identity, New American status, Veteran status, disability, industry, and education status, including participation in career and technical education;

(C) nontraditional occupations by gender and race;

(D) new occupations approved;

(E) an analysis of the average starting and ending wage by occupation;

(F) new sponsors, employers, or industries involved with programs over the previous period;

(G) a summary of how allocated funds were used and analysis of the impact of those funds; and

(H) summary of significant activities of the program.

§ 1114. VERMONT APPRENTICESHIP ADVISORY BOARD

(a) Creation and purpose. The Vermont Apprenticeship Advisory Board is established to advise the Department, sponsors, employers, and related-instruction providers and to promote the development and strengthening of apprenticeship programs.

(b) Members and terms.

(1) The Board shall be composed of the following members:

(A) the Commissioner of Labor or designee, who shall serve as the Chair;

(B) the Director, who shall serve as the Secretary;

(C) the Secretary of Education or designee;

(D) a member of the State Workforce Development Board, appointed by the Chair of the Board;

(E) two representatives of a recognized union organization representing occupations with an apprenticeship program, appointed by the Governor;

(F) two representatives of employer program sponsors, appointed by the Governor;

(G) one representative of related instruction or training from an adult or secondary career technical education program, appointed by the Governor;

(H) two representatives from underserved communities, appointed by the Governor.

(2) A member other than the Commissioner of Labor, the Director, and the Secretary of Education shall be appointed to a term of three years, except as follows:

(A) The member appointed pursuant to subdivision (1)(D) of this subsection shall serve an initial term of one year.

(B) The members appointed pursuant to subdivisions (1)(E)–(F) of this subsection shall serve initial terms of two years.

(3) If a member fails to complete the member's full term, the Governor shall appoint a new member to complete the remainder of the term.

(4) A member shall serve at the pleasure of the Governor.

(5) Members not compensated for their time otherwise shall receive a per diem stipend for days of service to the Board and may be reimbursed for their necessary expenses incurred in attendance at meetings and in the performance of their official duties pursuant to 32 V.S.A. § 1010.

(c) Duties. The Board shall:

(1) Receive and review reports from the Department regarding provisional and registered apprenticeship programs, including programs under development and program deregistration proceedings.

(2) Advise the Department on the creation of new apprenticeable occupations.

(3) Advise the Commissioner on requests for ratio variances.

(4) Advise the Department on policies and procedures developed by the Department and on ~~establishment~~ adoption of rules.

(5) Provide technical guidance for identifying and promoting best practices in operating apprenticeship programs.

(6) Create and convene working groups that are tasked with specific activities related to improving the quality, safety, diversity, and alignment of apprenticeship programs. Working group membership is not limited to appointed members of the board and shall be selected and serve at the discretion of the Chair.

(d) Meetings.

(1) The Board shall meet at least quarterly, or more frequently at the request of the Chair, to accomplish the objectives of the Vermont Apprenticeship Advisory Board.

(2) The Board shall adhere to Vermont's Open Meeting law, including requirements for public meeting notices, publishing agendas, and recording minutes.

(e) The Board shall have the administrative, technical, and legal assistance of the Department.

§ 1115. PROGRAM REGISTRATION AND OPERATION

(a) Application.

(1) A sponsor may apply with the Vermont Registered Apprenticeship Program for review and approval of a request to register a local apprentice training program within the State.

(2) A local apprentice training program is registered upon its acceptance and recording by the Vermont Registered Apprenticeship Program as meeting the basic standards and requirements for approval of such a program and in compliance with rules established by the Commissioner.

(b) Eligibility for registration of an apprenticeship program.

(1) To be eligible for registration an employer or sponsor must:

(A) be registered as a business in “active” status with the Secretary of State’s Office and the business name and address must match that of the business requesting to be registered as a program;

(B) be current and in good standing with the Department of Taxes;

(C) be current and in good standing with the Department of Labor’s Unemployment Insurance program;

(D) be compliant with the Department of Labor’s Workers’ Compensation program; and

(E) meet any occupation specific requirements as established by the Vermont Registered Apprenticeship Program for specific occupations.

(2) Employers or sponsors found not to meet the requirements of subsection (b) of this section shall be given notice and allowed 30 business days to resolve any outstanding issue before action is taken on the registration request.

(3) An employer that seeks to register using National Program Standards (NPS) or National Guideline Standards (NGS) shall meet the requirements of this section.

