

# **Wisconsin Apprenticeship Manual**

Including

**Ch. 106 Wis. Stats.**

**Wis. Admin. Code DWD 295**

**Wis. Admin. Code DWD 296**



**A Compilation  
of the  
Regulations, Policies and Procedures  
under which the  
Wisconsin Apprenticeship Program Functions**

## ***Wisconsin Apprenticeship Manual***

A Compilation of the  
Regulations, Policies and Procedures  
under which the  
Wisconsin Apprenticeship Program Functions

Prepared by the  
Informational Subcommittee of the  
Wisconsin Apprenticeship Advisory Council  
and the  
Bureau of Apprenticeship Standards

First Approval	July 1956
1 <sup>st</sup> Revision	March 1987
2 <sup>nd</sup> Revision	January 2008
3 <sup>rd</sup> Revision	December, 2010
4 <sup>th</sup> Revision	July, 2011 (Chapter 7 was added to the manual.)

State of Wisconsin



Department of Workforce Development  
Division of Employment and Training  
Bureau of Apprenticeship Standards  
Karen Morgan, Director

DWD is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact (608) 266-2134. For civil rights questions, call (608) 266-6889 or (866) 275-1165 (voice/TTY).

DETA-13246-P (R 07/11)

# Table of Contents

---

Table of Contents .....	i
Preface.....	v
Definitions.....	vii
<b>Chapter 1: General Information .....</b>	<b>1</b>
<b>A. History of Apprenticeship in Wisconsin.....</b>	<b>1</b>
<b>B. The Apprenticeship Law.....</b>	<b>2</b>
<b>C. General Apprenticeable Occupation Criteria.....</b>	<b>2</b>
<b>D. Labor Disputes.....</b>	<b>2</b>
<b>E. Effect of Collective Bargaining Agreements .....</b>	<b>3</b>
<b>Chapter 2: Eligibility and Registration.....</b>	<b>5</b>
<b>A. Registration of an Apprenticeship Program .....</b>	<b>5</b>
<b>B. Three Basic Requirements.....</b>	<b>5</b>
1. Wisconsin Apprenticeship Law (ss 106.01) .....	5
2. Wisconsin State Minimum Wage Law (ss 104.08).....	5
3. Carpentry Law (ss 106.02).....	6
4. State Licensing Laws (seven statewide licensing laws).....	6
<b>C. Criteria to Be Registered .....</b>	<b>6</b>
1. Registration .....	6
2. Provisional Registration .....	6
3. Responsibilities Associated with Registration.....	7
<b>D. Administration of Programs.....</b>	<b>7</b>
<b>E. Need for State and/or Local Apprenticeship Committees .....</b>	<b>9</b>
1. Apprenticeship Advisory Council.....	9
2. State Apprenticeship Advisory Committees .....	10
3. Local Apprenticeship Advisory Committees .....	12
<b>F. Individually Sponsored Programs (Sole Sponsors) .....</b>	<b>16</b>
1. In House Committee Operations.....	17
2. Functions and Duties of In House Committees. ....	17
<b>Chapter 3: Apprenticeship Standards .....</b>	<b>19</b>
<b>A. Introduction to Apprenticeship Standards .....</b>	<b>19</b>
<b>B. Standards Content.....</b>	<b>19</b>
1. Skilled Occupation.....	19
2. Term of Apprenticeship .....	19
3. Work Processes .....	20
4. Related Instruction Provision.....	20
5. Progressive Wage Scale .....	20
6. Progress Reviews and Recordkeeping .....	23
7. Numeric Ratio Description .....	23
8. Statement of Probationary Period .....	23
9. Statement of Safety.....	23
10. Minimum applicant qualifications .....	23
11. Written Apprentice Contract .....	23

12.	Advanced Standing or Credit .....	24
13.	Transfer Provisions .....	24
14.	Proper Apprentice Supervision .....	25
15.	Issuance of Completion Certificate .....	25
16.	Issuance of Interim Credentials.....	25
17.	Identification of the Registration Agency .....	26
18.	Provisions of Registration, Cancellation, Deregistration and Mod of Programs and Standards.....	26
19.	Sponsor Notification Requirements .....	26
20.	Probationary Period.....	28
21.	Adherence to DWD 296.....	28
22.	Complaint Procedures & Contacts .....	28
23.	Recordkeeping & Requirements .....	28
<b>G.</b>	<b>Selection of Apprentices .....</b>	<b>29</b>
1.	Home Schooled Applicants .....	29
2.	Family Owned Business .....	29
<b>Chapter 4:</b>	<b>Apprentice Contract .....</b>	<b>31</b>
<b>A.</b>	<b>Introduction.....</b>	<b>31</b>
<b>B.</b>	<b>Contract Face .....</b>	<b>31</b>
<b>C.</b>	<b>Exhibit A .....</b>	<b>32</b>
1.	Extent of Period of Apprenticeship .....	32
2.	School Attendance.....	32
3.	Schedule of Processes to be Worked.....	32
4.	Apprentice Wages .....	33
5.	Skilled Wage Rate .....	33
6.	Overtime Pay .....	33
7.	Fringe Benefits .....	34
8.	Probationary Period .....	34
9.	Amendments of an Apprentice Contract .....	34
10.	Affirmative Action Statement .....	34
11.	Contact information .....	34
12.	Credit Provisions.....	34
13.	Special Provisions .....	35
<b>Chapter 5:</b>	<b>Enforcement of Apprentice Contracts .....</b>	<b>37</b>
<b>A.</b>	<b>Enforcement Introduction.....</b>	<b>37</b>
<b>B.</b>	<b>Complaints.....</b>	<b>37</b>
<b>C.</b>	<b>20 Day Intent to Cancel Notice .....</b>	<b>38</b>
<b>D.</b>	<b>Appeals.....</b>	<b>38</b>
<b>E.</b>	<b>Right to Hearing.....</b>	<b>38</b>
<b>F.</b>	<b>Items not Subject to a Hearing .....</b>	<b>39</b>
<b>Chapter 6:</b>	<b>Apprenticeship Related Instruction .....</b>	<b>41</b>
<b>A.</b>	<b>Apprentices' Related Instruction .....</b>	<b>41</b>
1.	Apprentices' Paid Related Instruction .....	41
2.	Apprentices' Unpaid Related Instruction .....	41
<b>B.</b>	<b>School Attendance and Progress .....</b>	<b>41</b>
<b>C.</b>	<b>Related Instruction .....</b>	<b>41</b>
1.	Sponsor Training Center.....	42

2. Related Instruction Independent of the WTCS .....	42
3. In House Training .....	43
<b>D. Format for Paid Related Instruction .....</b>	<b>43</b>
<b>E. Curriculum Development, Maintenance, and Classroom Delivery .....</b>	<b>44</b>
1. State-owned/WTCS Developed curriculum.....	44
2. Sponsor Owned (Proprietary) Curriculum .....	44
<b>F. Related Instruction Credit Evaluation .....</b>	<b>45</b>
1. Paid Related Instruction .....	45
2. Unpaid Related Instruction .....	45
<b>G. Overtime Exemption .....</b>	<b>45</b>
<b>H. Apprentice Related Instruction During Layoff .....</b>	<b>46</b>
<b>I. Related Instruction Records.....</b>	<b>46</b>
<b>J. Completion of Apprenticeship.....</b>	<b>47</b>
<b>K. Attendance at Apprenticeship Paid Related Instruction Classes.....</b>	<b>47</b>
<b>L. Instructor Certification.....</b>	<b>47</b>
1. Instructors Employed by the Technical College System .....	47
2. Instructors Not Employed by the Technical College System. ....	48
 <b>Chapter 7: AA/EEO.....</b>	 <b>49</b>
<b>A. Introduction of Affirmative Action/Equal Opportunity .....</b>	<b>49</b>
<b>B. Obligations Under DWD 296.....</b>	<b>49</b>
1. Sponsor .....	49
2. BAS.....	49
<b>C. Affirmative Action Plans .....</b>	<b>50</b>
1. Required Affirmative Action Plan Content .....	50
2. Implementation of Affirmative Action Plan .....	54
3. Regular Schedule of Monitoring.....	55
<b>D. Selection of Apprentices.....</b>	<b>55</b>
<b>E. Record Keeping .....</b>	<b>56</b>
<b>F. Compliance Reviews.....</b>	<b>56</b>
1. Pre-Review Activities .....	57
2. Conducting the On-Site Review .....	57
<b>G. Findings and Compliance .....</b>	<b>57</b>
1. In Compliance Based on Meeting Goals and Timetables .....	57
2. In Compliance Based on Good Faith Efforts.....	57
3. Not in Compliance .....	58
 <b>Appendix A – Future Determinatinos, clarifications and explanations.....</b>	 <b>A1</b>
 <b>Appendix B – Rules and Regulations (Wisconsin Statutues and Administrative Code).....</b>	 <b>B1</b>



## Preface

---

This document is comprised of a compilation of Wisconsin's rules and regulations governing its Registered Apprenticeship Program. Included are: Wisconsin Statute 106, *Apprentice Programs*; DWD 295, *Apprenticeship*; and DWD 296, *Federal Equal Opportunity Standards for Apprenticeship Programs*.

For 100 years, the Wisconsin Registered Apprenticeship Program has provided training to rigorous industry standards in a variety of occupations. While registered apprenticeship remains a unique on the job training option that benefits apprentices and employers alike, its future growth and continued success require that it adapt and reflect changes in the American workplace.

These changes are reflected in the revised rules and regulations included in this document. They provide the framework for a flexible apprenticeship program by including options for both program sponsors and apprentices that address the needs of the state's economy and provide for the development of a skilled, competitive workforce.





## Definitions

---

**Apprentice** means any person who enters into an apprentice contract with the department and with a sponsor or with an apprenticeship committee acting as the agent of a sponsor.

**Apprentice Contract** means any contract or agreement of service, express or implied, between an apprentice, the department, and a sponsor or an apprenticeship committee acting as the agent of a sponsor whereby an apprentice is to receive directly from or through the apprentice's employer, in consideration for the apprentice's services in whole or in part, instruction in any trade, craft, or business.

**Apprenticeship Committee** means a joint apprenticeship committee or a nonjoint apprenticeship committee designated by a sponsor to administer an apprenticeship program.

**Apprenticeship Program** means a program approved by the department providing for the employment and training of apprentices in a trade, craft, or business that includes a plan containing all of the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices as required under this subchapter, including the apprentice contract requirements under Wis Stats 106.0.1

**Assignment** means the initial placement of an apprentice with an employer.

**Bureau of Apprenticeship Standards (BAS)** is the agency within the Department of Workforce Development charged with the oversight responsibilities of Wisconsin's apprenticeship program.

**Cancellation** means the termination of the registration or approval status of a program at the request of the sponsor or termination of an Apprentice contract at the request of any party to the contract.

**Certificate or Certification** means documentary evidence that:

The department has established that an individual is eligible for probationary employment as an apprentice under a registered apprenticeship program;

The department has registered an apprenticeship program as evidenced by a certificate of registration;

The department has determined that an apprentice has successfully met the requirements to receive an interim credential; or

The department has determined that an individual has successfully completed an apprenticeship.

**Competency** means the attainment of manual, mechanical or technical skills and knowledge, as specified by an occupational standard and demonstrated by an appropriate written and hands-on proficiency measurement.

**Completion rate** means the percentage of an apprenticeship cohort who receives a certificate of apprenticeship completion within 1 year of the projected completion date. An apprenticeship cohort is the group of individual apprentices registered to a specific program during a 1 year time frame, except that a cohort does not include the apprentices whose apprenticeship agreement has been cancelled during the probationary period or who have transferred.

**Department** means the Department of Workforce Development which is the state registration agency for the purposes of 29 CFR 29.

**Electronic media** means media that utilize electronics or electromechanical energy for the end user (audience) to access the content; and includes, but is not limited to, electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic media and/or interactive distance learning.

**Employer** means any person employing an apprentice, whether or not the person is a party to an apprenticeship contract with the apprentice.

**Federal Purposes** includes any Federal contract, grant, agreement or arrangement dealing with apprenticeship; and any Federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship.

**Interim credential** means a credential issued by the department, upon request of the appropriate sponsor, as certification of competency attainment by an apprentice.

**Joint Apprenticeship Committee** means an apprenticeship committee that consists of an equal number of representatives of employers and of representatives of employees who are represented by a collective bargaining agent.

**Journeyworker** 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. (Note: Use of the term may also refer to a mentor, technician, specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training.)

**Local apprenticeship committee** means an apprenticeship committee to which the department has to delegate the authority to act under Administrative Code DWD 295.02 and 295.03.

**Nonjoint apprenticeship committee** means an apprenticeship committee that consists of representatives of employers, but not of representatives of employees who are represented by a collective bargaining agent.

**Office of Apprenticeship** means the office designated by the Employment and Training Administration of the US Department of Labor to administer the national apprenticeship system or its successor organization.

**Provisional registration** means the initial approval of a newly registered program that meets the required standards for program registration.

**Quality Assurance Assessment** means a comprehensive review conducted by the department regarding all aspects of an apprenticeship program's performance, determining if apprentices are receiving: on-the-job learning in all phases of the apprenticeable occupation; scheduled wage increases consistent with the registered standards; related instruction through appropriate curriculum and delivery systems; and that the department is receiving notification of all new registrations, cancellations, and completions as required in this chapter.

**Reassignment** means the assignment of an apprentice from one employer to another within the same apprenticeship program.

**Registration of an apprentice contract** means the acceptance and recording of an apprentice contract by the department as evidence of the apprentice's participation in a particular registered apprenticeship program.

**Registration of an apprenticeship program** means the acceptance and recording of such program by the department as meeting the basic standards and requirements of the department for approval of such program for federal and state purposes, as shown by a certificate of registration.

**Related instruction** means an organized and systematic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice's occupation. Such instruction may be given in a classroom, through occupational or industrial courses, or by correspondence courses of equivalent value, electronic media, or other forms of self-study approved by the department.

**Sponsor** means any employer, organization of employees, association of employers, committee, or other person operating an apprenticeship program and in whose name the apprenticeship program is approved by the department.

**Technical assistance** means guidance provided by the department staff in the development, revision, amendment, or processing of a potential or current program sponsor's standards of apprenticeship or apprentice contracts; or advice or consultation with a program sponsor to further compliance with this chapter; or guidance from the department on how to remedy nonconformity with this chapter.

**Transfer** means a shift of apprenticeship registration from one program to another where there is agreement between the apprentice and the affected apprenticeship committees or program sponsors.

**Unassignment** means the temporary interruption of an apprentice contract.

**Wisconsin Apprenticeship Advisory Council** means the council created by WI Stats. 15.227 (13).

**Wisconsin Technical College System** is a publicly funded system of 16 two-year colleges subject to Chapter 38 of the WI State Statutes and TCS Administrative Rules.



## Chapter 1: General Information

### A. History of Apprenticeship in Wisconsin

---

The Wisconsin Apprenticeship Law (ss 106.01) was first enacted in June 1911. This 1911 legislation served as the model of the national apprenticeship system which was enacted in 1937.

This law was introduced and supported by industry, labor and citizen's groups to fulfill three major purposes; 1) to provide the State's industries with a continual supply of highly skilled workers, 2) to provide an additional career opportunity for many of the youth of the State and, 3) to serve as a protective measure for the people who enter skilled trades training.

When the Wisconsin Apprenticeship Law was passed in 1911, the Legislature also passed the Industrial Education Act authorizing the establishment of trade schools, to provide related instruction to apprentices. WI Stats 38.001 (2) (a) states the principal purposes of the technical college system are to:

- (a) Provide occupational education and training and retraining programs, including the training of apprentices, that enable residents to obtain the knowledge and skills necessary for employment at a technical, paraprofessional, skilled or semiskilled occupation...

Construction Trade Joint Apprenticeship Committees have been active and advisory to the Department since 1918. During the 1920s a large number of local committees were organized by the local vocational schools, so they could advise the schools on apprentice related instruction needs. By the late 1930s, the local apprenticeship committees were functioning much as they do today. They were made up of representatives of local employer groups and local employee organizations, with a jurisdictional area covering several counties.

State joint apprenticeship committees were formed in the 1930s by statewide employer associations and the statewide labor organizations and functioned much the same as they do today.

This structure of using industry advisory committees is important to Wisconsin's registered apprenticeship program for the following reasons:

- Ensure consistency throughout the apprenticeship community by implementing policies and procedures to insure that journeyworkers who have been trained through the state registered apprenticeship system have attained specific competencies in the trade;
- Set a structure that could be used to expand the apprenticeship program to encourage accessibility by all employers and citizens, foster growth within the existing and emerging industries and occupations; allow easy expansion of existing programs to new employers, and to be able to respond to changes;
- Provide a vehicle for communication up and down the organization. The goal is to ensure that local concerns have a method of surfacing at a higher level so appropriate action can be taken. The structure will also ensure that statewide decisions and policy changes have a method of being communicated so that they can be implemented at the local level.

## B. The Apprenticeship Law

---

The Wisconsin Apprenticeship Law (ss 106.01) was first enacted in June 1911. It has been amended several times, with the most recent amendments in May 2010. In 1913, the Wisconsin Minimum Wage Law (ss 104.08) was amended to extend apprenticeship law coverage to workers employed within certain “trade industries”.

Wisconsin has deliberately shaped its laws to include apprenticeship as part of the educational structure of the State.

Wisconsin’s apprenticeship law (ss 106) provides the legal framework for the Apprenticeship program and is further supported by administrative rules (DWD 295 & 296), which provides the legal basis for this Apprenticeship Manual.

## C. General Apprenticeable Occupation Criteria

---

No apprentice contract can be approved for apprenticeship unless the occupation involved has been approved by the BAS as an apprenticeable occupation.

In order for a new occupation to be approved by the BAS as apprenticeable, the occupation must involve the progressive attainment of manual, mechanical or technical skills and knowledge which meets industry standard for that occupation and would require at least 2,000 hours of on-the-job learning to attain; must customarily be learned in a practical way through a structured, systematic program of on-the-job supervised learning must require that there be related instruction to supplement the on-the-job learning; and is clearly identified and recognized throughout an industry.

In order for the BAS to determine whether or not an occupation meets the criteria, it surveys similar industries and trade associations, consults with advisory committees, and with the Wisconsin Apprenticeship Advisory Council.

BAS will recognize and approve apprenticeship programs registered with the U.S. Department of Labor or a recognized State Apprenticeship Agency, that are in conformance with Wisconsin Rules and Regulations.

## D. Labor Disputes

---

It is the BAS policy that no apprenticeship actions can be taken with an employer that has an existing labor agreement and is engaged in a labor dispute.

- A labor dispute is defined as a work stoppage, strike, or other dispute that disrupts the training of apprentices as determined by the BAS.

## CHAPTER 1: GENERAL INFORMATION

### ABOUT REGISTERED APPRENTICESHIP PROGRAMS IN WISCONSIN

- An apprentice action is cancellation, reassignment, completion or other change in an existing Contract as well as approval of a new Contract.

In cases where all parties agree, this policy may be waived by the BAS.

Only apprentices and apprentice applicants in trades affected by the dispute are covered by this policy.

In instances where a vote is in progress to determine if a bargaining agent will represent the employees, the involved labor organization is advised of pending apprentice actions by the BAS.

## E. Effect of Collective Bargaining Agreements

DWD 295 states, “Where conditions of apprentices are stipulated by collective bargaining agreement, the department will be guided by the terms of such agreement provided such terms are not in conflict with state statutes or this chapter.” The department has interpreted this section as covering employment conditions which overlap provisions that are included in WI Chapter 106, DWD 295, the Apprenticeship Manual, in state standards and in the apprentice contract. Where a bargaining agreement overlaps a like provision; such as, related instruction requirements, progressive wage scale, terms of apprenticeship or ratio, that provision must meet the approved state standards minimum, or provisions of the apprenticeship law and/or rule.