(c) Procedure for registering an apprenticeship program.

(1) An employer or sponsor’s request to register an apprenticeship program shall be submitted to the Director using the form and submission method published on the Department’s website.

(2) Incomplete submissions shall not be considered.

(3) A complete request shall include:

(A) written and complete standards of apprenticeship, including minimum qualifications;

(B) a work process schedule for each occupation;

(C) related technical instruction outline for each occupation;

(D) selection procedures, including procedures for advanced standing; and

(E) a wage schedule for each occupation.

(4) An employer or program sponsor shall identify any proprietary information or processes within the registration request. Proprietary information obtained from an employer or program sponsor in the administration of this chapter shall be held confidential and shall not be disclosed or open to public inspection without the written authorization of the employer or program sponsor.

(d) Review; provisional and permanent approval.

(1) The Vermont Registered Apprenticeship Program shall review all requests to register an apprenticeship program for initial conformity with requirements established in 29 C.F.R. § 29.4, 29 C.F.R. Part 30, this chapter, and with any additional requirements established by the Vermont Registered Apprenticeship Program.

(2) An apprenticeship program that meets the standards for registration shall be given provisional registration for a period of one year.

(3) An initial provisional registration certificate shall be issued by the Director.

(4) The Vermont Registered Apprenticeship Program shall review an apprenticeship program for quality and conformity with the requirements of this chapter at the end of the first year after registration.

(5) An apprenticeship program that conforms to the requirements may have its registration made permanent or may continue to be provisionally registered until the end of its first training cycle or until enough information regarding compliant operation can be made available.

(6) When an apprenticeship program has completed its provisional review period and is found to be compliant, the Director shall issue a certificate of permanent registration.

(e) Ongoing review.

(1) The Department shall conduct subsequent reviews of every registered apprenticeship program every five years.

(2) If it is found that an apprenticeship program is not in operation or does not conform to the requirements of this chapter, the Department shall deregister that program in accordance with section 1120, deregistration, of this title.

(f) Union participation.

(1) An apprenticeship program may be proposed for registration by an employer, group of employers, or an industry association.

(2) If a standard or a collective bargaining agreement or other instrument exists for one or more of the employers or industry association, that provides for participation by a union and concerns any aspect of the operation of the substantive matters of an apprenticeship program, a written acknowledgment by the union about the terms of the proposed program and any objections it may have shall accompany the program registration request.

(g) Certificate. If the Vermont Registered Apprenticeship Program approves an apprenticeship program, it shall register that apprenticeship program and issue a sponsor approval certificate indicating the approval status as provisional or permanent and may include an expiration date or similar notice that communicates the relationship with the program review cycle.

(h) National programs.

(1) Organizations with a national or multistate footprint wishing to adopt and implement National Guideline Standard programs within the State shall notify the Director within 45 business days of the planned start date of the apprenticeship program.

(2) National Program Standard holders who wish to afford Vermont residents the opportunity to apprentice in a NPS program shall notify the Director within 45 business days and shall follow other minimal requirements as may be required by the Vermont Registered Apprenticeship Program for reciprocal approval.

(i) Program operation.

(1) Probationary Employment. A sponsor shall submit the name of a person in a period of probationary employment as an apprentice under an apprenticeship program within 45 days of the start of employment to the Vermont Registered Apprenticeship Program to establish the apprentice in probationary status.

(2) Changes in status. A sponsor shall notify the Vermont Registered Apprenticeship Program, using methods and procedures approved by the Director, within 45 business days of registered apprentices who:

(A) have successfully completed an apprenticeship program;

(B) transferred to other programs with the same sponsor or to other sponsors;

(C) are suspended;

(D) are cancelled; or

(E) are reinstated.

(3) Program changes.

(A) A sponsor shall not make a change to an apprenticeship program unless the change is approved by the Vermont Registered Apprenticeship Program.

(B) To make a change to an apprenticeship program, a sponsor shall submit a request to the Vermont Registered Apprenticeship Program.

(C) The Director shall approve or deny the requested change within 90 business days from receipt of the request.

(D) If approved, the change will be recorded and acknowledged by the Vermont Registered Apprenticeship Program within 90 business days.

(E) If denied, the Vermont Registered Apprenticeship Program shall notify the sponsor of the disapproval and the reason for the disapproval and provide the appropriate technical assistance.

§ 1116. RATIOS

(a) Ratios; variances.

(1)(A) Except as otherwise provided in this section, the ratio of apprentices to journey-workers shall be 1:1.

(B) For each apprentice who completes 2,000 hours of on-the-job training, the ratio may increase to ~~1:2~~ 2:1.

(C) The ratio shall not exceed two apprentices for each journey-worker unless a variance to the ratio is approved by the Commissioner.

(D) Variances shall not be permitted for youth apprenticeships.

(2)(A) A sponsor or an employer may request to modify the ratio of journey-worker to apprentices for one or more years of an apprenticeship program.

(B) The request shall be in writing and include the following information:

(i) the capacity of the employer to maintain the quality of supervision of on-the-job training set forth their program standards with added apprentices;

(ii) the impact of higher ratios on the learning experience of existing apprentices and steps taken to ensure that apprentices are not disadvantaged in the quality of their on-the-job learning, mentoring, and supervision by higher ratios; and

(iii) an occupational safety analysis that describes the specific risks to apprentices, journey-workers, and the general public and what steps will be taken to mitigate each risk.

(3)(A) The Commissioner, with advice from the Director, the Director of the Vermont Occupational Safety and Health Administration, and the Board shall review the request and respond in writing within 90 days of receipt of the request.

(B) In evaluating a request, the Commissioner may affirm or modify a ratio upon a determination that the new ratio:

(i) will not endanger the safety of apprentices or the journey-worker; and

(ii) will not materially impair the quality of the on-the-job training.

(4) Nothing in this section shall be construed as prohibiting a sponsor or employer from establishing a ratio that permits or requires more than one journey-worker for each apprentice or as invalidating a collective bargaining agreement that permits or requires more than one journey-worker for each apprentice.

(5)(A) In a period of emergency declared by the Governor, the Commissioner may approve a higher ratio for one or more employers or sponsors without the need for an individual written request. The Commissioner shall receive advice from the Board prior to issuing a blanket ratio variance under this subsection.

(B) When the period of emergency expires, any ratio variances approved by the Commissioner under this subdivision (5) shall terminate and the sponsor shall comply with the requirements of this section governing ratios.

(b) National Program Standards programs. Employers who participate in a National Apprenticeship Standards Program whose approved ratio is greater than 1:1 shall operate under the State's default 1:1 ratio requirement unless a variance is approved under this section.

§ 1117. STANDARDS OF APPRENTICESHIP

(a) An apprenticeship program shall conform to the standards identified in this section to be eligible for approval and registration by the Vermont Registered Apprenticeship Program.

(b) A program sponsor shall have an organized, written plan specifying program standards that embody the terms and conditions of employment, training, and supervision of one or more apprentices in an apprenticeable occupation and subscribed to by a sponsor who has undertaken to carry out the local apprentice training program.

(c) The written plan shall contain provisions that address the following:

(1) Apprenticeable occupation. The employment and training of the apprentices in an apprenticeable occupation.

(2) Term and modality of program. The term of the program measured using either a time-based approach, competency-based approach, or a hybrid approach.

(A) The time-based approach measures skill acquisition through the individual apprentice's completion of a minimum of 2,000 hours to a maximum of 10,000 hours of on-the-job learning as described in a work process schedule.

(B) The competency-based approach measures skill acquisition through the individual apprentice's successful demonstration of acquired skills

and knowledge, as verified by the program sponsor, and cannot be less than one year in length. Programs utilizing this approach shall require apprentices to complete an on-the-job learning component. The program standards shall address how on-the-job learning will be integrated into the apprenticeship program, describe competencies, and identify appropriate means of testing and evaluation for such competencies.

(C) The hybrid approach measures the individual apprentice's skill acquisition through a combination of specified minimum number of hours of on-the-job learning and the successful demonstration of competency as described in a work process schedule.

(D) The determination of the appropriate approach for the apprenticeship program standards is made by the program sponsor, subject to the approval by the Vermont Registered Apprenticeship Program.

(3) Work process. An outline of the work processes in which the apprentice will receive supervised work experience and on-the-job training and the allocation of the approximate amount of time to be spent in each major process;

(4) Related instruction and instructor requirements. An organized description of related instruction and technical subjects related to the occupation that shall include a minimum of 144 hours of related technical instruction for each year of apprenticeship. Instruction and technical subjects

may be accomplished through media such as classroom, occupational or industry courses, electronic media, or other instruction approved by the Vermont Registered Apprenticeship Program. Every apprenticeship instructor shall:

(A) Meet the Agency of Education's requirements for a career and technical education instructor or be a subject matter expert, which is an individual, such as a journey-worker, who is recognized within an industry as having expertise in a specific occupation.