In the case of an apprentice ratio, if a bargaining unit negotiates a ratio lower than an approved state minimum, then that ratio may be applied to other programs training in that trade.

## CHAPTER 1: GENERAL INFORMATION

ABOUT REGISTERED APPRENTICESHIP PROGRAMS IN WISCONSIN



## Chapter 2: Eligibility and Registration

### A. Registration of an Apprenticeship Program

---

In order to assure that the training people receive in apprenticeship occupations is in the best interest of the public, the industry, and the apprentice, Wisconsin has structured its laws to require registration of apprentices, wherever applicable.

### B. Three Basic Requirements

---

The most basic requirement for any apprenticeship is the employment opportunity. Without the job there is no “on-the-job learning.” Such training represents approximately 90% of the program.

The second basic requirement is related instruction. This instruction, theoretical and technical, is usually provided by the Wisconsin Technical College System. Related instruction is a key part of each apprenticeship and is required by the Apprenticeship Law.

The third basic requirement is the approval and monitoring of the program by BAS. When employers or sponsors desire to start or modify an apprentice program, they are provided technical assistance by the BAS. The BAS also monitors each program regularly. These requirements serve to assure the overall success and quality of the specific programs.

An Apprentice Contract must be prepared for each apprentice. The Apprentice Contract is an agreement between the state of Wisconsin, the apprentice, and the sponsor outlining the training program. The contract consists of two parts; the contract face page and the trade information (Exhibit A). The signatures on the Apprentice Contract are collected electronically. If the Bureau is unable to collect an electronic signature, the signature will be collected on a paper copy of the Apprentice Contract. The official, electronic copy reflects the date the paper copy of the Contract was signed.

The paperwork required to start and operate an apprenticeship program is held to a minimum, but because apprenticeship programs are long-term, well planned programs to produce key skilled workers, some record keeping is necessary to track the apprentice’s progress.

#### 1. Wisconsin Apprenticeship Law (ss 106.01)

This law defines the term “apprentice” as meaning “any person, who enters into an apprentice contract with the department and with a sponsor or an apprenticeship committee. The law goes on to state that an apprentice contract or agreement of service is express or implied.

Thus, it is clear that the intent of the Law is that persons who are employed in apprenticeship situations are to be registered. The Law itself excludes short-term training situations of less than one year. Administrative Rules DWD 295 and 296 further define the applicability of the Law.

#### 2. Wisconsin State Minimum Wage Law (ss 104.08)

## CHAPTER 2: ELIGIBILITY AND REGISTRATION

### ELIGIBILITY AND PROCEDURES FOR REGISTRATION OF APPRENTICESHIP PROGRAMS

This law empowers the Department to designate occupations as “trades” and businesses and industries as “trade industries.” Once a trade or trade industry has been so designated, any person employed at less than the journeyworker level must be registered as an apprentice. The Department also has the right to make exemptions when circumstances warrant it.

### 3. Carpentry Law (ss 106.02)

This law directs that anyone who is employed to learn to be a carpenter must be registered as an apprentice. Thus, programs for learners, improvers, trainees, etc. are specifically prohibited.

### 4. State Licensing Laws (seven statewide licensing laws)

These laws require that an apprentice be registered prior to employment and also require that the apprenticeship requirements be completed before the apprentice may take the license examination. The current trades covered by these statewide license laws are: Barbering/Cosmetology, Electrical (WI Act 63; effective five years after publication: March 2013), Plumbing, Sprinkler fitting, Funeral Directing, and Elevator Constructors, Thermal System Installation and Mechanics (Heat & Frost).

All of these laws require that the apprentices register with the appropriate licensing agency and abide by the License Laws, as well as the Apprenticeship Laws.

## C. Criteria to Be Registered

DWD 295.01, Eligibility and Procedure for Registration of an Apprenticeship program, addresses the criteria and process used by BAS to register apprenticeship programs. This section is designed to ensure high quality programs, assist program sponsors through early intervention and technical assistance, and foster closer working relationships between apprenticeship sponsors and BAS.

### 1. Registration

DWD 295.01 spells out the requirements for registration of apprenticeship programs. The eligibility of a sponsor to train apprentices is contingent upon the sponsor’s program being in compliance with the program standards outlined in Chapter 3. Individuals/sponsors who desire to train apprentices must apply for registration and must be registered as an approved sponsor with the BAS. Sponsors must meet the criteria outlined in DWD 295.01 requiring that the training be in an apprenticeable occupation and the program is in conformity with the requirements of DWD 296 related to equal opportunity.

### 2. Provisional Registration

When the Bureau determines that a sponsor and his/her program meets the criteria for registration, the Bureau will give provisional approval to the program. Provisional approval will be given to all new sponsors (have never trained apprentices in the past) and sponsors who have not trained apprentices in the past five (5) years. Provisional Registration was added to enhance the monitoring of the performance of new apprenticeship programs.

## CHAPTER 2: ELIGIBILITY AND REGISTRATION

### ELIGIBILITY AND PROCEDURES FOR REGISTRATION OF APPRENTICESHIP PROGRAMS

The provisional registration will continue for a full training cycle. For example, programs that are five years in length will have a provisional registration for five years, programs that are three (3) years in length will have provisional registration for three (3) years. At the end of each year during the training cycle, BAS will review the sponsor to determine if the sponsor is meeting apprenticeship training requirements, including properly paying the apprentice, proper supervision, releasing the apprentice for related instruction. Programs not in full compliance, but making satisfactory progress will be continued to be provisionally approved through the first full training cycle.

At the end of the training cycle, the Bureau will conduct a Quality Assurance Assessment. The program approval may be made permanent, or if the program is not in operation or not conforming to the regulations, the Bureau will recommend the program for deregistration.

When a program approval is made permanent the Bureau will issue a certificate of registration to the program sponsor.

It is important to note that provisionally registered programs continue to have all rights, privileges and responsibilities associated with being a registered apprenticeship program.

### 3. Responsibilities Associated with Registration

It is the responsibility of the sponsor to request actions from BAS within 40 days. Including the following; apprentices who have successfully completed, transfers, unassignments, new apprentice contracts, and cancellation information. Until the Bureau processes these transactions, the actions are not final.

The Bureau will review each program for quality and conformity at least once every five years. If the program is inactive, not in operation or not conforming to apprenticeship rules and regulations, the Bureau must recommend the program for deregistration.

When a sponsor would like to modify or update their program standards, these changes must be submitted to the Bureau for approval. The Bureau will review the changes and either approve or disapprove the changes within 90 days of receipt. If the Bureau approves the change, the sponsor will receive the approved changes. If the Bureau does not approve the change, the sponsor will be notified of the disapproval, the reason(s) for the disapproval, and will provide technical assistance to the sponsor.

## D. Administration of Programs

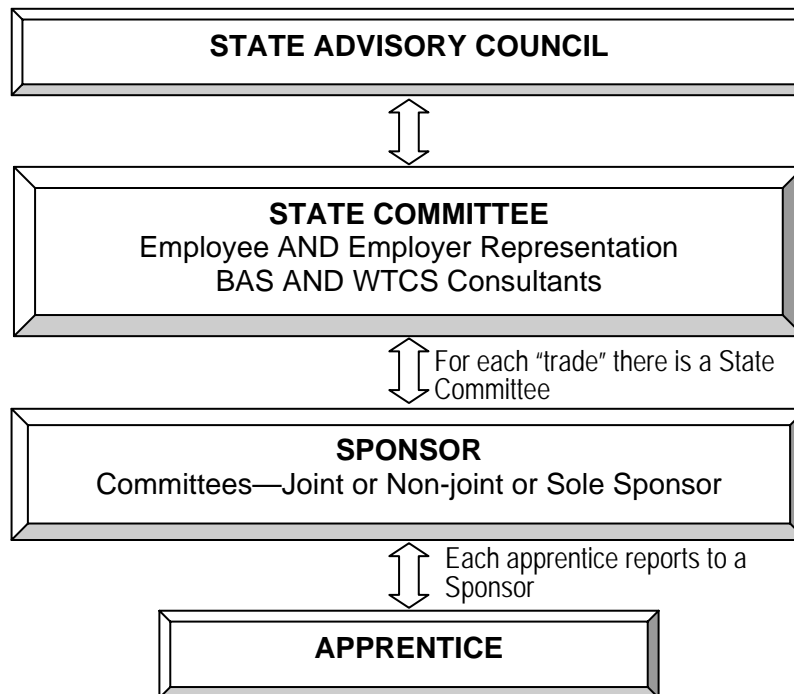
Chapter DWD 295.02 provides the legal basis for the establishment of state and local apprenticeship committees and the development of statewide apprenticeship standards. However, the law does not give state or local apprenticeship committees administrative authority, nor can the BAS legally delegate such authority. Local Committees are only advisory to the department.

## CHAPTER 2: ELIGIBILITY AND REGISTRATION

### ELIGIBILITY AND PROCEDURES FOR REGISTRATION OF APPRENTICESHIP PROGRAMS

Local sponsors have the delegated authority to select and place apprentice applicants as long as they follow the procedures approved by BAS. In this capacity, they function much as a personnel office for their industry group; recruiting, screening and assigning qualified and approved applicants to employers.

#### WISCONSIN APPRENTICESHIP MODEL



## **E. Need for State and/or Local Apprenticeship Committees**

---

The construction industry is made up of a range of employers who have common interests. That is, that they employ skilled journeymen in one or more of the construction trades. Some employers are only involved with one trade and others with several. The firms are located statewide, and are highly mobile in their operation because they travel to the construction site. The size of an employer's crew is often governed by the size of the job to be done. Employees move from job to job, often changing employers. These characteristics complicate the training of apprentices in the building and construction industry.

State trade committees develop standards for the trade classifications within their industry. When these standards have been adopted by the State Committee and approved by BAS, all local committee standards must meet the minimums of the State standards. The purpose of uniform trade standards is to insure that apprentices receive uniform training, in so far as possible, and that graduating apprentices develop comparable skills.

Local committees may adopt the industry's State Standards or develop local standards that exceed the minimums outlined by the State standards. All standards developed by the local committees are submitted to the BAS for review and final approval.

The Wisconsin Apprenticeship Program is structured to provide clear communications and delineation of specific roles and responsibilities.

### **1. Apprenticeship Advisory Council**

The Wisconsin Apprenticeship Advisory Council's mission is to advise the Department of Workforce Development on matters involving the Wisconsin Apprenticeship System, including the enactment of Laws, Rules, and Standards. It consists of the following membership:

- nine (9) members are employer representatives and nine (9) employee representatives who are appointed by the Secretary of the Department of Workforce Development (DWD);
- one (1) representative from the Department of Public Instruction appointed by the State Superintendent of Public Instruction;
- one (1) representative from the Wisconsin Technical College System (WTCS) appointed by the Director of the Technical College System.
- two (2) members who represent public interest appointed by the DWD Secretary.
- the Director of the Bureau of Apprenticeship Standards serves as the nonvoting chair.

All members of the WI Apprenticeship Advisory Council must be persons who are familiar with apprenticeable occupations.

Employee and employer members serve three year terms and are nominated by statewide trade associations, employer groups, the state labor organization, and community based organizations. Only designated members of the Council are authorized to vote. The Council generally meets three or four times a year, or more often as needed.

## 2. State Apprenticeship Advisory Committees

The State Trade Apprenticeship Advisory Committees are a very important part of the structure that advises BAS in the administration of the apprenticeship program and in communicating with all the partners in the apprenticeship program. Just as the Advisory Council reviews and recommends overall apprenticeship policy, the State trade committees recommend policy relating to their trade.

When a need for a State Apprenticeship Trade Committee is identified by the BAS, or a request is made of the BAS to establish one, the BAS's first step is to determine what organizations exist that actually represent the appropriate segment of employers and employees in that trade or industry in the state. Employers and employees who make their living in a given industry are better qualified than anyone else to advise on the best apprenticeship practices for the particular trade or industry, so the BAS approaches them for practical information and advice.

Contact is made with those organizations for purposes of determining if the organizations are interested in jointly and cooperatively developing statewide apprenticeship standards for their trade or industry. This is essential because without the willing cooperation of the organizations, committees cannot exist nor can statewide standards be developed.

If the organizations are interested, they are asked to recommend the names of people to represent them on the committee. The BAS then designates an equal number of employer and employee representatives from the recommendations, assuring whenever possible that there is a good geographical representation and that the members are representative of program participants.

The BAS may also designate consultant members to serve as non-voting members, as needed.

State committees generally meet at least twice each year and their membership includes equal numbers of employer and employee members who have been nominated by organizations involved at the local committee level. In the construction trades, the goal is to have fair representation from local regions on the state committees. The BAS is also responsible for ensuring that all areas of the state are properly represented on each state trade committee.

The State Committees operate on a consensus based decision-making process. This means that there may be concerns after discussion, but the committee members may consent to the proposal anyway and allow it to be adopted. Therefore, reaching consensus does not assume that everyone must be in complete agreement, but that all members can live with the decision. When State Committees cannot reach consensus, the BAS will make the final decision.

Members serve three-year terms and may be re-nominated for additional terms. Members must be currently and actively participating in the trade and are required to attend at least 75 percent of the meetings over the term of their appointment. The WTCS representatives, industry apprenticeship coordinators, instructors and other interested parties in the apprenticeship program may advise and consult with state committee, but they are not allowed to serve as voting members.

These committees are officially recognized as advisory to the BAS and to the WTCS on their trade programs.

## CHAPTER 2: ELIGIBILITY AND REGISTRATION

### ELIGIBILITY AND PROCEDURES FOR REGISTRATION OF APPRENTICESHIP PROGRAMS

Meeting under the auspices of the Bureau, the committee develops a set of standards for the trade classifications within their industry. During these meetings, the committee also advises the WTCS on the method and curriculum their industry needs for related instruction. This information is also incorporated into the standards so that the entire plan for an industry's statewide apprenticeship program is contained in one package.

#### **1) State Apprenticeship Advisory Committee Functions**

Function and duties of State Trade Committees include the following:

- a) Provide recommendations and advice on their trade's policy and program matters to BAS and the WTCS on all aspects of the apprenticeship program and curriculum.
- b) Assist in formulating and revising state apprenticeship standards and review them every five years for the trade and make recommendations on changes to the BAS including:
  - i. The period of training
  - ii. Minimum of work process requirements
  - iii. Related instruction
  - iv. Probation
  - v. Employer requirements to serve as a trainer
  - vi. Journeyworker/apprentice ratios
  - vii. Apprentice reviews
  - viii. Apprentice selection process (AA/EEO requirements), —Assist local committees and/or sponsors in developing selection procedures which are bias free and which ensure minorities and women are considered.
  - ix. Recommend curriculum, related instruction, and delivery service requirements for the trade to the Bureau of Apprenticeship Standards and the State Board.
  - x. Prepare policies for participating trades on proficiency assessment and testing devices for work experience and course work to be utilized by sponsors in determining credit for previous experience and education.
  - xi. Review and monitor local committee operations and activity levels and recommend changes in operations where appropriate, including Affirmative Action and Equal Employment Opportunity. (AA/EEO)
  - xii. Prepare an apprentice layoff/transfer policy and procedures and assist sponsors in its proper use.
  - xiii. Assist sponsors to work out programmatic and administrative problems.
  - xiv. Assist in the formation and promotion of local committee structures where they currently do not exist.
  - xv. Assume statewide leadership for the purpose of improving conditions and expanding the number of employers using apprentices in the trade.

### 3. Local Apprenticeship Advisory Committees

Chapter DWD 295.02 (1) provides the legal basis for the establishment of apprenticeship local committees. Their purpose is to oversee the training of apprentices and ensure that the conditions of the Apprentice Contract are being satisfied by all parties. They act in an advisory capacity to the BAS, to the parties of the Apprentice Contract, and to the WTCS on curriculum matters. Local Apprenticeship Committees, either joint or non-joint, are created much the same as State Trade Apprenticeship Advisory Committees.

Each local committee has a minimum of four voting members, generally comprised of employer and employee members. Multi-trade local committees are authorized provided that at least one member of the committee is a member of the apprentice's trade that is being reviewed. The BAS requests nominations from associations that have apprenticeship programs, employer/employee organizations, and firms that have an apprenticeship program. Employer members must currently work at the trade or represent those who employ skilled workers of the trade and have trained apprentices in the last five years. Employee members must be active journeyworkers or represent active journeyworkers. Exceptions to these requirements can be made by the BAS in order to expand female and minority participation on the committees.

The BAS may remove a person from the membership on a committee for one or more of the following reasons; 1) failure to attend at least 75% of the committee meetings over the term of appointment, unless excused by the Bureau for good cause, or 2) failure to meet membership requirements. Members must attend at least 75% of the meetings for the term of their appointment, unless excused for good cause. Failure to meet this attendance standard will be cause for removal from the committee.

When there is no area employer organization, the BAS will request the state-wide employers' organization or state trade apprenticeship committee, to assist it in locating qualified employers to serve.

In order for a Local Apprenticeship Committee to be recognized as advisory to the BAS, each member must be designated by the BAS. After nominations have been submitted, the BAS will finalize the committee membership. Before membership is finalized, the BAS will insure that females and minorities are represented on the committee, where they are employed in the skilled workforce. Membership is finalized with a letter from the BAS to each person who is to serve. No person is considered a committee member until they have been so designated.

Each Local Apprenticeship Committee is assigned a geographical area by the BAS. The committee may be expected to advise the BAS and the WTCS District School on all apprenticeship matters in the trades covered by the committee. The assignment of the area may be based on several factors such as; the union jurisdiction, WTCS boundaries, population centers, or others.

#### 1) Local Apprenticeship Committee Functions and Duties

- a) Ensure that employer and apprentice applications are processed in a timely manner.
- b) Establish Local Standards.

The local committee, in cases where there are state standards, must use the state standards for their trade as a guide in the operation of the apprenticeship program in their area. Local



## CHAPTER 2: ELIGIBILITY AND REGISTRATION

### ELIGIBILITY AND PROCEDURES FOR REGISTRATION OF APPRENTICESHIP PROGRAMS

committees may or may not wish to develop unique local standards, but if they do, the standards can be approved only if they conform to the minimum requirements of the State Standards. If unique local standards are not developed, the local committee must submit a statement indicating that they have adopted the state standards as their local standards.

*Provisions within local collective bargaining agreements must also conform to the minimum requirements of the State Standards.*

- c) Develop and implement a selection procedure and an affirmative action plan to meet the requirements of DWD 295 and 296. The committee processes applications for apprenticeship and this method must be spelled out clearly in the selection procedures. The selection procedures must also be available for applicants to review.
- d) Ensure that apprentices receive the required range of work process experience and safeguard the training of apprentices on the job.
- e) Recommend to the Department conditions under which apprentices may be employed. This may be the local committee's most important function, because the trade knowledge of those in the industry can safeguard the interests of the apprentice and the public. All employer applications for apprentices must be reviewed by the committee. The committee recommends approval or disapproval of each employer's request for an apprentice. This recommendation must be made within 40 days. If approval is recommended, the BAS may proceed with the preparation of the contracts. If, however, the committee recommends denial, the employer must be notified in writing of the committee's reasons and a copy of the notice must be given to the BAS. The committee must also inform the employer how to appeal if they disagree with the recommendation.

All appeals must be investigated by the BAS and will be reviewed with the committee before the BAS makes its final disposition of the application.