(B) Have training in teaching techniques and adult learning styles. This training may occur not later than one year after the apprenticeship instructor has started to provide the related technical instruction.

(5) Wage schedule. A schedule of progressively increasing wages to be paid to an apprentice consistent with the skill acquired. The entry wage shall not be less than minimum wage or 50 percent of the journey-worker rate, whichever is highest, for adult registered apprentices, unless a higher wage is required by other applicable State or federal law, rule, or by collective bargaining agreement. For purposes of this subdivision, "journey-worker rate" is the rate of pay established by the sponsor for an apprentice who has met all of the skill, knowledge, and competency requirements for that occupation.

(6) Fringe benefits. Fringe benefits made available to nonapprentices within the company shall also be available to apprentices registered in the company's apprenticeship program.

(7) Apprentice performance evaluation. Provision for periodic review and evaluation of the apprentice's performance on the job and in related instruction and the maintenance of appropriate progress records, including maintaining records of hours worked for those apprentices in time-based programs.

(8) Ratio. Provision for a numeric ratio of apprentices to journey-workers consistent with proper supervision, training, safety, and continuity of employment and with applicable provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreement. The ratio language shall be specific and clearly described as to its application to the job site, workforce, department, or plant. The ratio shall comply with the requirements set forth in this chapter. Any variances requested to the set ratio shall be approved in advance of the variance being applied to the apprenticeship program.

(9) Probationary period. A probationary period reasonable in relation to the full apprenticeship term, with full credit given for such period toward completion of apprenticeship. The probationary period cannot exceed 25

percent of the length of the apprenticeship program, or one year, whichever is shorter.

(10) Equipment and facilities. Provision for adequate and safe equipment and facilities for training and supervision, and safety training for apprentices on the job and in related instruction.

(11) Minimum qualifications. Facially neutral, minimum qualifications required by the sponsor for persons entering the apprenticeship program, with an eligible starting age of not less than 16 years of age, or 18 years of age if required by State or federal laws or regulations.

(12) Placement. Provision for the placement of an apprentice under a written apprenticeship agreement that meets the requirements of this chapter and 29 C.F.R., § 29.7, is approved by the Vermont Registered Apprenticeship Program, and directly, or by reference, incorporates the standards of the apprenticeship program as part of the agreement.

(13) Registration cards. Provision that identifies the need for a card to be produced that confirms the registration status of an apprentice in an approved occupation.

(14) Advanced Standing. Provision for the granting of advanced standing or credit for demonstrated competency, acquired experience, training, or skills, that shall be applied to all applicants equally with commensurate wages for any progression step so granted.

(15) Transfer. Provision for transfer of an apprentice between apprenticeship programs and within an apprenticeship program. Such a transfer shall be based on agreement between the apprentice and the affected apprenticeship committees or program sponsors, and shall comply with the following requirements:

(A) the transferring apprentice shall be provided a transcript of related instruction and on-the-job learning by the program sponsor;

(B) the transfer shall be to the same occupation; and

(C) a new apprenticeship agreement shall be executed when the transfer occurs between program sponsors.

(16) Qualified training personnel. Assurance of qualified training personnel and adequate supervision on the job.

(17) Completion. Provision for recognition for successful completion of apprenticeship evidenced by an appropriate certificate issued by the Vermont Registered Apprenticeship Program.

(18) Interim and stackable credentials. Apprenticeship program standards that utilize the competency-based or hybrid approach for progression through an apprenticeship and that choose to issue interim credentials shall clearly identify the interim credentials, demonstrate how these credentials link to the components of the apprenticeable occupation, and establish the process for assessing an individual apprentice's demonstration of

competency associated with the interim credential. Further, interim credentials shall only be issued for recognized components of an apprenticeable occupation thereby linking interim credentials specifically to the knowledge, skills, and abilities associated with those components of the apprenticeable occupation.

(19) Registration agency. Identification of the Vermont Department of Labor as the registration agency.

(20) Program modifications. Provision for the registration, cancellation, and deregistration of the apprenticeship program and for the prompt submission of any program standard modification or amendment to the Vermont Registered Apprenticeship Program for approval.