- f) Approve employers for apprenticeship training purposes in accordance with State Standards.
- g) Maintain records of each apprentice in the committee's program.

Each committee must have a record of applications, active apprentices, apprentice progress records, affirmative action efforts, transfers, etc.

A committee must have a system for receiving progress records from each apprentice. These records must be received regularly. In addition, the committee should get regular reports on each apprentice's grades and attendance from the approved training provider. The local committee must review and ensure that adequate classroom and work records are kept for each apprentice. All reviews must be in writing.

- h) Review the status and progress of apprentices prior to the end of their probationary period. Even though the BAS continually reviews each program, one of the most important duties of a committee is to maintain an on-going review procedure for their apprentices. Apprentices should be interviewed in person by the committee at least twice during their apprenticeship, with one review prior to the end of their probationary period so their progress at work and at school can be discussed with them. Employers and supervisors should also be interviewed, so that all viewpoints are available to the committee.
- i) Encourage parties to Apprentice Contracts to bring their complaints before the committee. If either the employer or the apprentice has a grievance about their program, it is important to bring this matter before the committee first, rather than make an official complaint directly to the BAS.

## CHAPTER 2: ELIGIBILITY AND REGISTRATION

### ELIGIBILITY AND PROCEDURES FOR REGISTRATION OF APPRENTICESHIP PROGRAMS

If the committee does not make a satisfactory adjustment, then the complainant must be told how to appeal in writing to the BAS.

- j) Implement the state committee apprentice lay-off/transfer policy to assist in the transfer of apprentices. There are occasions when it is necessary to transfer apprentices from one employer to another. For example, in cases where the employer goes out of business or it no longer had work to offer. There are also cases in which the employer is unable to furnish complete all-around training and it becomes necessary to transfer the apprentice to another employer. In all transfers, the committee should determine what is best for the training of the apprentice. The committee must assure that transfer forms are properly signed by all parties and forwarded to the BAS promptly.

A committee should also have a written procedure for handling apprentices in their area who are out of work, so that the best possible effort can be made to get them back to work.

- k) Recommend to the BAS, credit for previous experience and education in conformity with Council or state trade committee policy and procedures. The local committee may recommend to the BAS, the application of credit to an existing apprenticeship at any time during the apprenticeship. Any party to the Apprentice Contract may forward a request for credit to the committee (apprentice, employer, the BAS or the committee). Third parties may supply supporting information to the committee for consideration in the determination process.

If the BAS approves the committee's recommendation of credit and such credit advances the apprentice to a higher wage, then that wage must apply. All credit recommendations of the committee, approved or denied must be made in writing and forwarded to the BAS.

A committee should not hesitate to recommend credit for an apprentice anytime during the apprenticeship, if the apprentice shows exceptional progress.

Work and school time credit served, under a prior Wisconsin apprentice contract in the same trade, must be credited at once, unless a written reason is presented and approved by the BAS.

- l) Recommend completions of apprenticeship to the BAS. The committee should review each apprentice's record and make a recommendation to the BAS on the apprentice's eligibility to be completed.
- m) Make reports and recommendations to the BAS and the State Trade Committee. In order for the industry to maintain a good statewide program, each area committee must keep the BAS and the State Committee informed of their activities and their suggestions for program improvements.
- n) Keep minutes of each committee meeting and submit copies to the BAS. The committee must submit a copy of the minutes of each of its meetings. If this is not done, the BAS may not know if the committee is meeting regularly or conducting its business properly. Failure to submit copies of the minutes could result in the termination of the committee's designation and deregistration of the committee.
- o) Advise and inform the public on projected apprentice openings, where applicable.
- p) Advise the BAS and technical colleges or provider of related instruction on all matters pertaining to related instruction in the committee area. Assist in securing related instruction with the state and/or area WTCS districts.
- q) Respond to surveys and questionnaires sent by the BAS regarding information on participating employers, apprentices, meetings held, and AA/EEO progress.

## CHAPTER 2: ELIGIBILITY AND REGISTRATION

### ELIGIBILITY AND PROCEDURES FOR REGISTRATION OF APPRENTICESHIP PROGRAMS

- r) Meet in conformity with the Wisconsin Open Meeting Law.
- s) Take part in statewide trade or industry marketing and apprenticeship promotion.
- t) Recommend modifications to ratios in state standards to help meet area workforce needs in conformity with bargaining agreements, where applicable.

#### **2) Local Apprenticeship Committee Operations**

- a) The committee elects its own officers. In the case of joint apprenticeship committees, there shall be two officers (one employer and one employee) so that in the event of one's absence the meetings can still proceed.
- b) The committee is responsible for recording the committee's proceedings.
- c) All meetings must be called and conducted in accordance with Wisconsin's Open Meeting Law.
- d) Notice of all meetings of the committee must be provided to all committee members, the Bureau Representative, and the WTCS School Representative, when appropriate.
- e) A meeting may be called by either a committee member, the Bureau Representative or the WTCS Representative.
- f) Consultants, guests, Bureau Representatives and WTCS Representatives are not permitted to vote; only designated members are permitted to vote.
- g) Meet at least two times each year or as prescribed by the State Trade Committees.
- h) Local Committees—
  - i. Joint Apprenticeship Committees--A meeting quorum exists when at least one employer and one employee representative is present. In the case of unequal representation, the members present shall vote for those absent from their group;
  - ii. Unilateral or Non-Joint Committees—A meeting quorum exists when at least two members are in attendance.
  - iii. When holding meetings, it is suggested that committees follow a formal procedure similar to the following:
    - a) Call to order by presiding officer. This meeting is called to order in accordance with Wisconsin's Open Meetings Law.
    - b) Roll Call of Committee members.
    - c) Review and approval of minutes from last meeting.
    - d) Reports.
    - e) Old Business.
    - f) New business.
    - g) Affirmative Action report.
    - h) Communications and miscellaneous matters.
    - i) Next meeting date.
    - j) Discussion.
    - k) Closed meeting portion (motion to close the meeting must be made in accordance with the Wisconsin Opening Meetings Law). Include time.

## CHAPTER 2: ELIGIBILITY AND REGISTRATION

### ELIGIBILITY AND PROCEDURES FOR REGISTRATION OF APPRENTICESHIP PROGRAMS

1) Adjournment.

### 3) Liability of Local Committees

Should the committee or any member be subject to any legal action as a result of recommendations made in the conduct of Local Apprenticeship Committee business, the BAS will, if it has concurred with the recommendations, assume the responsibility of representing the committee or committee member.

The committee or member must have clearly indicated in writing to all affected parties that the recommendation was appealable to the BAS. Failure to do this may abrogate BAS's responsibility.

## F. Individually Sponsored Programs (Sole Sponsors)

Individually sponsored programs are defined generally as a program where the training is conducted in one plant or firm. In Wisconsin, all programs outside of the building and construction trades are considered individually sponsored programs or sole sponsors.

These committees are "in house" because they are involved with the individual sponsor's program only. They do not have state or area wide responsibilities like local committees in the construction industry. Most firms that have more than two or three apprentices use an "in house" committee. The purpose of the "in-house" committee is to oversee the training of apprentices and to ensure that the conditions of the Apprentice Contract are being satisfied by all parties. Each in-house committee should have a minimum of four voting members, two employer representatives and two from the skilled trades/occupations. An exception may be made to this requirement for employers who have less than five apprentices. Multi-trade committees are authorized provided that at least one member of the committee is a member of the apprentice's trade that is being reviewed. If an employer has more than one location, it is recommended that an in-house committee is established at each location.

The Individually Sponsored Apprenticeship Programs (Sole Sponsor programs) make up the bulk of those in Wisconsin's Apprenticeship System. Included are hundreds of occupations in the industrial and service trades' areas. An individual program may be operated jointly by an internal "in plant" labor-management committee, established by a collective bargaining agreement or singularly by an employer when the bargaining agreement does not apply or does not exist. In addition, a program can be operated by a union that would then place the apprentices in employment with signatory employers.

Sole sponsor programs operate under a set of approved standards which may or may not be covered by statewide standards. The BAS uses industry guidelines and practices, as well as its own discretion, in approving such programs.

When implementing a Sole Sponsor apprenticeship program where there is a bargaining agreement and the union elects not to participate in an apprenticeship program with the employer, the union will be furnished with a copy of the application for registration and the program standards. The union will be given a 45 day time period before final action on the application for registration and/or approval.

When a firm has a bargaining agreement that establishes an “in-house” committee, the sponsor will follow the terms of that agreement, providing the terms of the agreement are not in conflict with state statutes or apprenticeship rules. Firms that do not have a bargaining agreement may establish internal procedures to form the “in-house” committee which are not in conflict with state statutes or apprenticeship rules. BAS will assist in the formation of the committee, if necessary.

### **1. In House Committee Operations**

An in-house committee must meet at least twice each year with minutes kept for all meetings. The committee must ensure that apprentices are properly registered in conformity with WI apprenticeship regulations; the terms of the contract are being fulfilled; and the apprenticeship program is bias free.

### **2. Functions and Duties of In House Committees.**

- a) Ensure that apprentices receive the required range of work process experience and safeguard the training of apprentices on the job.
- b) Review the status and progress of every apprentice prior to the end of the probationary period and recommend any appropriate action to the employer.
- c) Review and make sure that adequate classroom and on-the-job learning (OJL) records are kept for apprentices. All reviews must be in writing.
- d) Review and evaluate classroom and work performance on a regular basis and before recommending completion to BAS.
- e) Recommend credit for previous experience/education to BAS in conformity with BAS policies and procedures.
- f) Advise BAS and the local technical colleges on all matters pertaining to related instruction in the employer’s area. Assist in securing related instruction with the state, or local technical college, or other provider of related instruction.
- g) Respond to surveys and questionnaires sent by BAS regarding information on participating employers, apprentices, meetings held and Affirmative Action/Equal Opportunity Standards for the apprenticeship program.
- h) Conform to the state committee written meeting procedure requirements, if any.
- i) Encourage parties to a contract to bring issues before the in-house committee. If not resolved, provide recommendations to BAS.
- j) Take part in statewide trade or industry marketing and apprenticeship promotion.
- k) Recommend modifications to ratios in state standards to help meet area workforce needs in conformity with bargaining agreements, where applicable.
- l) Keep minutes and make available to the local Apprenticeship Training Representative of the BAS, if necessary.
- m) Recommend completion of the apprentice to the BAS.

## CHAPTER 2: ELIGIBILITY AND REGISTRATION

### ELIGIBILITY AND PROCEDURES FOR REGISTRATION OF APPRENTICESHIP PROGRAMS

# Chapter 3: Apprenticeship Standards

## A. Introduction to Apprenticeship Standards

---

Apprenticeship programs are required to have standards that are reviewed and approved by the BAS to assure their conformance with this Manual, as well as all Apprenticeship Laws and Rules. In order to train apprentices in Wisconsin, all programs must have an approved set of Standards. Standards are defined as an organized, written plan representing the terms and conditions of employment, training, and supervision of one or more apprentices. State apprenticeable trade advisory committees have been formed for several of the occupations/trades. The purpose of the committees is to develop standards for the trade classifications within their industry. When these standards have been adopted by the State Committee and approved by the BAS, all apprenticeship programs must meet the minimums of these State Standards. The purpose of standards is to insure that apprentices receive uniform training, in so far as possible, and that graduating apprentices develop comparable skills.

## B. Standards Content

---

Federal regulations require program standards that must include the following sections:

### 1. Skilled Occupation

The apprenticeship program must be in a skilled occupation that meets the requirements of DWD 295.15 (2) and addresses the employment and training of the apprentice in that occupation.

### 2. Term of Apprenticeship

When setting up a new program, the sponsor must identify the option selected for each occupation approved as part of the standards.

A registered apprenticeship program must have, a term of apprenticeship, not less than 2,000 hour minimum of work experience, consistent with requirements as established by industry practice, and an outline of work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process. Federal regulations have recognized three methods for compliance with the minimum time and allocation requirements; competency-based, hybrid or time based.

#### 1) Competency-Based Approach

Program sponsors who choose to employ a competency-based approach to apprenticeship must comply with the following requirements.

- a) The occupation must be recognized and approved as a competency-based apprenticeable occupation. If the program is not approved by US DOL as a competency based program, the sponsor must consult with the BAS to determine if it is suitable as a competency based program.

## CHAPTER 3: APPRENTICESHIP STANDARDS

ALSO KNOWN AS PROGRAM STANDARDS OR SPONSOR STANDARDS

- b) The on-the-job learning component of the apprenticeship program must be identified in the program standards.
- c) The related instruction component of the competency-based approach must comply with all of the provisions of DWD 295 as referenced in Chapter 6.
- d) Program sponsors must identify within the program standards, the required competencies that must be mastered within the program standards, and the required competencies that must be mastered by the apprentice during their apprenticeship.
- e) Successful completion of the term of apprenticeship will require that the apprentice demonstrate mastery of identified competencies.
- f) Demonstration of the acquisition of the identified competencies must be determined by both written and hands-on proficiency evaluations.
- g) All testing and evaluation of the identified competencies must occur in a controlled learning environment that permits accurate and verifiable results by a qualified proctor.
- h) Program sponsors must identify and document the methods and means used to qualify testing and evaluation proctors.

### 2) Time Based Approach

The time based approach is the traditional term of apprenticeship and the term is stated in years, months or hours or a combination of thereof. This approach measures an individual skill through completion of at least 2,000 hours of on-the-job learning as described in a work process schedule.

### 3) Hybrid Approach

Program sponsors who choose to use the hybrid approach to apprenticeship measures an individual's skills through a combination of hours of on-the-job learning and successful completion of competency as described in a work process schedule. The program must comply with the guidelines for the competency-based portion of the apprentice's term of apprenticeship.

## 3. Work Processes

The work processes is the outline of work experience that the apprentice will receive. It will be discussed in Chapter 4 as part of the Apprentice Contract.

## 4. Related Instruction Provision

Every apprenticeship program must have a minimum of 144 hours of paid related instruction per year. For programs whose term is three (3) years or longer must have at least 400 hours. Related instruction will be discussed further in Chapter 6.

## 5. Progressive Wage Scale

Every apprentice program in Wisconsin must contain a progressive wage scale. The scale must reflect the skill level required by the apprentice (the scale must increase for each period or it can remain the same for two or more periods) throughout the term of the apprenticeship program. The entry wage cannot be less than the minimum wage stated in the federal Fair Labor Standards Act



## CHAPTER 3: APPRENTICESHIP STANDARDS

### ALSO KNOWN AS PROGRAM STANDARDS OR SPONSOR STANDARDS

unless a higher wage is required under Wisconsin's Wage & Hour Laws or by collective bargaining agreement. The higher wage from these sources must be used.

In Wisconsin the wage scale must average at least 60 % over the Term of the apprenticeship. This 60% can be calculated a number of ways:

- a) If pay periods are the same length stated in months; i.e. all 6 months or all 12 months, and a percentage is used, all of the percentages are added together and divided by the number of pay periods. If the result is 60 % or more, it is a legal pay scale.

1 <sup>st</sup> Period	12 months at	50%
2 <sup>nd</sup> Period	12 months at	55%
3 <sup>rd</sup> Period	12 months at	60%
4 <sup>th</sup> Period	12 months at	75%
Add:		<u>240%</u>
divided by 4 = 60%		

The Wage Scale is legal.

- b) If the pay period is stated in hours and all periods are the same number of hours and a percentage is used, the procedure is the same. All percentages are added together and divided by the number of pay periods. If the result is 60 % or more, it is a legal pay scale.

1 <sup>st</sup> Period	2000 hours at	50%
2 <sup>nd</sup> Period	2000 hours at	55%
3 <sup>rd</sup> Period	2000 hours at	60%
4 <sup>th</sup> Period	2000 hours at	65%
5 <sup>th</sup> Period	2000 hours at	70%
Add:		<u>300%</u>
divided by 5 = 60%		

The Wage Scale is legal.

- c) If the pay period is stated in dollars and all periods are equal, the same general procedure is used for either months or hours, but the hourly skilled wage rate must also be considered. Also, the 60 % is calculated on the dollar amount, not the hours or months and it is divided by the pay periods since they are all the same length.

Base Skilled Wage Rate: \$26.84

60 % x \$26.84 = \$16.104

1 <sup>st</sup> Period	12 months at	\$13.42
2 <sup>nd</sup> Period	12 months at	\$14.76
3 <sup>rd</sup> Period	12 months at	\$16.10
4 <sup>th</sup> Period	12 months at	<u>\$20.13</u>
Add:		<u>\$64.41</u>
divided by 4 pay periods = \$16.10		

The Wage Scale is legal.

## CHAPTER 3: APPRENTICESHIP STANDARDS

### ALSO KNOWN AS PROGRAM STANDARDS OR SPONSOR STANDARDS

- d) If the pay period is stated in months but the periods are not equal, the procedures are followed as for equal periods but the total number of months must be used.

Base Skilled Wage Rate: \$26.84

$$60\% \times \$26.84 = \$16.104$$

1 <sup>st</sup> Period	12 mnths	at 50%	$50\% \times \$26.84 = \$13.42 \times 12 \text{ mnths} =$	\$161.04
2 <sup>nd</sup> Period	18 mnths	at 55%	$55\% \times \$26.84 = \$14.762 \times 18 \text{ mnths} =$	\$265.716
3 <sup>rd</sup> Period	12 mnths	at 60%	$60\% \times \$26.84 = \$16.104 \times 12 \text{ mnth} =$	\$193.248
4 <sup>th</sup> Period	6 mnths	at 75%	$75\% \times \$26.84 = \$20.13 \times 6 \text{ mnths} =$	\$120.78
Add dollars =				\$740.784

$$\text{Divide dollars } \$740.784 \text{ by total months} = \$15.433$$

The Wage Scale is not legal. Although the percentages and the hourly wages are the same, the hourly wage over the term of the apprenticeship is less than 60% because the longest pay period is only 55 % and the shortest pay period is 75 %. This lowers the overall hourly wage paid to less than 60 %.

- e) If the pay period is stated in hours but the periods are not equal, the procedures are followed as for equal periods but the total number of hours must be used.

Base Skilled Wage Rate: \$26.84

$$60\% \times \$26.84 = \$16.104$$

1 <sup>st</sup> Period	2000 hours	at 50%	$50\% \times \$26.84 = \$13.42 \times 2000 \text{ hours} =$	\$26,840
2 <sup>nd</sup> Period	1000 hours	at 55%	$55\% \times \$26.84 = \$14.762 \times 1000 \text{ hours} =$	\$14,762
3 <sup>rd</sup> Period	2000 hours	at 60%	$60\% \times \$26.84 = \$16.104 \times 2000 \text{ hours} =$	\$32,080
4 <sup>th</sup> Period	3000 hours	at 75%	$75\% \times \$26.84 = \$20.13 \times 3000 \text{ hours} =$	\$60,390
Add dollars =				\$134,072

$$\text{Divide dollars } \$134,072 \text{ by total hours} = \$16.759$$

The Wage Scale is legal.

- f) If the pay period is stated in dollars but the periods are not equal, the procedures are followed as for equal periods but the total number of dollars must be used.

Base Skilled Wage Rate: \$26.84

$$60\% \times \$26.84 = \$16.104$$

1 <sup>st</sup> Period	2000 hours	at \$13.42	$\$13.42 \times 2000 \text{ hours} =$	\$26,840
2 <sup>nd</sup> Period	1000 hours	at \$14.76	$\$14.76 \times 1000 \text{ hours} =$	\$14,762
3 <sup>rd</sup> Period	2000 hours	at \$16.04	$\$16.04 \times 2000 \text{ hours} =$	\$32,080
4 <sup>th</sup> Period	3000 hours	at \$20.13	$\$20.13 \times 3000 \text{ hours} =$	\$60,390
Add dollars =				\$134,072

$$\text{Divide dollars } \$134,072 \text{ by total hours} = \$16.759$$

The Wage Scale is legal.

### 6. Progress Reviews and Recordkeeping

Sponsors are responsible for providing apprentice progress reviews and maintaining apprentices' records. Recordkeeping for related instruction is discussed in Chapter 6.

### 7. Numeric Ratio Description

The BAS will approve contracts only where there is a proper ratio to assure thorough and safe training. There must be skilled workers available to provide on-going training to apprentices in the beginning of the apprenticeship and to oversee their work later in the apprenticeship, or the BAS will not approve or will withdraw prior approval of an apprenticeship.

Terms of a collective bargaining agreement may dictate specific ratios providing they do not disagree with this section. If a bargaining unit negotiates a ratio lower than a state minimum, then the bargained ratio may be applied to other programs training in that trade.

Federal regulation requires that the ratio language shall be specific and clearly described as to its application to the job site, workforce, department or plant. In Wisconsin, the ratio typically applies to the employer's workforce rather than job site. However, employers need to be aware that when they are working on a project covered by the Davis Bacon law, that the workforce ratio applies to the job site.

### 8. Statement of Probationary Period

Federal regulation requires each apprentice contract to contain a probationary period. The probationary period cannot exceed 25 percent of the length of the program or 1 year, whichever is shorter. The purpose of the probationary period is to provide both the apprenticeship sponsor and the apprentice sufficient time to determine if the apprentice contract is beneficial. During the probationary period, apprentices may have many reasons for canceling their contracts, which have nothing to do with the program. Therefore, apprentice cancellations during the probationary period do not have an adverse impact on a sponsor's completion rate.

### 9. Statement of Safety

This section must include a statement regarding how the sponsor will ensure adequate and safe training for apprentices. Statements regarding safe equipment and facilities and safety training both on the job and in related instruction must be included.

### 10. Minimum applicant qualifications

The sponsor's minimum qualifications for an applicant must be stated in this section.

### 11. Written Apprentice Contract

Federal regulations require all apprentices to have a written contract that meets the requirements of Chapter 106. These requirements are discussed more fully in Chapter 4.

### 12. Advanced Standing or Credit

If an apprentice is being provided advanced standing or credit for demonstrated competency, acquired experience or training it must be available to all applicants uniformly. In addition, the wages must be commensurate for any progression step granted.

### 13. Transfer Provisions

In order to provide increased flexibility for an apprentice to continue his or her apprenticeship program, DWD 295 under certain circumstances allows for the transfer of an apprentice between apprenticeship programs.

The transfer of an apprentice between apprenticeship programs and within an apprenticeship program must be based on an agreement between the apprentice and the affected apprenticeship committees or program sponsors, and must comply with the following requirements:

- a) The transferring apprentice must be provided a transcript of related instruction and on-the-job learning by the committee or program sponsor;
- b) Transfer must be to the same occupation; and
- c) A new apprenticeship agreement must be executed when the transfer occurs between program sponsors.

An apprentice may be transferred to provide continuous employment and to assure the apprentice more complete on-the-job learning experience in all aspects of the occupation. Transfers from state to state are permitted.

Once all three parties are in agreement:

- a) The sponsor will ensure that each transferred apprentice is issued a transcript of training.
- b) The sponsor will send a copy of the transcript to the Bureau of Apprenticeship Standards and the receiving sponsor and the apprentice.
- c) The transcript will contain the accomplishments, credits and hours of training received under the program

A transferred apprentice must be evaluated and given full credit for previous experience.

A registered apprentice who has completed the probationary period set by the apprenticeship program and who is subsequently transferred from one employer within the same program cannot be required to undergo a new probationary period. If an apprentice has not completed the probationary period then he/she will only need to complete the remaining probationary hours. For example, if the probationary period is six (6) months and the apprentice has only completed four (4) months before being transferred then he/she will only need to complete the final two (2) months.

However, where the apprentice is entering into a new apprenticeship agreement and is dealing with a new committee or program sponsor, an additional probationary period may be required. If the new sponsor requires an additional probationary period, the maximum is up to 25% of the remaining term, not to exceed one calendar year. BAS will ensure that apprentices are not being transferred repeatedly between programs and subjected to additional probationary periods, such that the apprentices are unjustifiably hindered in their progression to journeyworker certification.

### 14. Proper Apprentice Supervision

It is necessary that specific responsibility for the apprentice's training be placed on someone who is qualified and in a position to direct the apprentice's training. This person may be the supervisor, a journeyworker or the owner, but the arrangement must be known to the apprentice and the person with the responsibility. The employer must ensure that apprentices are trained in the core work processes identified for the occupation, and employ a full time journey worker, qualified supervisor or other individual to supervise. The qualifications of the "qualified individual" will be determined on a case-by-case basis for a new employer only.

### 15. Issuance of Completion Certificate

The recommendation for completion of an apprenticeship program is generally the responsibility of the Apprenticeship Sponsor; either the sole sponsor or the local committee. The local WTCS school or other related instruction school provides verification that an apprentice has satisfactorily completed the related instruction. All related instruction must be reported to BAS, both paid and unpaid. If the technical college does not provide the instruction, the sponsor is required to provide that information to BAS.

Early completion of an apprenticeship program is considered on an individual basis when the sponsor and the apprentice file a written request that provides a justification for that action.

The sponsor must notify the BAS Apprentice Training Representative, in writing, when an apprentice has completed all terms of the apprentice contract (on-the-job-learning paid related instruction, and Special Provisions). The letter must include the proposed completion date, apprentice name, trade, and the current address of the apprentice. Once approved, a Certificate of Completion will be issued to the Apprentice by the BAS.

### 16. Issuance of Interim Credentials

DWD 295 provides for BAS to issue interim credentials, at the initiative of the program sponsors, to recognize apprentices' attainment of competency in discrete components of an apprenticeable occupation. As such, interim credentials should be seen as a stackable credential leading to the ultimate goal of a certificate of completion of training.

When BAS has been assured by a program sponsor's determination that an apprentice has successfully met the requirements to receive an interim credential as outlined in the program standards, a credential will be issued.

An interim credential is a credential issued by the BAS upon request of the appropriate sponsor as a certification of competency attainment by an apprentice registered in an apprenticeship program for an approved occupation.

## CHAPTER 3: APPRENTICESHIP STANDARDS

### ALSO KNOWN AS PROGRAM STANDARDS OR SPONSOR STANDARDS

Interim credentials will only be issued to apprentices for attainment of competency if the following criteria are met:

- The apprenticeship standards for that apprentice's program have been approved by the BAS to include provisions for issuance of interim credentials for specific components of an apprenticeable occupation; and
- The apprenticeable occupation in which the apprentice is being trained and employed has been an approved occupation."

Program sponsors who choose to include provisions for the issuance of interim credentials in their standards of apprenticeship must provide documentation to the BAS that:

- Clearly identifies how the apprentice's achievement of competency and entitlement to the interim credential will be determined;
- Specifies how these credentials link to components of an apprenticeable occupation and link the interim credential specifically to the knowledge, skills and abilities associated with those components of the apprenticeable occupations;
- Specifies that the acquisition of the identified competencies must be by the utilization of both written and hands-on proficiency evaluations; and
- Indicates that the interim credentials are recognized by industry as leading toward a Certificate of Completion of Apprenticeship.

Intermediate and post-apprenticeship recognition of training will be approved for those occupations and programs which have been submitted to and approved by the BAS. The issuance of interim credentials is only for apprentices registered in competency-based or hybrid programs for career latticed apprenticeable occupations. These interim credentials will be issued by the BAS.

### 17. Identification of the Registration Agency

Use the following information for identification of BAS as the registration agency; Department of Workforce Development, Bureau of Apprenticeship Standards.

### 18. Provisions of Registration, Cancellation, Deregistration and Modification of Programs and Standards

DWD 295 requires the BAS to have procedures and policies relating to registration, cancellations, deregistration and modifications of standards and programs.

### 19. Sponsor Notification Requirements

DWD 295 requires the BAS to have notices and policies relating to transfers, unassignments and cancellations.

#### a) Layoffs

Most employers attempt to protect their apprentices but economic circumstances sometimes force apprentices into layoff situations. Generally speaking, apprentices should be kept employed as long as possible.

## CHAPTER 3: APPRENTICESHIP STANDARDS

### ALSO KNOWN AS PROGRAM STANDARDS OR SPONSOR STANDARDS

When an apprentice must be laid off, use the following procedures:

- When it becomes necessary to lay off apprentices, they should be laid off according to their sponsor's policy. Their recall to the program should be in the same manner, i.e. according to sponsor policy;
- Should a layoff be for more than 30 days duration, the sponsor must notify the BAS in writing, stating the reasons for the layoff;
- Layoffs of short duration do not abrogate the apprentice's obligation under the contract and the apprentice is expected to return to work upon recall notice;
- Laid off apprentices must be given the opportunity to return to work before a new apprentice is hired in that trade by the employer.

In industries where apprentice layoffs and recalls are governed by bargaining agreements, the terms of the agreement govern.

b) **Apprentice Unassignments**

An unassignment of an apprentice is a temporary interruption of the apprenticeship program, normally for more than 30 days. Unassigned status is used for the purpose of stopping the time counting toward the apprenticeship and starting it again without the need for the apprentice to go through the application process.

Apprentices are normally placed on unassignment for one of the following reasons;

- c) Lack of work (layoff)—After 30 days of unemployment,
- d) Illness or injury—If the apprentice is on unassignment because of illness or injury, a doctor's release is required prior to assignment to a job site,
- e) Return to post-secondary education,
- f) Temporarily removed from the program—personal reasons, incarceration, etc.
- g) Military –The Contract will be automatically extended without penalty for each activation of the apprentice.
- h) Discipline—In some cases, the apprentice may be placed on unassignment for disciplinary reasons. This unassignment may result in one or all of the following:
  - Not eligible for work, no wages;
  - May not be eligible for unemployment benefits;
  - May extend the length of the Apprentice Contract.; apprentice may not be able to complete the apprenticeship early or in some cases on time.
- i) Failing a Drug Test—If a sponsor or an employer has an approved process for random or scheduled drug testing and an apprentice tests positive, he/she may not be eligible to be on the job site. Until the apprentice is in compliance with the drug testing policy, he/she may be placed in an unassigned status.

The initial unassignment will not exceed one year. However, it may be extended for good cause, when approved.

### 20. Probationary Period

The probationary period provides an opportunity for both the employer and the apprentice to adjust to each other and the program. Should either party wish to cancel the contract during the probationary period, they may do so by requesting in writing to BAS to cancel the contract. It is important to note that a cancellation during the probationary period will not have an adverse impact on the sponsor's completion rate.

### 21. Adherence to DWD 296

All standards must include Wisconsin's Equal Opportunity Pledge and the statement regarding the adoption of an Affirmative Action Plan which complies with DWD 296.04, an approved method for the selection of apprentices, and a statement that the program shall be conducted, operated and administered in conformity with applicable provisions of DWD 296, as amended, or, if applicable.

### 22. Complaint Procedures & Contacts

Standards must include contact information, including name, address, telephone number and email address, for the appropriate individual with authority under the program to receive, process and make disposition of complaints.

### 23. Recordkeeping & Requirements

The employer/sponsor and the apprentices shall maintain a record of training to ensure apprentices are trained and for the purpose of complaint resolution. The absence of such a record may make it impossible for the BAS to satisfactorily resolve complaints. The records should include hours of on the job learning by category and/or competency, paid and unpaid related instruction hours, and progress at both school and on-the-job.

Training Guidelines or Job Books have been developed to identify skills required for various occupations and their related training programs developed by industry representatives. The Training Guidelines are intended to be used by the apprentice and employers as a "blueprint" for training in conjunction with the Apprentice Contract. These Training Guidelines have been written to describe how well an apprentice must perform each skill in order to become competent and complete his/her apprenticeship. It is highly recommended that employers use these guidelines to record apprentices' progress through their training.



## **G. Selection of Apprentices**

---

The selection of apprentices is the responsibility of the apprentice sponsor and the selection method must conform to DWD 296. Most sponsors require applicants to have a minimum of a high school equivalency, meet the minimums of the state standards, have a general aptitude for the trade, and must be physically able to perform the work of the trade or occupation. Additional qualifications may be required, but they must meet state standards, DWD 296 and be approved by BAS.

### **1. Home Schooled Applicants**

Under Wisconsin Statute 118.15 (4), a parent or guardian has the right to select a home-based private educational program for her or his child or children, in order to comply with the compulsory school attendance law. This option is commonly referred to as home schooling. Wisconsin statutes related to home-based private educational programs do not require any form of testing of students enrolled in these programs. In addition, a home-based private educational program does not lead to a traditional Wisconsin high school diploma. In Wisconsin, high school diplomas are issued only by public and private schools.

The Statute also lists the criteria that a home-based program must follow. Home-Based Private Education programs are required to complete Form PI-1206 Home-Based Private Education Program Registration form. However, the law does not provide specific statutory authority to the Department of Public Instruction (DPI) or local school districts to monitor or regulate home-based private educational programs. Therefore, there is no formal structure in place to report grades, attendance, and related apprenticeship information.

Local committees may ask for a copy of the home-school calendar verifying a minimum of 875 hours of instruction and course outlines verifying that there exists a sequentially progressive curriculum of fundamental instruction, the home-school calendar is maintained in the home along with a copy of Form PI-1206 for each year the apprentice applicant was home schooled. That is the extent of documentation that the committee may request. If the applicant is unable to provide this documentation, that individual is treated as any other applicant who is unable to provide documentation of a high school diploma or GED.

### **2. Family Owned Business**

DWD 295.10 Family –owned construction business allows an owner of a construction business, which is owned or a majority of stock which is owned by one person or jointly by 2 persons who are related by blood or marriage to select any of his sons or daughters for apprenticeship. The construction business must meet the qualification standards for training the type of apprentice involved and the son or daughter must meet the qualification standards for the trade. Once that occurs, the son or daughter may be registered as an apprentice, without regard to a ranked list or other selection procedures. This does not include sons-in-law or daughters-in-law. The rule also states that this section must not be used to replace an apprentice already registered to the business and the action must not conflict with stipulations of a collective bargaining agreement affecting the business.

## CHAPTER 3: APPRENTICESHIP STANDARDS

ALSO KNOWN AS PROGRAM STANDARDS OR SPONSOR STANDARDS

# Chapter 4: Apprentice Contract

## A. Introduction

---

The Apprentice Contract is an agreement between the State of Wisconsin, the apprentice, and the sponsor.

The Apprentice Contract is not valid unless it is approved by BAS.

## B. Contract Face

---

The Contract face contains the following information:

1. The apprentice and sponsor names along with their signatures; the Department's name and address; the Department's approval and date approved; and the sponsor's contact information.

Minors: If the apprentice is a minor, the signature of a parent or guardian is also included.

High School Students: It is permissible for a high school student to start an apprenticeship. The employer and student must make arrangements that are acceptable to the school and also meet the applicable apprenticeship regulations. Apprenticeship programs for high school students must meet the following criteria:

- a) Applicants must be high school students and only required to attend school on a part-time basis.
- b) Applicants must have a letter from their school authority indicating that apprenticeship training will not adversely affect the applicants' graduation.
- c) The applicants must meet the apprenticeship qualification requirements (high school graduation has been assured in I.1.b., above.)
- d) Contracts must be approved by the BAS before starting.
- e) The usual work hour records must be established and kept up-to-date.
- f) Apprentices must maintain their status as a high school student until graduation, and then the apprenticeship must be full time.
- g) Applicants must meet applicable laws and standards. Child Labor and OSHA Laws, for example, may limit apprentices' ability to be assigned certain tasks.

A minor with an apprentice contract under the provisions of ch. 106, shall not be subject to the law relating to prohibited employments for minors, to the extent that the minor is performing service within the provisions of an apprentice contract approved by the BAS.

2. The apprentice's date of birth and social security number.
3. The date the apprentice term begins, the name of the occupation in which the apprentice is to be trained and the term, including the duration of the apprenticeship.
4. A statement that the contract provisions are binding and BAS is the only party to the contract with the authority to approve a cancellation request, and that the BAS will issue a Certificate of Apprenticeship upon successful completion.

5. A statement that the apprentice's progress, grades and attendance information are to be released to the sponsor and registration agency which is the BAS, and both the sponsor and apprentice agree to fulfill the obligations of the contract as required by Chapter 106 of the laws of Wisconsin.
6. The following privacy statement is also required to ensure that the apprentice is aware and approves use of personal information:  
"Personal information you provide may be used for secondary purposes {Privacy Law, S 15.04 (1) (m)}".

### C. Exhibit A

---

#### 1. Extent of Period of Apprenticeship

The "term" of each apprenticeable trade has been determined by the BAS after consultation with representatives of the industry. The term may be competency based, hybrid or time based.

Hours of Labor: Apprentices are to be employed the same number of hours as the skilled workers in the trade are employed. Successful completion of an apprenticeship requires a major commitment from both the apprentice and the employer. With this in mind, the BAS will not approve any apprenticeship for less than full time, except high school/apprenticeship linkages or other significant extenuating circumstances.

#### 2. School Attendance

Related instruction is a required part of every apprenticeship; 1) a minimum of 400 hours of paid related instruction is required if the term is longer than two years, or 2) 144 paid related instruction per year, if the term is two years or less. State Law requires that apprentices be paid their regular wages while receiving instruction.

Wisconsin has WTCS facilities located throughout the state that can usually provide related instruction for most trades in a manner desired by the industry.

When a District WTCS School is not used, the BAS must approve the arrangements and periodically review it, to assure that the apprentice is receiving the best training available.

The requirements for paid and unpaid related instruction are based on hours. When an apprentice completes the course work in less than the established hours, a sponsor (employer or committee) should apply the full course hours to meet the requirements of the Apprentice Contract. This policy in no way proposes to take precedence over the apprentice satisfying the approved minimum attendance requirements of a sponsor or licensing requirements for a specific occupation or trade. The sponsor shall apply this policy consistently in their program.

#### 3. Schedule of Processes to be Worked

This schedule outlines the basic phases or facets of the trade/occupation and the approximate time the apprentice will spend on each in a time based program or the description of the skill sets to be attained by completion of a competency based program, including the on-the-job component or the

minimum number of hours and the description of the skill sets for a hybrid program. The BAS, with the help of many industries, has developed schedules for all recognized apprenticeable occupations. They are available to help the employer start a program or revise a current program.

The schedule must be completed enough to reflect the employers' intent to offer the apprentice an opportunity to learn the whole trade. It is understood that to do this, the schedule need not be followed in the sequence outlined or that any one process be completed at one time.

### 4. Apprentice Wages

DWD 295.07 (3) provides the guidelines for proper administration of apprentice wages. The apprentice wage scale must average 60% of the skilled wage rate over the term of the apprenticeship. In addition, there must be a progressive schedule for wage increases over the term of the Contract. No apprentice can be paid less than the applicable State or Federal Minimum Wage. When the apprentice wage is governed by a bargaining agreement, that agreement governs and supersedes the Apprentice Contract. Generally, the apprentice wage is guided by the skilled wage paid in the same trade.

The most common method used is to state the wage schedule as a percentage of the skilled wage. This provides an easy way to provide for adjustment to the apprenticeship wage when the skilled wage changes.