(21) Registering apprentices. Provision for apprenticeship agreements, modifications, and amendments, notice to the Vermont Registered Apprenticeship Program of persons who have successfully completed apprenticeship programs within 45 days of completion of all requirements, and notice of transfers, suspensions, and cancellations of apprenticeship agreements and a statement of the reasons therefore.

(22) Cancellation. Provision for the authority to cancel an apprenticeship agreement during the probationary period by either party without cause.

(23) Equal Employment Opportunity. Provision for compliance with 29 C.F.R. Part 30, including the equal opportunity pledge prescribed in 29 C.F.R. § 30.3(c); an affirmative action program complying with 29 C.F.R. § 30.4 and a method for the selection of apprentices complying with 29 C.F.R. § 30.10, or compliance with parallel requirements contained in the Department's State Plan for Equal Employment Opportunity in Apprenticeship adopted under 29 C.F.R. Part 30 and approved by federal Office of Apprenticeship. The apprenticeship standards shall also include a statement that the program will be conducted, operated, and administered in conformity with applicable provisions of 29 C.F.R. Part 30, as amended, or if applicable the State Plan for Equal Employment Opportunity in Apprenticeship.

(24) Contact information. The name, physical address, telephone number, and e-mail address for the appropriate individual with authority under the apprenticeship program to receive, process, and make disposition of complaints.

(25) Recordkeeping. Provision for recording and maintenance of all records concerning apprenticeship as may be required by the Vermont Registered Apprenticeship Program and other applicable law.

§ 1118. APPRENTICESHIP PROGRAM MINIMUM ENROLLMENT;

EVALUATION

(a) Minimum number of apprentices. An apprenticeship program, including occupations registered to the program, shall have at least one registered apprentice, except for the following specified periods of time if the periods do not exceed one year:

(1) between the date when the apprenticeship program is registered and the date of registration for its first apprentice; or

(2) between the date that the apprenticeship program graduates an apprentice and the date of registration for the next apprentice or apprentices in the program.

(b) Evaluation. The Vermont Registered Apprenticeship Program shall adopt tools and factors to evaluate the performance of apprenticeship programs, including the following:

(1) quality assurance assessments;

(2) Equal Employment Opportunity compliance reviews; and

(3) completion rates.

(A)(i) To evaluate completion rates, the Vermont Registered Apprenticeship Program shall review an apprenticeship program's completion rates in comparison to the national average for completion rates.

(ii) Based on review, the Vermont Registered Apprenticeship Program may provide technical assistance to apprenticeship programs with completion rates lower than the national average.

(B) Cancellation of apprenticeship agreements during the probationary period shall not have an adverse impact on a sponsor's completion rate.

§ 1119. APPRENTICES REGISTERED; AGREEMENT

(a) Apprentices shall be individually registered under a registered sponsor and in an apprenticeship program.

(b) Registration is complete when the sponsor files a signed, completed apprenticeship agreement with the Vermont Registered Apprenticeship Program and it is reviewed and approved by the Department.

(c) An apprenticeship agreement shall contain:

(1) the names and signatures of the apprentice, the program sponsor or employer, and of a parent or guardian of the apprentice if the apprentice is a minor;

(2) the date of birth and Social Security number of the apprentice;

(3) the contact information of the program sponsor and Vermont Registered Apprenticeship Program;

(4) a statement of the occupation in which the apprentice is to be trained and the beginning date and duration of apprenticeship;

(5) a statement showing:

(A) the number of hours to be spent by the apprentice in work on-the-job in a time-based program or a description of the skill sets to be attained by

completion of a competency-based program, including the on-the-job learning component;

(B) the minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of hybrid program;
and

(C) the number of hours to be spent in related technical instruction in subjects related to the occupation, which is required to be not less than 144 hours per year;

(6) a statement setting forth a schedule of the work processes in the occupation or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process;

(7) a statement of the graduated scale of wages to be paid to the apprentice and whether or not the required related instruction is compensated;

(8) statements providing:

(A) for a specific period of probation during which the apprenticeship agreement may be cancelled by either party to the agreement upon written notice to the registration agency without adverse impact on the sponsor; and

(B) that, after the probationary period, the apprenticeship agreement may be:

(i) cancelled at the request of the apprentice; or

(ii) suspended or cancelled by the sponsor, for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action and with written notice to the apprentice and to the Vermont Registered Apprenticeship Program of the final action taken;