### 5. Skilled Wage Rate

Wisconsin Statute 106.01 states that each Apprentice Contract must contain a statement of the compensation to be paid the apprentice. DWD 295.05 further discusses the establishment of the skilled wage rate, when a bargaining agreement does not apply. The Bureau uses wage information collected by the Equal Rights Division as the basis for the Skilled Wage Rate. The information collected is the average (median) based on the geographical area of the local committee. Because the joint apprenticeship committees and the Associated Builders and Contractors local committees have different geographical areas, the wages for the same trades may differ. The Skilled Wage Rate is reviewed annually and adjustments are made.

DWD 295.05 also addresses wages for a sole sponsor apprenticeship program. In that case, the skilled rate is the rate specified in the bargaining agreement. When a bargaining rate does not apply, the skilled rate is the rate paid to the greatest number of competent journey workers in that establishment.

### 6. Overtime Pay

There are several references in Wisconsin's laws and rules that address the question of apprentices and overtime wages. WI Stat. 106.01 addresses overtime work in two sections.

S. 106.01 (5) (d) states that the total number of hours of instruction and work for an apprentice shall not exceed 55 per week. S. 106.01 (7) addresses the apprentice's rate of pay while working overtime. It requires that an apprentice's overtime rate of pay shall be increased by the same percentage as the journey worker's rate for overtime.

For example, if a journey worker's rate for overtime is time and one half or double time, then an apprentice's rate must be the same. DWD 274.04 (6) also addresses the overtime issue and states that time spent in related instruction need not be counted as work time for the purpose of computing overtime, unless required by a bargaining agreement. However, the question of good training must be addressed when allowing an apprentice to work overtime. The answers to the questions, "is good training being maintained" or "is the apprentices program being adversely affected", should determine the extent the apprentice participates in overtime work.

### 7. Fringe Benefits

Although S. 106.01 does not address the payment of fringe benefits to apprentices, it has always been the policy of the Bureau of Apprenticeship Standards that any fringe benefits paid to employees of the employer in the same job occupation as the apprentice, must also be paid to the apprentice. This policy does not mean the same level of benefits must be paid, but the same type of benefits must be available.

### 8. Probationary Period

A Probationary Period is required for each apprenticeship. The standard practice is to include the Probationary Period statement in the Term of Apprenticeship paragraph. The Probationary Period can be stated in hours, or months, but cannot exceed 25% of the term of the apprenticeship, but cannot exceed twelve calendar months.

The Probationary Period provides an opportunity for both the employer and the apprentice to adjust to each other and the program. Should either party wish to cancel the contract during the Probationary Period, they may do so by requesting cancellation of the contract to the BAS in writing.

After the Probationary Period, the apprentice contract may be cancelled according to procedures consistent with Chapter DWD 295. In addition, cancellations are discussed in Chapter 5.

### 9. Amendments of an Apprentice Contract

Apprentice contracts may be amended during the term of the apprenticeship program, upon approval by the BAS. When approving changes, the BAS will ensure that there is no adverse impact on the apprentice.

### 10. Affirmative Action Statement

The contract will include a statement that the apprentice will be provided equal opportunity in all phases of the apprenticeship program without discrimination because of race, color, religion, national origin, sex, age, creed, handicap, marital status, ancestry, sexual orientation, arrest record, conviction record, or membership in the military forces of the United States or this state.

### 11. Contact information

The contract will include the contact information for the BAS for use when controversies or differences cannot be resolved locally.

### 12. Credit Provisions

Apprentices may be eligible for credit. Care should be taken in evaluating credit requests to be sure that credit is properly applied.

**Previously Registered Time Credit:** All credit earned under a Wisconsin Apprentice Contract at the trade (work and related instruction) must be given to apprentices with such experience, unless extenuating circumstances are explained in writing and the credit is not approved by the BAS. Such requests must be made in writing and approved by the BAS.

This credit (unless not approved) must be applied at the beginning of the Contract.

If application of the credit advances the apprentice to a higher wage, then that wage must apply.

**Credit for Previous Experience:** Apprentices may be granted credit for previous work or school experience. Such credit should only reflect actual work time, trade or school time relating directly to the trade related instruction. Credit may be given for related work or school up to, but not including, the final year of the term of apprenticeship. Credit should be granted prior to the end of the probationary period, or at least as soon as a proper evaluation can be made of the credit request. If application of the credit advances the apprentice to a higher wage, then that wage must be applied.

All credit must be in writing and approved by the BAS.

### 13. Special Provisions

The Special Provisions section is often used to describe extra requirements not contained elsewhere in the Apprentice Contract. For example, additional nonpaid instructional hours that the apprentice is required to take on his/her own time is one common item specified in this section. Related Instruction is often used to fill in additional technical subjects not covered in the regular curriculum. However, such an agreement cannot be implemented until the availability of the required paid hours of related instruction is assured.

Some other common items included in the Special Provisions are tool purchase commitments on the part of either party, bonuses paid apprentices upon successful completion, and mandated BAS courses.





# Chapter 5: Enforcement of Apprentice Contracts

## A. Enforcement Introduction

---

DWD 295.20 (1) addresses complaints regarding an apprentice contract which cannot be handled at the local level. Complaints may be made when there is a request for assistance to solve a problem or an alleged problem, regarding any part of the apprenticeship program. The BAS handles these complaints whether or not the complainant is a party to the contract. However, the procedures vary depending on if the complainant is a party to the contract. **This chapter does not apply to any complaint concerning discrimination or other equal opportunity issues covered by Chapter 296 or any subject covered by a collective bargaining agreement.**

## B. Complaints

---

Complaints are normally handled by the BAS, Apprenticeship Training Representative (ATR) who has the responsibility for the apprentice sponsor under which the apprentice is serving his/her apprenticeship. If the complaint concerns a BAS ATR or the complaint is unable to be resolved at the local level, the complaint is handled by the BAS Administrative Office.

Once the complaint is received, the responsible department employee will investigate the complaint and attempt to resolve it in a time frame that is helpful to the complainant. If the complaint is valid and cannot be resolved at the level where the complaint was initially filed and investigated, it will be forwarded to the next level of supervision for resolution. Generally these complaints should be resolved within 20 working days.

The BAS will accept a written complaint from any party to the apprentice contract which alleges that another party to the contract is not in compliance with the contract, or which raises a non-contract issue that relates to the apprenticeship program and has had a specific impact on the person filing the complaint. If the complaint relates to the apprentice contract, it may be filed at any time that the contract is in effect.

The complaint must be made in writing and signed by the complaint or an authorized representative. The complaint may file an appeal in writing within 20 days of the final decision. The complaint shall set forth the specific matters which are in error together with relevant facts and circumstances. Copies of relevant documents and correspondence must accompany the appeal. The department shall conduct an investigation and issue a decision within 90 days after receipt of the complaint based on the investigation of the materials submitted. During the 90 day investigative period, the department shall make reasonable efforts to reach a satisfactory resolution between the parties. If the issue is resolved, the parties will be notified that the case is closed. Generally the complaint should be resolved within 20 day working days.

**Appeals:** An appeal is a request made to the BAS for reconsideration of an action or pending action. An appeal differs from a complaint by virtue of the fact that the appeals causes the BAS to review its own actions, or pending actions, whereas a complaint results in the BAS reviewing someone else's action(s).

### **C. 20 Day Intent to Cancel Notice**

---

When a party to the contract requests cancellation of the contract, the BAS will send a 20-day “Intent to Cancel Notice” to all parties to the contract. The notice states that the contract will be cancelled 20 working days from the date of the Notice, unless the BAS receives written objection from any party within the 20 day period. The BAS provides a standardized form, which is used when the party wishes to object to the proposed action.

#### **No objection to cancellation**

If no objection to the cancellation is received by the expiration of the 20 day period, the contract is cancelled effective the date shown on the Notice.

#### **Timely objection**

If the BAS receives the objection within the 20 day period provided in the Intent to Cancel Notice, the BAS will determine if the information provided is adequate before making a final decision to determine whether the apprentice contract should be cancelled. If the information provided is unclear or incomplete, the department will investigate further before making the final decision. The department will then investigate and issue the final decision within 30 days.

### **D. Appeals**

---

Any party to the contract may file an appeal in writing within 20 days of the final decision. When an appeal is received, the BAS Director will review the appeal and issue a written determination within 40 days of the appeal.

If requested in writing within ten days by one of the parties, the Bureau Director’s decision may be appealed in writing to the DWD Legal Counsel. The DWD Legal Counsel will review the case and issue a final determination within 10 days.

### **E. Right to Hearing**

---

Under sec. 103.005(6)(e), Stats., DWD’s “right to hearing” statute, a dissatisfied party may file a written request with the BAS or the DWD Legal Counsel for a formal administrative hearing to review the reasonableness of a DWD order. DWD has the discretion to determine whether or not it will hold a hearing. DWD’s final decision is reviewable in circuit court, and DWD will provide an explanation of the procedures for obtaining circuit court review along with its final decision.

DWD shall respond to a request for an administrative hearing within 20 days. When DWD agrees to provide a hearing, DWD shall appoint an independent hearing officer to conduct the hearing within 90 days and issue a decision within 30 days after the conclusion of the hearing. DWD shall either delegate to the independent

hearing officer the authority to issue a final decision, or it shall provide for a prompt review and final decision on any proposed decision issued by an independent hearing officer.

### **F. Items not Subject to a Hearing**

---

If an action of the employer involves the employment relationship and not the apprenticeship program. For example, the employee is repeatedly late for work, has too many unexcused absences or other violation of employer work rules, the BAS may not hold a hearing on a complaint or an appeal. However, the BAS will investigate a complaint that an employer is illegally discriminating in its administration of an apprenticeship policy that affects an apprentice.



## **Chapter 6: Apprenticeship Related Instruction**

### **A. Apprentices' Related Instruction**

---

#### **1. Apprentices' Paid Related Instruction**

The Law requires that each Apprentice Contract must contain provisions for paid related instruction. The related instruction may be delivered for four (4) hours per week, one day per week, one day every other week, or in a "block" of time. However, it must be equivalent to 144 hours per year or more depending on the length of the apprenticeship term.

If the apprenticeship is for 2 years or less, 144 hours of paid related instruction is required per year. If the apprenticeship is for more than 2 years, then the provision must be for no less than 400 hours during the term of apprenticeship. Many trades/professions whose term of apprenticeship is greater than 2 years require more than 400 hours of paid related instruction.

#### **2. Apprentices' Unpaid Related Instruction**

Apprentices may be required to take additional instruction on their own time in excess of the number of paid hours required under the apprenticeship law. This requirement is generally outlined in the Special Provisions' section of the Apprentice Contract.

### **B. School Attendance and Progress**

---

It is the employers' responsibility to see that the apprentices are released from work to attend the required related instruction. Failure to do this is a violation of the contract.

The employer should receive prompt notice of any school absence by an apprentice and should caution the apprentice that absence from school may lead to termination of the apprenticeship contract, per DWD 295.20.

The employer should receive prompt reports on each apprentice's progress in school and when deficiencies appear, notify the apprentice in writing that discipline or termination may occur, if not corrected.

### **C. Related Instruction**

---

In Wisconsin, the primary source used for apprenticeship paid related instruction is the WTCS. The WTCS provides apprentice-related instruction as one of its principal purposes. Apprentices registered with the Department of Workforce Development and enrolled in WTCS apprentice-related instruction courses qualify for Wisconsin resident program and material fee rates and are subject to college policies.

To maintain high quality apprentice-related technical instruction, each WTCS district should: clearly identify a point-of-contact for apprenticeship issues; actively work with apprenticeship partners, including Local Apprenticeship Committees, to provide apprentice-related technical instruction...work toward standardization of apprentice-related technical instruction for apprenticeship programs that are offered in multiple WTCS districts; and strongly promote equal access to all apprenticeship opportunities. (WTCS Policy 300). Specific

## CHAPTER 6: APPRENTICESHIP RELATED INSTRUCTION

### POLICIES AND PROCEDURES

procedures for the delivery of apprentice-related technical instruction are detailed in Section 6.10 of the WTCS Educational Services Manual. WTCS college policies may not conflict with collective bargaining agreements (s. 38.12(7))

Other educational sources may be used after approval by the Bureau of Apprenticeship Standards (BAS).

The BAS will utilize the following guidelines in approving paid related instruction outside the technical college system:

#### 1. Sponsor Training Center

The Sponsor must provide advanced notice, as soon as possible, to the BAS but no later than 60 days in advance requesting instruction outside of the WTCS facilities. The training center must be available to all apprentices registered with the program sponsor.

##### a) Facilities

The site must maintain neutrality while classes are in session; no union or employer association activities are permitted at the training center. This includes an entrance separate from union and/or employer association offices and no union or employer association materials are permitted in the training center.

The site must have adequate training facilities based on the number of apprentices attending related instruction at the site. Adequate facilities include classroom space, equipment, and lab availability.

The site must meet American Disabilities Act (ADA) requirements and provide proof of liability insurance.

##### b) Apprenticeship Instruction

WTCS Provided Instructor at Sponsor-Owned Training Center

The instructor must have access to equipment and supplies provided by the training center.

It is expected that a Partnership Agreement will be prepared, agreed to and signed by the sponsor and the local WTCS campus prior to the beginning of the related instruction. Included in the Agreement are record keeping responsibilities, lines of communication, user fees and any other items deemed necessary by both the sponsor and local technical college.

This Agreement will be reviewed by the BAS prior to implementation.

#### 2. Related Instruction Independent of the WTCS

When a change in status occurs, notice must be given to the BAS and the local technical college district's Apprenticeship Coordinator by March 1 for the following school year.

The curriculum used in the training center must be approved by the BAS Standards and the State Trade Advisory Committee, where appropriate, prior to beginning classroom instruction.

The training center must make provisions for short term and long term record keeping. This includes attendance, grades, transcripts and other records needed to verify related instruction.

### 3. In House Training

In some cases, sponsors provide related instruction in-house, at their workplace. As in the case of sponsor owned training centers, the sponsor must receive approval from the BAS prior to beginning the instruction. The location must be inspected to insure the classroom facilities are adequate, the instructor is certified or certifiable by the WTCS's Certification Officer or the BAS and that appropriate related instruction records are maintained by the sponsor.

## D. Format for Paid Related Instruction

1. There are several formats for providing paid related instruction to apprentices. The chosen method is determined by the facility's advisory committee that will be the provider and is subject to the approval of the BAS.
  - i. One Day Weekly Method: Apprentices receive paid related instruction in the daytime for a specified number of hours, usually eight (8) or four (4) during a normal school year.
  - ii. One Day Biweekly Method: Apprentices receive paid related instruction in the daytime for eight (8) hours during a normal school year.
  - iii. Block Method: Apprentices receive paid related instruction in clusters of two days or more usually in five (5) day blocks. Classes are not necessarily held during the normal school year and one or more clusters may be scheduled per year.
  - iv. Isolated Method: Method used to provide paid related instruction to apprentices where there are insufficient numbers to warrant the establishment of a class. This approach often involves a combination of other methods, including stacking of existing WTCS courses, or slotting apprentices into full time courses, when appropriate.
  - v. Correspondence Method: Apprentices receive their paid related instruction by mail and are either given work time to study or are paid to study at home.
  - vi. Electronic Media—sponsors and all previously approved providers of electronic media must provide the Bureau with the following information in order to be granted approval for use:
    - Rationale for implementing electronic media;
    - The types of electronic media to be utilized;
    - A list of the courses, description, and the number of hours required to complete each course being delivered by electronic media;
    - The method for administering testing and evaluation;
    - Assurance that all apprentices will have access to the required equipment/tools necessary to participate in scheduled related training sessions/classes; and
    - Qualified instructors.
2. In some instances, alternative delivery methods may be used to provide apprentice paid related instruction, when approved by the Bureau. Some examples are: distance learning; night time paid school; employer sponsored schools; vendor's schools; and other methods.

## **E. Curriculum Development, Maintenance, and Classroom Delivery**

---

Each industry that employs apprentices has an obligation to ensure that the related instruction is current with established occupation practices. Whenever possible an industry advisory committee will be created by the BAS and the school. These may include local construction committees. Currently, there are two types of curriculum in use for apprentices: sponsor owned and state owned. State owned curriculum in the WTCS is designed around a performance-based model using the Worldwide Instructional Design System (WIDS) software. If the curriculum is owned by the sponsor, it is to be delivered as designed. Any curriculum changes, additions, or deletions must be approved by the sponsor and the BAS.

### **1. State-owned/WTCS Developed curriculum**

Strictly speaking, curriculum is the broad based course of study, competencies or list of courses that make up an educational program. Just as state standards specify the work processes for a trade, WTCS statewide curriculum aims to specify program outcomes and core competencies that will be consistent regardless of location, instructor or type of program or sponsor. To promote currency, uniform training and statewide transferability, state trade advisory committees review curricula on either a regularly scheduled or as needed basis to ensure these objectives are met. Formal approval of all WTCS curricula and courses is the responsibility of the WTCS Education Director for Apprenticeship and is subject to review and approval by the BAS.

Apprenticeship related instruction focuses on the theoretical and knowledge based aspects of the trade with demonstration and lab work used to reinforce the theoretical learning. Facilities, institutional policies, and instructional contract language varies among the 16 colleges in the WTCS. Teaching and assessment techniques, classroom resources and learning plans may vary by instructor, as long as the instructional program outcomes and competencies are achieved. Clear communication is fostered through the active involvement of apprenticeship partners on local and state trade advisory committees.

### **2. Sponsor Owned (Proprietary) Curriculum**

All apprenticeship curriculum is subject to review and approval by the Bureau of Apprenticeship Standards; including proprietary curricula. Where provided by direction of the State Advisory Committee or sole sponsor, proprietary curricula will be delivered in a manner consistent with its design and format. Any changes, additions, or deletions must be approved by the program sponsor prior to implementation. Instructors/Apprenticeship Coordinators must provide the program sponsor notice in writing, to the official mailing address, no later than thirty (30) days and prior to any recommended, suggested, or required changes to the apprenticeship curriculum. Areas of concern to be addressed are class size, stacked classes, instructor change, classroom location change, classroom equipment change, curriculum and instructional methodology changes.

All proprietary materials, including text and workbooks, handouts, and exams remain the property of the sponsor. Directions as to the disposition of these materials will be provided to the school by the sponsor. Every effort will be employed to comply with the sponsor's wishes.



## **F. Related Instruction Credit Evaluation**

---

The related instruction provider is expected to cooperate with the sponsor on a timely basis, the BAS and/or the local committee in evaluating credit requests for related instruction. A request for related instruction credit may originate with the sponsor, the apprentice or the BAS. The local technical college may charge a fee for this evaluation service. The following procedures are to be used to determine advanced standing for apprentices:

### **1. Paid Related Instruction**

If the apprentice sponsor, either the local committee or a sole sponsor, is recommending advanced standing for paid related instruction, the BAS will contact the provider of related instruction for an assessment of the previous school experience. This assessment may be a comparison with the approved related instruction or may use a test for evaluation of the related schooling.

The provider of related instruction will notify the BAS once the assessment is completed. If advanced standing is recommended, BAS will apply the hours to the apprentice's contract. If the application of the credit advances the apprentice to a higher wage, then that wage must be applied.

The BAS will notify the provider of related instruction, the apprentice sponsor, and the apprentice whether or not advanced standing will be applied to the contract.

### **2. Unpaid Related Instruction**

The apprentice and/or sponsor may also request credit for unpaid related instruction. However, in the case of unpaid related instruction, the sponsor may recommend credit to the BAS. The sponsor may also request assistance from the provider of related instruction to assess the related schooling.

The BAS will notify the provider of related instruction, the apprentice sponsor, and the apprentice whether or not credit will be given for unpaid related instruction.

## **G. Overtime Exemption**

---

Apprentices are paid "straight time" rate for paid school hours. An employer is not required to pay overtime (time and one-half) to apprentices while receiving paid related instruction, unless such requirements are contained in an applicable collective bargaining agreement.

There are several references in Wisconsin's laws and rules that address the question of apprentices and overtime. WI Stat. 106.01 addresses overtime work in two sections. S. 106.01 (5) (d) states that the total number of hours of instruction and work for an apprentice shall not exceed 55 per week. S. 106.01 (7) addresses the apprentice's rate of pay while working overtime. It requires that an apprentice's overtime rate of pay shall be increased by the same percentage as the journeyworker's rate for overtime. For example, if a journeyworker's rate for overtime is time and one half or double time, then an apprentice's rate

must be the same. DWD 274.04 (6) also addresses the overtime issue and states that time spent in related instruction need not be counted as work time for the purpose of computing overtime, unless required by the applicable bargaining agreement. However, the question of good training must be addressed when allowing an apprentice to work overtime or when an apprentice is required to perform shift work. The answers to the questions, “is good training being maintained” or “is the apprentices program being adversely affected”, should determine the extent the apprentice participates in overtime work.

## H. Apprentice Related Instruction During Layoff

The BAS, under the authority of Chapter 106.01 of the State Law, will act to unassign the apprenticeship of any apprentice who is out of work in excess of 30 days. This sets the Apprentice Contract aside until such time as the apprentice is recalled to the job and reassigned.

- In line with this, the apprentice must attend school during the thirty day period following the layoff.
- School attendance during this 30 day period shall be paid for by the most recent employer, as an obligation originally assumed by the employer unless the apprentice has been terminated for violation of the employer’s written work rules.

After the apprentice has been unassigned (the first thirty days following lay-off), the obligation of the employer to pay the apprentice for school attendance is waived.

It is common practice with most trades to permit apprentices who have been laid off, to complete the current semester.

If apprentices are on layoff when a new semester is beginning, the apprentices may be allowed to begin school providing their recall to work is imminent.

## I. Related Instruction Records

The provider of related instruction must maintain registration, attendance, progress and grade records on each apprentice, as certified by the instructor in charge.

Each apprentice’s record must be available to the BAS and the signatories of the apprentice’s contract. The apprentice’s signature authorizes the assigned provider of paid and unpaid related instruction to release progress, grades, and attendance reports to the department, sponsor, and employer while the contract is in effect.

The BAS, the employer of record, and/or the applicable area local apprenticeship committee must be provided with timely reports on attendance, progress, and grades on each apprentice as requested. The technical college apprenticeship coordinator is responsible for providing information when issues occur.

The method of reporting may be mutually agreed on between the school, the local committee and/or the sponsor.

Records of related instruction must be kept five (5) years after the last action. As an exception, the transcripts must be kept indefinitely.

## **J. Completion of Apprenticeship**

---

Apprentices cannot complete their apprenticeship without satisfactorily completing the approved related instruction program for their trade or occupation.

The local WTCS school or other related instruction school provides verification that an apprentice has satisfactorily completed the related instruction. All related instruction must be reported to BAS, both paid and unpaid. If the technical college does not provide the instruction, the sponsor is required to provide that information to BAS.

When the approved related instruction program contains a final level of achievement (as opposed to only hours of attendance) then the school's certification shall be made when the final level has been completed.

## **K. Attendance at Apprenticeship Paid Related Instruction Classes**

---

Enrollment in WTCS core apprentice-related instruction courses, which are highly specialized, is limited to Wisconsin registered apprentices unless the BAS approves a written on-the-job training plan prior to enrollment. Individuals who are not registered apprentices may not displace apprentices in core apprentice-related technical instruction courses.

## **L. Instructor Certification**

---

All instructors who provide instruction to apprentices in the technical subjects related to the occupation are required to possess additional specific educational training. Generally in Wisconsin, the technical subjects are paid related instruction. However, there may be some instances when the technical subjects, part of core courses or curriculum, may be delivered as part of unpaid related instruction. Instructors who provide this instruction are also required to obtain this specific educational training

### **1. Instructors Employed by the Technical College System**

Each person employed by a district responsible for the delivery of classroom instruction or assisting in the management of one or more programs of a district shall obtain instructional certification from the WTCS board. WTCS instructor certification standards for apprentice courses and programs assume journey level worker status with a minimum of seven years of experience that meets the Occupational Experience Document approved for their program. WTCS Certification requirements include an instructor professional development plan that is comparable to apprentice related instruction and exceeds the minimum requirement for coursework in teaching techniques and adult learning styles. WTCS instructor records are maintained by State and District Certification officers.

## 2. Instructors Not Employed by the Technical College System.

If instructors are not certified by the WTCS, the BAS will review for initial certifiability based on occupational experience.

Instructors not employed by the WTCS must be a subject matter expert, must have at least seven (7) years experience in the specific occupational and must have taken classes in teaching techniques and adult learning styles. If the instructor does not have training in teaching techniques and adult learning styles before the instructor has started to teach, this instruction must occur within two (2) years of the initial assignment. Each training course, adult learning styles and teaching techniques must be at least ten (10) hours in length and consist of the following competencies:

### a) Teaching Techniques Requirements

- Able to plan a learning environment that meets the needs of learners.
- Able to select learning materials that support a learning plan.
- Able to create teaching plans.

### b) Adult Learning Styles Requirements

- Able to analyze models of learning
- Able to apply a model of learning to teaching practice

The BAS assesses the instructor's qualifications and maintains the records of instructor qualifications.

## Chapter 7: AA/EEO

### A. Introduction of Affirmative Action/Equal Opportunity

---

Chapter DWD 296 sets forth the policies and procedures that the Bureau of Apprenticeship Standards uses in the administration of Wisconsin's Apprenticeship Program for the purpose of promoting equal opportunity. DWD 296.01 lays out the scope of these activities.

DWD 296.01 Scope and purpose. (1) This plan sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the state apprenticeship agency. These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship and the procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs.

### B. Obligations Under DWD 296

---

#### 1. Sponsor

The sponsor has the following obligations.

- a) It is the obligation of all apprenticeship sponsors to recruit, select, employ and train apprentices during their apprenticeship without discrimination because of race, color, religion, national origin, sex, age, creed, handicap, marital status, ancestry, sexual orientation, arrest record, conviction record, or membership in the military forces of the United States or this state.
- b) Each sponsor has to apply uniform rules and regulations concerning apprentices including wage advances, assignment of work, job performance, rotation among all work processes of the trade, applying penalties or other disciplinary actions and all other aspects of the apprenticeship program administered by the sponsor.
- c) Each sponsor must take affirmative action to provide equal opportunity in apprenticeship including, when required, the adoption of an affirmative action plan.
- d) If sponsors have a deficiency in the utilization of minorities or females they must undertake outreach and positive recruitment actions to equalize opportunity in apprenticeships in order to allow for the full utilization of minority and female work potential.

#### 2. BAS

It is the responsibility of the Bureau of Apprenticeship Standards to ensure that apprenticeship programs in Wisconsin are bias free. In order to accomplish this responsibility, the Bureau must ensure that:

- a) Each sponsor has adopted a written affirmative action plan, where appropriate. The Apprenticeship Training Representative (ATR) will assist the program sponsor in developing the Plan to ensure that it meets the requirements of DWD 296.05; and

- b) Regularly conducts a review of the program. Each sponsor who has an Affirmative Action Plan will have a review performed by the BAS ATR every 3-5 years.

## C. Affirmative Action Plans

---

All construction local committees and all sole sponsors who employ five (5) or more apprentices must prepare an Affirmative Action Plan. DWD 296 provides the legal guidance in the development of Affirmative Action Plans. The emphasis given in this section of the rule is that each sponsor must be pro-active in its affirmative action approach, rather than declare passive nondiscrimination. This positive action must be reflected not only in the development of the Plan, but also in the implementation and monitoring the plan once approved by the Bureau of Apprenticeship Standards. DWD 296.05 (2) states:

(2) DEFINITION OF AFFIRMATIVE ACTION. Affirmative action is not mere passive nondiscrimination. It includes procedures, methods, and programs for the identification, positive recruitment, training, and motivation of present and potential minority and female (minority and nonminority) apprentices. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of minority and women work potential. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to Wisconsin's labor force.

### 1. Required Affirmative Action Plan Content

There are a number of elements which must be included in the sponsor's Affirmative Action Plan.

- a) Sponsor Affirmative Action Data and Utilization Analysis Worksheet  
The Affirmative Action Data and Utilization Analysis Form may be prepared by the sponsor or by the ATR. The purpose of the analysis is to determine the minority and women's labor force in the sponsor's labor market area. Once the labor force is determined, the Program Sponsor can determine if deficiencies exist in terms of underutilization of minorities and/or women in the occupation (s) registered, using the Affirmative Action Data and Utilization Analysis Worksheet and the Goals and Timetables developed as a result of that analysis.

The following pages contain a copy of the worksheet and the instructions for its preparation and completion.

## CHAPTER 7: AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITIES

### POLICIES AND PROCEDURES

Department of Workforce Development Division of Employment and Training  
Bureau of Apprenticeship Standards

#### SPONSOR AFFIRMATIVE ACTION PLAN DATA AND UTILIZATION ANALYSIS

Sponsor Name: **ACME Industrial, Inc.**

Address: **123 NewCity, WI 53533**

Telephone: **(608) 266-3332**

Type of Selection Method Used: ☐ Random ☐ Rank Order ☐ Restricted Pool ☐ Alternative

Labor Market Area Used for Analysis:

County:

MSA:

Other Area:

#### STATISTICAL AREA LABOR FORCE ANALYSIS

Total Labor Force:

Women Labor Force: Percent of Labor Force: %

Minority Labor Force: Percent of Labor Force: %

#### SPONSOR STATISTICAL DATA

##### JOURNEYWORKERS

Total Journeyworkers:

Women: Percent of Journeyworkers: %

Minority: Percent of Journeyworkers: %

##### APPRENTICES

Total Apprentices: 5

Women: 0 Percent of Apprentices: 0%

Minority: 0 Percent of Apprentices: 0%

#### DETERMINATION OF UTILIZATION

Minority Underutilization ☐ Yes ☐ No

Female Underutilization ☐ Yes ☐ No

#### SPONSOR GOALS:

The sponsor agrees to take affirmative action with the goal of selecting % minorities and % women during the next year or hiring period.

Estimated number of new apprentices to be hired during the next year:

Sponsor Representative Signature

Date Signed

DETA-10455 (R. 01/2009)



### Attachment A

### SPONSOR AFFIRMATIVE ACTION PLAN UTILIZATION ANALYSIS WORKSHEET Instructions for Preparing and Completing Worksheet

The purpose of the worksheet is to establish a benchmark against which the demographic composition of the sponsor's apprenticeship program can be compared. The sponsor must separately determine the availability of the minorities and women for each occupational title represented by the program.

1. **Sponsor Address**—Enter the sponsor's name, address and contact information.
2. **Type of Selection Method Used**—The selection method approved by BAS in the standards or separate document on selection procedures. DWD 296 outlines four methods of selection:
  - Random selection is a lottery method where eligible applicants are chose through a lottery with strict procedures to insure fairness.
  - Rank Order is a selection of means of validated tests and criteria.
  - Restricted Pool is from a group of eligible applicants generally already employed by the sponsor.
  - Alternative Procedures covers any other selection approved by BAS.
3. **Labor Market Area Used for Analysis**— If the sponsor is a local committee, the labor market area is the same as the jurisdictional area (identified counties) as defined and approved by BAS for that local committee. If the sponsor is a sole sponsor, the labor market area is defined in an affirmative action plan approved by the Office of Federal Contract Compliance Programs (OFCCP) or the areas from which apprentices may reasonably commute. A rule used is 50 miles radius from the sponsor's place of business.
4. **Statistical Area Workforce Analysis**— Once the labor area is determined, use the data from Affirmative Action Data for Wisconsin, to compute the total number of workers in that labor force. Be sure to include all counties in the sponsor's jurisdictional area. This information is found on the DWD Web Page at the following address:  
[http://dwd.wisconsin.gov/oea/affirmative\\_action/](http://dwd.wisconsin.gov/oea/affirmative_action/)
  - a) Using that same labor area, determine the total women in that labor area. Once that number is determined, calculate the percentage.
  - b) Using the same labor area, determine the total number of minorities in that labor force. Then calculate the percentage for minorities.
5. **Sponsor Statistical Data**—The sponsor must provide current workforce data as described in this section.
  - a) **Journeyworkers**—Enter the existing number of journeyworkers currently employed by the sponsor. For multi-trade sponsors, the numbers of all journey workers active in the trade should be used. Determine the total number of women and minorities. Determine the percentage of each.
  - b) **Apprentices**—Determine the total apprentices currently active. Then determine the total number of women and minorities. Then determine the percentage of each.
6. **Determination of Utilization**— Using Wisconsin labor market information data for both women and minorities and the data provided by the sponsor, determine if the sponsor is underutilized for women and minorities. If the sponsor is unable to provide the breakdown of journeyworkers for utilization, the BAS will use the data provided in the calculation of the sponsor's area labor force.  
For the purpose of determining underutilization of minorities, the combination of race, color and national origin is used. If the sponsor's percentages of minority and female journey workers and apprentices matches or exceeds the labor force percentages, the sponsor is not underutilized.  
Wisconsin is using the 20% goal for women, rather than the labor market penetration.
7. **Sponsor Goals**—DWD 295.05 (6) sets forth the language that guides the sponsor in setting goals. The goal is to have in the apprenticeship program a comparable percentage of minorities and women currently in the sponsor's labor market. Goals should lead to results which could reasonably be achieved from the sponsor's good faith efforts to make its overall affirmative action program successful. Goals are always required when there is a determination of underutilization.  
Separate goals shall be established for women and minorities. Where labor market data indicates an underutilization of minorities, the goal shall be at or above the participation in the sponsor's labor market. For women, program sponsor would generally be expected to set a goal for women for the entering class at a rate which is not less than 50% of the proportion women are of the work force in the program sponsor's labor market area. The goal for women in each class above the entering year class is to be not less than the participation rate of women in the preceding class.  
The goals must be realistic and attainable based on the number of openings that the sponsor is projecting for the next year. Sponsors are expected to make appropriate adjustments in goal levels annually.



b) Statement of Compliance

A signed statement of compliance must be included with each Affirmative Action Plan (AAP). If the plan is for a joint apprenticeship committee, both an employer and employee representative must sign the statement. For all others, only the employer representative must sign.

c) Non-Discrimination Pledge

A signed Non-Discrimination Pledge must be included with each AA Plan. These must be signed the same as the compliance statements. For joint apprenticeship committees, the signature of both the employer and employee is required. For all other sponsors, only the employer representative signature is necessary.

d) Development of Outreach Activities and Recruitment Strategies

The Sponsor's AAP must include selected outreach and positive recruitment efforts that would reasonably be expected to increase minority and women's participation in apprenticeship by expanding the opportunity of minorities and women to become eligible for apprenticeship selection. The sponsor will identify a significant number of activities in order to enable it to meet its obligation under DWD 296. Once those efforts have been selected, the sponsor shall set forth the specific steps they intend to implement under each identified effort.

1. ☐ Announcement of apprenticeship openings must be disseminated thirty (30) days in advance of each interval of application or for year-round open application at least semi-annually to the list below which may be used as examples of possible agencies/organizations.

- Bureau of Apprenticeship Standards
- Women's organizations in the sponsor's geographical area
- Local schools
- Wisconsin Job Centers
- Wisconsin Workforce Development Centers
- WI Technical College Districts
- Other organizations which can effectively reach minorities and women
- Newspapers where the advertisement states that women and minorities are encouraged to apply.
- Electronic media

The announcement shall include the nature of the apprenticeship, requirements for admission into apprenticeship, availability of the apprenticeship opportunities, sources of apprenticeship applications, and the sponsor's equal opportunity policy. Applications will be taken for no less than a two (2) week period.

2. ☐ Participation in annual workshops conducted by Job Service for the purpose of familiarizing schools, job service and other appropriate personnel with the apprenticeship program and current opportunities.
3. ☐ Cooperation with school boards and the technical college system to develop programs for preparing students to meet the standards and criteria required to qualify for entry into the apprenticeship program.
4. ☐ Internal communication of the sponsor's equal opportunity policy must be conducted in such a manner to foster understanding, acceptance, and support among the sponsors, various officers, supervisors, employees, and members, and to

encourage such persons to take the necessary action to aid in meeting its obligation under DWD 296.05.

5. ☐ Engaging in programs, such as; outreach for positive recruitment and preparation of potential applicants for apprenticeship; where appropriate and feasible, such programs shall provide for pre-testing experience and training. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations. The sponsor shall also initiate programs to prepare and encourage women to enter traditionally male programs.
6. ☐ Encouraging the establishment and utilization of programs of pre-apprenticeship, preparatory trade training designed to prepare candidates for apprenticeship. The sponsor shall make appropriate provisions in its AAP to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program.
7. ☐ Utilizing journeyworkers to assist in the implementation of affirmative action in the apprenticeship program.
8. ☐ Granting advance standing or credit on the basis of previously acquired experience, training, skills, or aptitude for all applicants equally.
9. ☐ Other appropriate action to ensure that the recruitment, selection, employment, and training of apprentices during their apprenticeship shall be without discrimination because of race, color, religion, national origin, sex, age, creed, handicap, marital status, ancestry, sexual orientation, arrest record, conviction record, or membership in the military forces of the United States or this state (e.g. general publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc., use of present minority and female apprentices and journeyworkers as recruiters; career counseling; development of reasonable procedures to ensure employment opportunity, including reporting systems, on-site reviews, briefing sessions).

Before submitting the plan, the sponsor must evaluate the plan for the following:

- a) Does the plan appear to have a reasonable chance to succeed? Are the activities appropriate for the sponsor?
- b) Are the activities extensive or significant enough to meet “good faith” criteria if underutilization continues?
- c) Does it meet the criteria for BAS approval as required in WI DWD 296?

## 2. Implementation of Affirmative Action Plan

Once approved by BAS, all sponsors must review the Plan at the local level. If the sponsor is a joint or non-joint committee, review the plan at the next scheduled committee meeting, so there is an understanding of the responsibilities associated with the plan and share the plan with approved employers.

### 3. Regular Schedule of Monitoring

- a) In accordance with DWD 296, the sponsor must conduct an annual review of its current AAP, including its overall effectiveness, and institute any reasonable modifications to goals, timetables and outreach and recruitment efforts. If activities are not being conducted as planned, the sponsor must determine why and take corrective action. If progress is not being made and the sponsor is following activities as planned, the sponsor must consider making adjustments to the plan to ensure progress.
- b) If the sponsor is either a joint or non-joint committee, Affirmative Action must be included as an agenda item for each committee meeting to monitor the planned activities and goal achievement, or lack thereof. A record of the activities must be recorded as part of the official committee minutes or on an approved AA log form.

## D. Selection of Apprentices

---

DWD 296.06 sets forth the rules that govern the procedures which sponsors must use in the selection of apprentices. Selection of apprentices is an important element because the recruitment and selection process determines whether the sponsor achieves their affirmative action goals.

There are four methods which may be used in the selection of apprentices:

- 1) rank from pool of eligible applicants;
- 2) random selection from pool of eligible applicants;
- 3) selection from pool of current employees; and
- 4) alternative selection methods.

The rank order, validated from top to bottom, and the random selection from pool of eligible applicants are not currently being used in the Wisconsin Apprenticeship Program.

The restricted selection is from among workers already employed by the sponsor. Wisconsin industrial and service employers primarily use this method. The selections may be in accordance with the sponsors established promotion policy or in accordance with the provisions of a collective bargaining agreement where such applies.