(9) a reference incorporating as part of the agreement the standards of the apprenticeship program as they exist on the date of the agreement and as they may be amended during the period of the agreement;

(10) a statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, genetic information, age, qualified disability, incarceration history, or any other category protected by State or federal law;

(11) the name, physical address, telephone number, and e-mail address of the appropriate authority designated under the apprenticeship program to receive, process, and make disposition of controversies or differences arising out of the apprenticeship agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions;

(12) to conform to the federal Equal Employment Opportunity Act of 1972, 42 United States Code, Chapter 21, subchapter VI and for affirmative

action compliance in apprenticeship programs, the voluntary disclosure of the apprentice's race, sex, gender identity, sexual orientation, ethnicity, and disability status; and

(13) if the apprentice completed secondary school in Vermont and is between 18 and 25 years of age, the name of the secondary school from which the apprentice is a graduate, and if the apprentice attended a regional CTE center, the name of the center where the apprentice received technical education while in secondary school.

(d) An apprenticeship agreement shall not be modified unless it is in writing and signed by the parties.

§ 1120. DEREGISTRATION OF A REGISTERED APPRENTICESHIP

PROGRAM

(a) Deregistration. Deregistration of an apprenticeship program shall occur upon the voluntary action of the sponsor by submitting a request for cancellation of the registration or by the Vermont Registered Apprenticeship Program instituting formal deregistration proceedings in accordance with this section.

(b) Deregistration at the request of the sponsor. The Vermont Registered Apprenticeship Program may cancel the registration of an apprenticeship program by written acknowledgement of such request stating the following:

(1) that the registration is cancelled at the sponsor's request, and the effective date thereof;

(2) that, within 15 business days of the date of the acknowledgment, the sponsor will notify all apprentices of such cancellation and the effective date;

(3) that the cancellation automatically deprives the apprentice of individual registration;

(4) that the deregistration of the program removes the apprentice from coverage for federal purposes that require the U.S. Secretary of Labor's approval of an apprenticeship program; and

(5) that all apprentices are referred to the Vermont Registered Apprenticeship Program for information about potential transfer to other registered apprenticeship programs.

(c) Deregistration by the Vermont Registered Apprenticeship Program upon reasonable cause.

(1)(A) Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, or administered in accordance with the program's registered provisions or with the requirements of this chapter, including:

(i) failure to provide on-the-job learning;

(ii) failure to provide related technical instruction;

(iii) failure to pay the apprentice a progressively increasing schedule of wages consistent with the apprentices' skills acquired; or

(iv) persistent and significant failure of the program to operate or perform successfully.

(B) For purposes of this section, persistent and significant failure to perform successfully occurs when a program sponsor consistently fails to register at least one apprentice, shows a pattern of poor quality assessment results over a period of several years, demonstrates an ongoing pattern of very low completion rates over a period of several years, or shows no indication of improvement in the areas identified by the Vermont Registered Apprenticeship Program during a review process as requiring corrective action.

(C) Where it has been determined that the program is not being operated in accordance with the registered standards or with the requirements of this chapter, the Vermont Registered Apprenticeship Program shall notify the program sponsor in writing.

(2) A notice of deregistration sent to the program sponsors contact person shall:

(A) be sent by registered or certified mail, with return receipt requested;

(B) state the shortcomings and the remedy required; and

(C) state that a determination of reasonable cause for deregistration will be made unless corrective action is ~~afforded~~ effected within 30 business days.

(3) Upon request by the sponsor for good cause, the 30-business-day term may be extended for another 30 business days. During the period for corrective action, the Vermont Registered Apprenticeship Program shall assist the sponsor in every reasonable way to achieve conformity.

(4) If the required correction is not completed within the allotted time, the Vermont Registered Apprenticeship Program shall send a notice to the sponsor, by registered or certified mail, return receipt requested, stating the following:

(A) the notice is sent under this section;

(B) the deficiencies that were called to the sponsor's attention, the remedial measures requested, with the dates of such occasions and letters, and that the sponsor has failed or refused to take corrective action;

(C) based upon the stated deficiencies and failure to remedy them, a determination has been made that there is reasonable cause to deregister the program and the program may be deregistered unless, within 15 business days following the receipt of this notice, the sponsor requests a hearing with the Vermont Registered Apprenticeship Program; and

(D) if the sponsor does not request a hearing, the entire matter will be submitted to the Commissioner for a decision on the record with respect to registration.