If use of the restricted selection, due to application of the bargaining agreement or promotion policy, appears to preclude achievement of selection goals because of the lack of women and minorities in the restricted pool within a reasonable time frame, the sponsor must make changes in the bargaining agreement or policy at the earliest feasible date. These actions will permit achievement of these goals and to express this intent in the affirmative action plan.

The sponsor must commit itself to increasing the representation of women and minorities in the pool from which selection will be made. This may mean affirmative action efforts, including goals and timetables for increasing minority and female representation in entry level jobs, if these jobs can lead to apprenticeship selection.

In Wisconsin, the local committees generally use one of the two methods under the alternative selection method; the rank list or letter of introduction.

Under these methods, the sponsor must show that the method is objective and specific, and show that aptitude tests or interviews are fair. Where interviews are used, adequate records shall be kept, including interview summaries and conclusion on each factor, must be maintained.

When a sponsor fails to meet affirmative action goals, in spite of good faith efforts, the Department may require the sponsor to increase affirmative action activities or modify its selection procedures.

## E. Record Keeping

---

Each sponsor must keep adequate records. It is recommended that each sponsor maintain these records in an Affirmative Action program folder. These records must include:

- a summary of the qualifications of each applicant;
- the basis for evaluation and for selection or rejection of each applicant;
- the records pertaining to interviews of applicants;
- the original application for each applicant; and
- information concerning the operation of the apprenticeship program, including job assignment, promotion, demotion, layoff or termination, rate of pay and other forms of compensation or conditions of work, hours of training provided and other records pertinent to a determination of compliance.

The records pertaining to individual applicants, selected or rejected, must be maintained in such manner as to permit the clear identification of minority and women participants.

Each sponsor must also retain its Affirmative Action Plan, review it annually, and update it when appropriate.

In addition, BAS must keep record of:

- registration requirements;
- standards;
- compliance review, and
- female and minority counts.

## F. Compliance Reviews

---

The Bureau of Apprenticeship Standards (BAS) and the Office of Apprenticeship (OA) staff must conduct a periodic Compliance Review of the sponsor to determine whether apprenticeship sponsors are complying with their approved Affirmative Action Plan and Selection Procedures during an identified review period.

The ATR evaluates the performance of the sponsor in administering its program to determine that all requirements of DWD 296 and Title 29, CFR Part 30 are being satisfactorily met and that any necessary corrective action is being or has been taken. All compliance monitoring involves an initial desk/file review, notification to the sponsor of the specifics of the review dates, duration, and anticipated outcomes of the review. Once staff have completed their review they will make a recommendation to BAS Director for review. The BAS Director will determine whether the recommendations are sufficient and transmit the letter to the sponsor for response. Once the sponsor has responded, BAS the sponsor will be notified concerning the status of the compliance review.

Interested parties may request records involved in the process under the Open Records statute:  
<http://legis.wisconsin.gov/statutes/Stat0019.pdf>.

At the beginning of each year, BAS staff will develop an annual plan which lists programs that will be reviewed in the year.

### 1. Pre-Review Activities

Prior to the on-site review, ATR will schedule an appointment with the program sponsor to review the records. A confirmation letter will be sent to the sponsor to confirm the date of the appointment and ensure that the sponsor will have prepared adequate records to facilitate completion of the review.

### 2. Conducting the On-Site Review

The on-site review will normally be conducted where the sponsor's records are kept. To guide the review process and ensure consistency; a standard form (see attachment) is used by all ATRs. The compliance review is a systemic examination of the operation of a registered apprenticeship program. The ATR will first evaluate how well the sponsor implemented their AAP. The use of the standard form assists the ATR to identify any weaknesses or deficiencies to determine if the sponsor's operation is non-discriminatory and to determine if there was equal treatment of all apprentices. This is accomplished by examining the apprentice records concerning layoffs, disciplinary actions, wage advancements, job assignments, performance evaluations, transfers, and other related information.

Using the information collected during the on-site review, the ATR will make a determination as to whether the sponsor is in compliance. If the ATR determines the sponsor is in compliance with DWD 296, the sponsor must be meeting the established goals during the review period for selection of women and minorities or made substantial outreach and recruitment activities to constitute a "good faith effort."

Good faith effort means a program sponsor's action to fulfill its commitment to equal opportunity in the recruitment, selection, employment, and training of apprentices, its action to comply with the provisions of its Affirmative Action Plan and, when appropriate, to make necessary changes to obtain the maximum effectiveness toward the attainment of its goals.

## G. Findings and Compliance

### 1. In Compliance Based on Meeting Goals and Timetables

If the Compliance Review finds the sponsor is meeting its goals and no apparent violations are found, the sponsor will be notified. No additional action will be required on the part of the sponsor with the understanding that the sponsor remains under obligation to continue commitment to equal opportunity and to operate its program in compliance of DWD 295 and DWD 296.

### 2. In Compliance Based on Good Faith Efforts

If the ATR has identified any specific technical assistance needed by the sponsor, any additional activities the sponsor may take or any training needs by the sponsor, these will be outlined in the response to the sponsor. The sponsor may or may not be required to submit a response.

### 3. Not in Compliance

A corrective action plan will be required if the Compliance Review finds the sponsor to be not in compliance. The sponsor must submit a written response within 35 calendar days. However, the sponsor may request a 30 day extension, if needed. BAS will review the reply and notify the sponsor whether the extension has been granted.

Once the sponsor replies and the corrective action plan approved, BAS will notify the sponsor of this approval. The ATR will continually monitor the sponsor to ensure they are implementing the corrective action plan and/or modified Affirmative Action Plan as intended. During this period of time, the ATR will provide the sponsor with technical assistance which will be designed to achieve compliance.

Once technical assistance has been provided, the sponsor will be provided an opportunity to achieve compliance or substantial progress in meeting their goals. One year from the initial review, will be allowed in order to determine whether the technical assistance was successful in achieving compliance. If the sponsor has made progress or has achieved the goals associated with the technical assistance within that year (as determined by BAS), the ATR will notify them in writing of the status of this review and what action is required.

If the sponsor fails to achieve the goals the technical assistance was intended to improve, the ATR will make a recommendation to the BAS Director as to either continue corrective measures, to correct the deficiencies and whether any remaining or additional actions are required by the sponsor, or to sanction the sponsor.

The BAS Director, after a review of all of the relevant information will notify the sponsor of the imposition of sanctions, up to and including one or more of the following:

- An increase in the frequency of compliance reviews;
- Require the sponsor to participate in planning and implementation sessions with area community based organizations and interested parties;
- Referral to the DWD General Counsel to monitor the sponsor's AA compliance, which may include the use of interrogatories and depositions;
- Begin decertification proceedings of sponsor.

If the committee feels the sanction is not merited, it may use the Bureau's complaint procedures, which allows for a party affected by a Bureau action to file a complaint within 60 days to the DWD Legal Counsel.

## **Appendix A**

---

Appendix A will be used to record future determinations, including clarifications and explanations.





## **Appendix B**

---

Appendix B contains copies of the following rules and regulations that govern Wisconsin Apprenticeship:

Ch. 106 Wis. Stats.

Wis. Admin. Code DWD 295

Wis. Admin. Code DWD 296





## CHAPTER 106

### APPRENTICE, EMPLOYMENT AND EQUAL RIGHTS PROGRAMS

	SUBCHAPTER I		
	APPRENTICE PROGRAMS		
106.001	Definitions.	106.15	Assistance for dislocated workers.
106.01	Apprentice contracts.	106.16	Notification of position openings.
106.02	Carpenters' apprentices.	106.17	Local labor market information.
106.025	Plumber apprenticeships.	106.18	Youth programs in 1st class cities.
106.03	Real estate apprenticeships excluded.	106.19	Trade adjustment assistance overpayment waiver.
106.04	Employment of apprentices on state public works projects.	106.20	Pilot Wisconsin job opportunity business subsidy program.
	SUBCHAPTER II	106.25	Public insurrection; death and disability benefits.
	EMPLOYMENT PROGRAMS	106.26	Employment transit assistance program.
106.09	Public employment offices.	106.30	Nursing workforce survey and grant.
106.10	Veterans job training.		SUBCHAPTER III
106.11	Workforce investment programs.		EQUAL RIGHTS PROGRAMS
106.12	Employment and education program administration.	106.50	Open housing.
106.13	Youth apprenticeship program.	106.52	Public places of accommodation or amusement.
106.14	Job centers.	106.54	Division of equal rights.
		106.56	Postsecondary education: prohibition against discrimination on basis of physical condition or developmental disability.
		106.58	Discrimination in education prohibited.

**Cross-reference:** See the definitions in s. 103.001.

#### SUBCHAPTER I

##### APPRENTICE PROGRAMS

**Cross-reference:** See also chs. DWD 295 and 296, Wis. adm. code.

#### 106.001 Definitions. In this subchapter:

(1) "Apprentice" means any person who enters into an apprentice contract with the department and with a sponsor or an apprenticeship committee acting as the agent of a sponsor.

(2) "Apprentice contract" means any contract or agreement of service, express or implied, between an apprentice, the department, and a sponsor or an apprenticeship committee acting as the agent of a sponsor whereby an apprentice is to receive from or through the apprentice's employer, in consideration for the apprentice's services in whole or in part, instruction in any trade, craft, or business.

(2m) "Apprenticeship committee" means a joint apprenticeship committee or a nonjoint apprenticeship committee designated by a sponsor to administer an apprenticeship program.

(4) "Apprenticeship program" means a program approved by the department providing for the employment and training of apprentices in a trade, craft, or business that includes a plan containing all of the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices as required under this subchapter, including the apprentice contract requirements under s. 106.01.

(5) "Employer" means any person employing an apprentice, whether or not the person is a party to an apprentice contract with the apprentice.

(6) "Joint apprenticeship committee" means an apprenticeship committee that consists of an equal number of representatives of employers and of representatives of employees who are represented by a collective bargaining agent.

(7) "Nonjoint apprenticeship committee" means an apprenticeship committee that consists of representatives of employers, but not of representatives of employees who are represented by a collective bargaining agent.

(8) "Sponsor" means any employer, organization of employees, association of employers, committee, or other person operating an apprenticeship program and in whose name the apprenticeship program is approved by the department.

**History:** 1999 a. 83; 2009 a. 291.

**106.01 Apprentice contracts. (1) FORMATION OF APPRENTICE CONTRACT.** Any person 16 years of age or over may enter into an apprentice contract binding himself or herself to serve as an apprentice as provided in this section. Except as provided in ss. 106.02, 106.025, and 106.03, the term of service of an apprenticeship shall be for not less than one year. Every apprentice contract shall be in writing and shall be signed by the apprentice, the department, and the sponsor or an apprenticeship committee acting as the agent of the sponsor. If the apprentice has not reached 18 years of age, the apprentice contract shall also be signed by one of the apprentice's parents or, if both parents are deceased or legally incapable of giving consent, by the guardian of the apprentice or, if there is no guardian, by a deputy of the department. The department shall specify the provisions that are required to be included in an apprentice contract by rule promulgated under sub. (11).

**(5m) ASSIGNMENT OF APPRENTICE CONTRACT.** (a) Upon entering into an apprentice contract, a sponsor that is not the proposed employer of the apprentice, or an apprenticeship committee that is acting as the agent of a sponsor, shall, with the acceptance of the apprentice contract by the proposed employer, assign the apprentice contract to the proposed employer, and the proposed employer and the apprentice named in the assignment shall be bound by the terms of the apprentice contract.

(b) The department shall furnish a copy of an acceptance described in par. (a) to each party that has signed the apprentice contract. A sponsor or apprenticeship committee that enters into an apprentice contract shall have the exclusive right to assign or reassign the apprentice contract to another sponsor, and the apprentice shall not be permitted to enter into any other apprentice contract. The period transpiring before assignment to an employer or reassignment to another employer shall not be credited toward the term of apprenticeship. The approval of the department is required in each transaction.

(c) A sponsor or apprenticeship committee that enters into an apprentice contract may reassign the apprentice contract to a different employer, but the apprentice shall not be bound by a reassignment unless that employer accepts the terms of the apprentice contract and agrees to perform the unperformed obligations of the apprentice contract. After a reassignment, the new employer shall perform the unperformed obligations of the apprentice contract. The department shall continue to have jurisdiction over an apprentice contract reassigned under this paragraph and the parties bound after the reassignment.

**(5p) TERMINATION OF APPRENTICE CONTRACT.** The department, on its own motion or on the complaint of any person, and after due

*Text from the 2007–08 Wis. Stats. database updated by the Legislative Reference Bureau. Only printed statutes are certified under s. 35.18 (2), stats. Statutory changes effective prior to 11–2–10 are printed as if currently in effect. Statutory changes effective on or after 11–2–10 are designated by NOTES. Report errors at (608) 266–3561, FAX 264–6948, <http://www.legis.state.wi.us/rsb/stats.html>*

**106.01 APPRENTICE AND EMPLOYMENT PROGRAMS**

notice, investigation, and, if requested by the apprentice, employer, or sponsor, a hearing under sub. (9), may make findings and issue an order terminating an apprentice contract if it is proved that any apprentice, employer, or sponsor that is a party to the apprentice contract is unable to continue with the obligations under the apprentice contract or has breached the apprentice contract. Upon termination of the apprentice contract, the released apprentice may enter into a new apprentice contract under any terms and conditions approved by the department that are consistent with this section.

**(6) RELATED INSTRUCTION.** (a) An employer shall pay an apprentice for the time that the apprentice is receiving related instruction as provided in this paragraph. An employer shall pay an apprentice for not less than the number of hours of related instruction specified in par. (b) or the number of hours of related instruction specified in the apprentice contract, whichever is greater, at the same rate per hour as the employer pays the apprentice for services performed.

(b) During the first 2 years of an apprenticeship, the sponsor shall provide for the apprentice not less than 144 hours per year of related instruction. If the apprenticeship is for longer than 2 years, the sponsor shall provide for the apprentice not less than a total of 400 hours of related instruction over the term of the apprenticeship. If the apprentice is receiving classroom instruction, the sponsor shall provide for the apprentice not less than 4 hours of related instruction or the equivalent during each week that the school providing the classroom instruction is in session. The total number of hours of related instruction and work that a sponsor may assign to an apprentice may not exceed 55 per week, except that nothing in this paragraph shall be construed to forbid overtime work as provided in sub. (7).

(c) This subsection does not prohibit an agreement between the parties requiring the apprentice to take additional instruction on the apprentice's own time in excess of the number of hours required under par. (b) or the apprentice contract, whichever is greater.

(d) The provider of related instruction to an apprentice shall submit reports on the grades and attendance of the apprentice to the department and the sponsor in accordance with standards set by the department.

(e) All school officers and public school teachers shall cooperate with the department and employers and sponsors of apprentices to furnish, in a public school or any school supported in whole or in part by public moneys, any related instruction that may be required to be given apprentices.

**(7) OVERTIME.** An apprentice may be allowed to work overtime. All time in excess of the hours of labor that are paid at an employee's regular rate of pay in the particular craft, industry, or business and by the particular employer shall be considered overtime. An apprentice's rate of pay for overtime shall be increased by the same percentage as the journey worker's, rate of pay for overtime is increased in the same industry or establishment.

**(8) NONPERFORMANCE OF APPRENTICE CONTRACT.** If the apprentice or sponsor that is a party to an apprentice contract or an assignee employer fails to perform any of the stipulations of the apprentice contract, the apprentice, sponsor, or assignee employer may be required to forfeit not less than \$100 nor more than \$1,000, which is to be collected on complaint of the department and paid into the state treasury. In addition, the department may terminate an apprentice contract under sub. (5p) upon application of any party and for good cause shown.

**(9) AUTHORITY OF DEPARTMENT.** The department may investigate, fix reasonable classifications, issue rules and general or special orders, and hold hearings, make findings, and render orders upon its findings as necessary to carry out the intent and purposes of this section. The investigations, classifications, hearings, findings, and orders shall be made as provided in s. 103.005. Except as provided in sub. (8), the penalties specified in s. 103.005 (12)

apply to violations of this section. Orders issued under this subsection are subject to review under ch. 227.

**(11) RULES.** The department shall promulgate rules to implement this section, including rules providing for all of the following:

(a) The provisions that are required to be included in an apprentice contract.

(b) Procedures for approving and for rescinding approval of apprenticeship programs.

**History:** 1971 c. 228 s. 43; 1977 c. 29 s. 1651; 1977 c. 273; 1993 a. 492; 1995 a. 27; 1999 a. 83; 2001 a. 16; 2003 a. 33; 2009 a. 291.

The department was a necessary party to an action by a city employee for an allegedly discriminatory annulment of his apprentice indenture. *Tillman v. City of Milwaukee*, 715 F.2d 354 (1983).

**106.02 Carpenters' apprentices.** Every person, regardless of age, commencing a carpentry apprenticeship, shall enter into an apprentice contract under and be subject to s. 106.01, except that if the apprentice is 18 years of age or over only the apprentice's signature shall be necessary to bind the apprentice. A carpentry apprenticeship shall be for a term of 4 years, except that the department may upon the application of the apprentice or the employer, or both, extend that term for up to one additional year.

**History:** 1971 c. 213 s. 5; 1993 a. 492; 1999 a. 83; 2009 a. 291.

**106.025 Plumber apprenticeships.** (1) The department may prescribe the conditions under which a person may serve a plumbing apprenticeship, as to preliminary and technical college attendance requirements, and the credit for school attendance in serving the apprenticeship.

(2) Every person commencing a plumbing apprenticeship shall enter into an apprentice contract under s. 106.01. The term of a plumbing apprentice is 5 years, but the department may upon application of the apprentice, the apprentice's employer, or both, extend the term for up to one additional year.

(3) After the expiration of an apprenticeship term, no apprentice may engage in the business of plumbing either as an apprentice or as a journeyman plumber unless the apprentice secures a journeyman plumber's license. In case of failure to pass the examination for the license, he or she may continue to serve as an apprentice but not beyond the time for reexamination for a journeyman plumber's license, as prescribed by the rules of the department.

(4) In order that the apprentice may qualify at the end of apprenticeship as a skilled mechanic in the art of installing plumbing work, the department may prescribe the level of supervision of an apprentice and the character of plumbing work that the apprentice may do during the 3rd year of the apprenticeship term. An apprentice in the 4th or 5th year of the apprenticeship term may install plumbing under the direction or supervision of a master or journeyman plumber without either the master or journeyman being physically present, provided that the master plumber in charge shall be responsible for the work.

**History:** 1971 c. 40; 1971 c. 154 s. 79 (2); 1979 c. 221; 1981 c. 60; 1993 a. 399; 1995 a. 286 ss. 1, 2; Stats. 1995 s. 106.025; 1999 a. 83; 2009 a. 291.

**106.03 Real estate apprenticeships excluded.** This subchapter does not apply to apprenticeships under ch. 452.

**History:** 2009 a. 291.

**106.04 Employment of apprentices on state public works projects.** (1) **DEFINITIONS.** In this section:

(d) "Project" means a project of public works that is subject to s. 103.49 or 103.50 in which work is performed by employees employed in trades that are apprenticeable under this subchapter.

(3) **WAIVER.** If the department grants an exception or modification to any requirement in any contract for the performance of work on a project relating to the employment and training of apprentices, the department shall post that information on its

*Text from the 2007–08 Wis. Stats. database updated by the Legislative Reference Bureau. Only printed statutes are certified under s. 35.18 (2), stats. Statutory changes effective prior to 11–2–10 are printed as if currently in effect. Statutory changes effective on or after 11–2–10 are designated by NOTES. Report errors at (608) 266–3561, FAX 264–6948, <http://www.legis.state.wi.us/rsb/stats.html>*

Internet site, together with a detailed explanation of why the exception or modification was granted.