(5) Every order of deregistration shall contain a provision that the sponsor, within 15 business days of the effective date of the order, notify all registered apprentices of the deregistration of the apprenticeship program, the effective date thereof, that such cancellation automatically deprives the apprentice of individual registration, that the deregistration removes the apprentice from coverage for Federal purposes that require the Secretary of Labor's approval of an apprenticeship program, and that all apprentices are referred to the Vermont Registered Apprenticeship Program for information about potential transfer to other apprenticeship programs.

(d) Reinstatement. An apprenticeship program deregistered under this section may be reinstated upon presentation to the Vermont Registered Apprenticeship Program of adequate evidence that the apprenticeship program is operated in accordance with this chapter.

§ 1121. LIMITATIONS

Nothing in this chapter or in an apprenticeship agreement may be construed to invalidate:

(1) the at-will nature of employment in Vermont;

(2) any apprenticeship provision in a collective bargaining agreement between employers and employees establishing more stringent apprenticeship standards; or

(3) any special provision for veterans, minorities, or women in the standards, apprentice qualifications, or operation of an apprenticeship program or in the apprenticeship agreement that is not otherwise prohibited by law, Executive Order, or authorized regulation or rule.

§ 1122. COMPLAINTS

(a) Any controversy or difference arising under an apprenticeship agreement that cannot be resolved by the parties and that is not covered by a collective bargaining agreement may be submitted by an apprentice, or the apprentice's authorized representative, to the Vermont Registered Apprenticeship Program for review.

(b)(1) The complaint shall be in writing and signed by the complainant, or authorized representative, and shall be submitted within 60 business days following the event that gave rise to the complaint.

(2) The complaint shall set forth the specific matters complained of, together with relevant facts and circumstances.

(3) Copies of pertinent documents and correspondence shall accompany the complaint.

(c)(1) The Vermont Registered Apprenticeship Program shall render a determination within 90 business days after receipt of the complaint, based upon such investigation of the matters submitted as may be found necessary, and the record before it.

(2) During the 90-day period, the Vermont Registered Apprenticeship Program shall make reasonable efforts to affect a satisfactory resolution between the parties involved.

(3) If so resolved, the parties shall be notified that the case is closed.

(4) Where a determination is rendered, copies shall be sent to all interested parties.

(d)(1) This section is not applicable to any complaint concerning discrimination or other equal opportunity matters.

(2) All such complaints shall be submitted, processed, and resolved in accordance with applicable provisions in 29 C.F.R. Part 30 or applicable provisions of the Vermont Department of Labor State Plan for Equal Employment Opportunity in Apprenticeship.

(e) Nothing in this section precludes an apprentice from pursuing any other remedy authorized under federal or State law.

§ 1123. PRE-APPRENTICESHIP PROGRAMS

(a) A pre-apprenticeship program is one that is designed to prepare individuals to enter and succeed in an apprenticeship program by providing

instruction and skill development opportunities to attain competency needed to enter a related apprenticeship program.

(b) A pre-apprenticeship program may be registered by the Department after successfully demonstrating:

(1) the program is carried out by a sponsor that has a written agreement with at least one sponsor of an apprenticeship program;

(2) the program engages an active, advisory partnership with an industry leader or sector partnership to inform the training and education services necessary for a pre-apprenticeship program;

(3) there is sufficient demand in an apprenticeship program at the completion of a pre-apprenticeship program to support a transition from the pre-apprenticeship program to an apprenticeship program;

(4) the program follows a written plan for related instruction and work-based learning or training that was developed in consultation with the sponsor or sponsors of the apprenticeship program;

(5) the program includes mentoring, career exposure, career planning, and career awareness activities;

(6) the program includes paid work-based learning or training, to the extent practicable, or unpaid work-based learning or training in which an employer or industry partnership and a related technical instruction provider collaborate to design the learning or training that will introduce participants

to the skills, competencies, and materials used in one or more ~~appreciable~~ apprenticeable occupations;

(7) to the extent appropriate and practicable, the program meets related technical instruction requirements that include enabling an individual to attain a secondary school diploma or its recognized equivalent that enables a pre-apprentice to enter into an apprenticeship; and

(8) the program includes, when relevant, any agreement for advanced standing for the pre-apprentice upon entering a registered apprenticeship program.

§ 1124. YOUTH APPRENTICESHIP PROGRAMS

(a) A youth apprenticeship program is one that prepares a youth apprentice for acceptance into an apprenticeship program and is designed for youth apprentices who start the program while still enrolled in high school.

(b) A youth apprenticeship program may be registered by the Department after submitting the following information:

(1) a written plan that articulates the work processes and how a youth apprentice will receive supervised work experience and on-the-job training or training in an experiential setting;

(2) how time spent by a youth apprentice in each major work process will be spent or that specifies how competencies or proficiencies are aligned

between their high school education and the youth apprenticeship program, and that states which graduation requirements will be met;

(3) a description of the mentoring that will be provided to the youth apprentice;

(4) a description or timeline explaining the periodic reviews and evaluations of the youth apprentices performance on the job and in related technical instruction;

(5) a process for maintaining appropriate progress records, including the reviews and evaluations;

(6) a description of related classroom-based instruction, which may be fulfilled through dual or concurrent enrollment in secondary or post-secondary courses;

(7) whether and how the program is aligned with high school diploma requirements and career clusters;

(8) whether the program meets the related technical instruction requirements for an apprenticeship program;

(9) if a program includes paid work, a progressively increasing, clearly defined schedule of wages to be paid to the youth apprentice as skills are mastered;

(10) how the program prepares the youth apprentice for placement in further education, employment, or an apprenticeship program; and

(1) the terms by which the program grants advanced standing or credit to individuals applying for the youth apprenticeship with demonstrated competency or acquired experience, training, or skills.

§ 1125. CAREER PATHWAY ALIGNMENT WITH APPRENTICESHIP

PROGRAMS

(a) The Vermont Registered Apprenticeship Program shall coordinate with other State agencies and departments in the furtherance of ~~Registered Apprenticeship~~ registered apprenticeship as a training model that can advance equity, provide ~~Vermonters~~ Vermonters with access to good paying careers, and make available untapped talent for Vermont employers.

(b)(1) The Vermont Registered Apprenticeship Program shall provide technical assistance and training to sponsors on an ongoing basis related to developing or modifying their minimum qualifications, equal opportunity requirements, promotion of diversity, apprentice selection procedures, and other requirements for advanced standing in their standards of apprenticeship.

(2) The Program shall provide technical assistance and training with assistance from Vocational Rehabilitation, including HireAbility, and the Division for Blind and Visual Impairments; the Agency of Education, including Adult Education and Literacy, Career Technical Education, and Special Education Transition Specialists; the Office of Veterans Affairs; and other workforce partners.

~~(3) Pre-apprenticeship programs shall be developed. The Program shall provide necessary technical assistance, training, and support to sponsors to promote the adoption of pre-apprenticeship programs for individuals with disabilities, refugees, individuals for whom English is not the primary spoken language, adults with limited literacy and numeracy skills or who do not have a high school diploma or equivalent, and other groups who are excluded from access to high-wage careers and participation in the registered apprenticeship system because they do not meet the minimum qualifications established in standards of apprenticeship.~~

~~(c)(1) The Vermont Registered Apprenticeship Program shall develop policies and procedures for the registration of pre-apprenticeship and youth apprenticeship programs meeting the definition established in this chapter and that may be included in career pathway alignment efforts.~~

~~(2) Pre-apprenticeship programs shall be developed for individuals with disabilities, refugees, individuals for whom English is not the primary spoken language, adults with limited literacy and numeracy skills or who do not have a high school diploma or equivalent, and other groups who are excluded from access to high-wage careers and participation in the registered apprenticeship system because they do not meet the minimum qualifications established in standards of apprenticeship.~~

(d) The Vermont Registered Apprenticeship program, working with the Agency of Education, shall develop program guidelines for youth apprenticeships that start while an apprentice is still in high school and that can be included as part of the Agency's career pathways efforts in addition to the Vermont Registered Apprenticeships Program's efforts to align talent pipelines between education providers and registered apprenticeship program sponsors.

Sec. 2. REPORT

(a) The Commissioner of Labor shall work with the Vermont Office of Racial Equity to examine ways in which to better incorporate necessary language to promote equity and diversity in apprenticeship programs, including the expansion of underrepresented communities in apprenticeship programs.

(b) On or before January 15, 2024 the Commissioner of Labor shall submit a written report to the House and Senate Committees on Education and to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs identifying the work completed with the Office of Racial Equity, including any recommended changes to the apprenticeship program and any suggestions for legislative action.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.