**History:** 2009 a. 28.

## SUBCHAPTER II

### EMPLOYMENT PROGRAMS

**106.09 Public employment offices.** (1) The department shall establish and conduct free employment agencies, license and supervise the work of private employment offices, do all in its power to bring together employers seeking employees and working people seeking employment, make known the opportunities for self-employment in this state, aid in procuring employment for the blind adults of the state, aid in inducing minors to undertake promising skilled employments, provide industrial or agricultural training for vagrants and other persons unsuited for ordinary employments, and encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in this state and the remedies therefor in this and other countries, and it shall devise and adopt the most efficient means within its power to avoid unemployment, to provide employment, and to prevent distress from involuntary idleness.

(2) Any county, city, town or village may enter into an agreement with the department for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and it shall be lawful for any county, city, town or village to appropriate and expend the necessary money and to permit the use of public property for the joint establishment and maintenance of such offices as may be agreed upon, or in counties containing 250,000 inhabitants or more in any city, town or village therein to purchase a site and construct necessary buildings. Provided, that in any county, city, village or town therein, wherein there is a citizens' committee on unemployment, such committee may rent, lease, purchase or construct necessary buildings for the joint establishment and maintenance of such free employment office, subject to the approval of such plans by the department. The department may establish such free employment offices as it deems necessary to carry out the purposes of ch. 108. All expenses of such offices, or all expenses not defrayed by the county, city, town or village in which an office is located, shall be paid from the appropriations to the department provided in s. 20.445 (1) (ga) and (n).

(3) The department may rent, furnish and equip, except as provided in sub. (2), such offices as may be needed in cities for the conduct of its affairs. All payments arising under this section shall be charged against the proper appropriation for the department.

(5) The department is authorized and directed to cooperate with the U.S. employment service in the administration of its functions.

(7) The department may, by rule, fix and collect fees for provision of employment services authorized but not funded by the U.S. employment service.

**History:** 1971 c. 185 ss. 1, 7; 1971 c. 228 ss. 25, 42; Stats. 1971 s. 101.23; 1973 c. 90 s. 539; 1979 c. 34 s. 2102 (25) (a); 1981 c. 36 s. 45; 1983 a. 27; 1985 a. 29 ss. 1650, 3202 (29); 1995 a. 27 s. 3692; Stats. 1995 s. 106.09; 2003 a. 33.

**Cross-reference:** See also ch. DWD 310, Wis. adm. code.

**106.10 Veterans job training.** The department shall cooperate with the U.S. department of veterans affairs in the performance of functions prescribed in P.L. 79–679, 60 Stat. 934 and any acts amendatory thereof or supplementary thereto. The secretary may with the approval of the governor take all necessary steps in the making of leases or other contracts with the federal government in the adoption and execution of plans, methods and agreements to effectuate P.L. 79–679.

**History:** 1971 c. 185 s. 1; 1971 c. 228; Stats. 1971 s. 101.25; 1977 c. 29, 272; 1989 a. 56; 1995 a. 27 s. 3693; Stats. 1995 s. 106.10.

**106.11 Workforce investment programs.** The department shall cooperate with the federal government in carrying out the purposes of the federal Workforce Investment Act of 1998, 29 USC 2801 to 2945. In administering the programs authorized by that act the department shall, in cooperation with other state agencies and with local workforce development boards established under 29 USC 2832, establish a statewide workforce investment system to meet the employment, training, and educational needs of persons in this state. If a local workforce development board anticipates that there may be a business closing or mass layoff under s. 109.07 in the area served by that board, the board may prepare a list of resources available in that area that provide career planning, job search, job skills training, and other support services for affected employees, as defined in s. 109.07 (1) (a), including contact information for those resources, for distribution to those employees under s. 109.07 (1m) (a).

**History:** 1985 a. 29 ss. 43, 45 to 48, 50, 51, 1651 to 1653, 3202 (22); 1993 a. 399, 446; 1995 a. 27 ss. 3694 to 3697, 9145 (1); Stats. 1995 s. 106.11; 1997 a. 27, 39, 112; 1999 a. 9; 2009 a. 87.

**106.12 Employment and education program administration.** The department shall plan, coordinate, administer, and implement the youth apprenticeship program under s. 106.13 (1) and such other employment and education programs as the governor may by executive order assign to the department. Notwithstanding any limitations placed on the use of state employment and education funds under this section or s. 106.13 or under an executive order assigning an employment and education program to the department, the department may issue a general or special order waiving any of those limitations on finding that the waiver will promote the coordination of employment and education services.

**History:** 1993 a. 16; 1995 a. 27 s. 3701; 1995 Stats. s. 106.12; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25.

**106.13 Youth apprenticeship program.** (1) The department shall provide a youth apprenticeship program that includes the grant programs under subs. (3m) and (4).

**NOTE:** 2003 Senate Bill 44, enacted as 2003 Wis. Act 33, changed the term "board" to "department" in ten places in this section. Nine of the changes were vetoed but the change in sub. (1) was not vetoed.

(2) The council on workforce investment established under 29 USC 2821, the technical college system board, and the department of public instruction shall assist the department in providing the youth apprenticeship program under sub. (1).

(2m) The department shall approve occupations and maintain a list of approved occupations for the youth apprenticeship program. From the appropriation under s. 20.445 (1) (a), the department shall develop curricula for youth apprenticeship programs for occupations approved under this subsection.

(3) The youth apprenticeship program under sub. (1) shall not affect any apprenticeship program that is governed by subch. I, except that an apprenticeship program that is governed by subch. I may grant credit toward the completion of an apprenticeship for the successful completion of a youth apprenticeship under sub. (1).

(3m) (a) In this subsection, "local partnership" means one or more school districts, or any combination of one or more school districts, other public agencies, as defined in sub. (4) (a) 2., nonprofit organizations, as defined in sub. (4) (a) 1r., individuals or other persons, who have agreed to be responsible for implementing and coordinating a local youth apprenticeship program.

(b) From the appropriation under s. 20.445 (1) (e), the department shall award grants to applying local partnerships for the implementation and coordination of local youth apprenticeship programs. A local partnership shall include in its grant application the identity of each public agency, nonprofit organization, individual, and other person who is a participant in the local partnership, a plan to accomplish the implementation and coordination activities specified in subs. 1. to 6., and the identity of a fiscal agent who shall be responsible for receiving, managing, and

*Text from the 2007–08 Wis. Stats. database updated by the Legislative Reference Bureau. Only printed statutes are certified under s. 35.18 (2), stats. Statutory changes effective prior to 11–2–10 are printed as if currently in effect. Statutory changes effective on or after 11–2–10 are designated by NOTES. Report errors at (608) 266–3561, FAX 264–6948, <http://www.legis.state.wi.us/rsb/stats.html>*



Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

## Chapter DWD 295

### APPRENTICESHIP

DWD 295.001	Definitions.	DWD 295.07	Apprentice contract.
DWD 295.01	Eligibility and procedure for registration of an apprenticeship program.	DWD 295.08	Manual.
DWD 295.02	Standards.	DWD 295.10	Family-owned construction business.
DWD 295.03	Local committees.	DWD 295.15	Criteria for apprenticeable occupations.
DWD 295.04	Application forms.	DWD 295.20	Enforcement of indenture agreements.
DWD 295.05	Apprentice wages.	DWD 295.21	Deregistration of a registered program.
DWD 295.06	Effect of bargaining agreements.	DWD 295.22	Reinstatement of program registration.
		DWD 295.23	Hearings for deregistration.

**Note:** Chapter Ind 95 was renumbered chapter ILHR 295 under s. 13.93 (2m) (b) 1., Stats., Register, February, 1996, No. 482. Chapter ILHR 295 was renumbered to be DWD 295 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, September, 1997, No. 501.

#### DWD 295.001 Definitions. In this chapter:

(1) "Apprentice" has the meaning specified in s. 106.001 (1), Stats.

(2) "Assignment" means the initial placement of an apprentice with an employer.

**Note:** See also the definitions in this section of "reassignment" and "unassignment."

(3) "Cancellation" means the termination of the registration or approval status of a program at the request of the sponsor, or the termination of an apprentice contract at the request of any party to the contract.

(4) "Certificate" or "certification" means documentary evidence that:

(a) The department has established that an individual is eligible for probationary employment as an apprentice under a registered apprenticeship program;

(b) The department has registered an apprenticeship program as evidenced by a certificate of registration;

(c) The department has determined that an apprentice has successfully met the requirements to receive an interim credential; or

(d) The department has determined that an individual has successfully completed apprenticeship.

(5) "Competency" means the attainment of manual, mechanical, or technical skills and knowledge, as specified by an occupational standard and demonstrated by an appropriate written and hands-on proficiency measurement.

(6) "Completion rate" means the percentage of an apprenticeship cohort who receive a certificate of apprenticeship completion within one year of the projected completion date. An "apprenticeship cohort" is the group of individual apprentices registered to a specific program during a one-year time frame, except that a cohort does not include the apprentices whose apprentice contract has been cancelled during the probationary period or transferred.

(7) "Department" means the department of workforce development, which is the state registration agency for the purposes of 29 CFR 29.

(8) "Employer" has the same meaning as in s. 106.001 (5), Stats.

(9) "Electronic media" means media that utilize electronics or electromechanical energy for the end user to access the content; and includes electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks, and the physical movement of removable or transportable electronic media or interactive distance learning.

(10) "Federal purposes" includes any federal contract, grant, agreement or arrangement dealing with apprenticeship; and any federal financial or other assistance, benefit, privilege, contribu-

tion, allowance, exemption, preference, or right pertaining to apprenticeship.

(11) "Interim credential" means a credential issued by the department, upon request of the appropriate sponsor, as certification of competency attainment by an apprentice.

(12) "Journeyworker" 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.

**Note:** The use of this term may also refer to a mentor, technician, specialist, or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training.

(13) "Local apprenticeship committee" means an apprenticeship committee to which the department has delegated the authority to act under ss. DWD 295.02 and 295.03.

(14) "Office of Apprenticeship" means the office designated by the employment and training administration of the U. S. department of labor to administer the national apprenticeship system or its successor organization.

(15) "Provisional registration" means the initial approval of a newly registered program that meets the required standards for program registration.

(16) "Quality assurance assessment" means a comprehensive review conducted by the department regarding all aspects of an apprenticeship program's performance, including determining if apprentices are receiving on-the-job learning in all phases of the apprenticeable occupation, scheduled wage increases consistent with the registered standards, and related instruction through appropriate curriculum and delivery systems, and that the department is receiving notification of all new registrations, cancellations, and completions as required in this chapter.

(17) "Reassignment" means the assignment of an apprentice from one employer to another within the same apprenticeship program.

(18) "Registration of an apprentice contract" means the acceptance and recording of an apprentice contract by the department as evidence of the apprentice's participation in a particular registered apprenticeship program.

(19) "Registration of an apprenticeship program" means the acceptance and recording of such program by the department as meeting the basic standards and requirements of the department for approval of such program for federal and state purposes, as shown by a certificate of registration.

(20) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice's occupation. Such instruction may be given in a classroom, through occupational or industrial courses, or by correspondence courses of equivalent value, electronic media, or other forms of self-study approved by the department.

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

(21) "Sponsor" means any person, association, committee, or organization operating an apprenticeship program and in whose name the program is or will be registered or approved.

(22) "Technical assistance" means guidance provided by department staff in the development, revision, amendment, or processing of a potential or current program sponsor's standards of apprenticeship or apprentice contracts; or advice or consultation with a program sponsor to further compliance with this chapter; or guidance from the department on how to remedy nonconformity with this chapter.

(23) "Transfer" means a shift of apprenticeship registration from one program to another, where there is agreement between the apprentice and the affected apprenticeship committees or program sponsors.

(24) "Unassignment" means the temporary interruption of an apprentice contract.

(25) "Wisconsin apprenticeship advisory council" means the council created by s. 15.227 (13), Stats.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81; CR 07-010: r. (3), Register June 2007 No. 618, eff. 7-1-07; CR 10-073: am. (1), r. (4), **renum. (2) to be (7) and am., cr. (2) to (6), (8) to (25) Register November 2010 No. 659, eff. 12-1-10.**

**DWD 295.01 Eligibility and procedure for registration of an apprenticeship program.** (1) The eligibility for registration of an apprenticeship program for federal and state purposes is conditioned upon a program's conformity with the apprenticeship program standards published in this chapter. For a program to be determined by the department as being in conformity with this chapter, the program shall apply for registration and be registered with the department. The determination by the department that the program meets the apprenticeship program standards is made only through such registration.

(2) An apprenticeship program or any apprentice contract is eligible for registration by the department if it meets all of the following criteria:

(a) The program or contract is in conformity with the requirements of this chapter and the training is in an apprenticeable occupation having the characteristics set forth in s. DWD 295.15 (2).

(b) The program or contract is in conformity with the requirements of ch. DWD 296 relating to equal employment opportunity.

(3) Apprentices shall be registered in accordance with s. DWD 295.02. Such individual registration may be effected by completing an apprentice contract in accordance with s. 106.01 (1), Stats.

(4) A person applying for the registration of an apprenticeship program or an apprentice contract shall appear personally before an apprenticeship committee when the committee requests the applicant to appear. If no recommendation is received by the department from the committee within 40 days after receipt of an application by the committee, the department shall act on the application without committee recommendation. This time limit may be extended by the department on a showing of good cause. A recommendation on an individual application shall be subject to review and revision by the department in the event that an applicant is dissatisfied with the committee action.

(5) The sponsor shall notify the department within 40 days of persons who have successfully completed apprenticeship programs, transfers, unassignments, and of apprentice contracts and shall provide a statement of the reasons for any cancellations.

(6) Programs approved by the department shall be accorded registration or approval evidenced by a certificate.

(7) When the department determines that an application for a new program meets the required standards for program registration, the department shall give provisional approval to the program for a period of a full training cycle. The department shall review each new program for quality and for conformity at the end

of each year during the training cycle. At the end of the initial training cycle:

(a) A program that conforms with the requirements of this chapter shall be made permanent.

(b) A program not in operation or not conforming to this chapter shall be recommended for deregistration procedures.

(8) The department shall review each program for quality and for conformity at least once every 5 years. If a program is not in operation or not conforming to the requirements of this chapter, the department shall recommend the program for deregistration procedures.

(9) A proposal or application to modify or change a registered program or established apprenticeship standards shall be submitted to the department. The department shall make a determination which approves or disapproves the proposal or application within 90 days from the date of receipt. If the department approves the modification or change, the department shall record and acknowledge the approval as an amendment to the program within 90 days. If the department does not approve a proposed modification or change, it shall notify the sponsor of the disapproval and the reasons therefore and provide the appropriate technical assistance.

(10) When proposing an individually sponsored apprenticeship program for registration by an employer or employers' association that provides for participation by a union, the department shall require a written statement of union agreement or no objection to the program. If a program proposed by an employer or employers' association does not provide for union participation, the employer or employers' association shall furnish to any existing union which is the collective bargaining agent of the employees to be trained a copy of its application for registration and of the apprenticeship program. The department shall allow 45 days for the receipt of union comments, if any, before final action on the application for registration or approval.

(11) When the employees to be trained in an individually sponsored apprenticeship program have no collective bargaining agreement, an employer or group of employers, or an employer association may propose an apprenticeship program.

**History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, November, 1978, No. 275, eff. 12-1-78; **renum. from Ind 85.01, Register, April, 1981, No. 304, eff. 5-1-81; CR 10-073: r. and rec. Register November 2010 No. 659, eff. 12-1-10.**

**DWD 295.02 Standards.** (1) The department may adopt statewide or local apprenticeship standards covering minimum training requirements, procedure in processing apprentice contracts, qualification of applicant employers and apprentices, functions of local apprenticeship committees, and such other matters as constitute an apprenticeship program in a particular trade.

(2) To be eligible for approval and registration by the department, an apprenticeship program shall conform to the following standards:

(a) The program shall have an organized, written plan, also referred to as program standards, embodying the terms and conditions of employment, training, and supervision of one or more apprentices in an apprenticeable occupation, which meets the criteria in s. DWD 295.15 (2) and is subscribed to by a sponsor who has undertaken to carry out the apprentice training program. The term of apprenticeship may be measured either through the completion of the industry standard for on-the-job learning of at least 2,000 hours, known as the time-based approach, the attainment of competency, known as the competency-based approach, or a blend of the time-based and competency-based approaches, known as the hybrid approach.

(b) The program standards shall contain provisions that address:

1. The employment and training of the apprentice in a skilled occupation.



**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

2. For standards using the time-based approach, the measurement of skill acquisition through the individual apprentice's completion of at least 2,000 hours of on-the-job learning as described in a work process schedule.
  3. For standards using the competency-based approach, the measurement of skill acquisition through the individual apprentice's successful demonstration of acquired skills and knowledge, as verified by the program sponsor. Programs utilizing this approach shall still require apprentices to complete an on-the-job learning component of registered apprenticeship. The program standards shall address how on-the-job learning will be integrated into the program, describe competencies, and identify an appropriate means of testing and evaluation for such competencies.
  4. For standards using the hybrid approach, the measurement of 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.
  5. An outline of the work processes in which the apprentice will receive supervised work experience and learning on the job, and the allocation of the approximate amount of time to be spent in each major process.
  6. Provision for organized, related, and supplemental instruction in technical subjects related to the occupation. A minimum of 144 hours for each year of apprenticeship is required. This instruction in technical subjects may be accomplished through such media as: Classroom, occupational or industry courses, electronic media, or other instruction approved by the department. Apprenticeship instructors shall meet the educational and occupational requirements of the Wisconsin Technical College System Board, or be a subject matter expert, which is an individual, such as a journeyworker, who is recognized within an industry as having expertise in a specific occupation, and have training in teaching techniques and adult learning styles, which may occur before or after the apprenticeship instructor has started to provide the related technical instruction.
  7. A progressively increasing schedule of wages to be paid to the apprentice consistent with the skill acquired. The entry wage shall not be less than the minimum wage prescribed by the Fair Labor Standards Act, 29 USC 206, or Wisconsin's minimum wage law.
  8. Periodic review and evaluation of the apprentice's performance on the job and in related instruction; and the maintenance of appropriate progress records.
  9. A numeric ratio of apprentices to journeyworkers consistent with proper supervision, training, safety, and continuity of employment, and applicable provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language shall be specific and clearly described as to its application to the job site, workforce, department, or plant.
  10. 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 may not exceed 25 percent of the length of the program, or 12 months, whichever is shorter.
  11. Adequate and safe equipment and facilities for training and supervision, and safety training for apprentices on the job and in related instruction.
  12. The minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age not less than 16 years.
  13. The placement of an apprentice under a written contract that meets the requirements of ch. 106, Stats. The contract shall directly, or by reference, incorporate the standards of the program as part of the contract.
  14. The granting of advanced standing or credit for demonstrated competency, acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted.
  15. The transfer of an apprentice between apprenticeship programs and within an apprenticeship program shall be based on agreement between the apprentice and the affected local apprenticeship committees or program sponsors and the department, 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 committee or program sponsor;
    - b. Transfer shall be to the same occupation; and
    - c. A new apprentice contract shall be executed when the transfer occurs between program sponsors.
  16. Assurance of qualified training personnel and adequate supervision on the job.
  17. Recognition for successful completion of apprenticeship evidenced by an appropriate certificate issued by the department.
  18. 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 particular 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. Identification of the department.
  20. Provision for the registration, cancellation and deregistration of the program; and for the prompt submission of any program standard modification or amendment to the department for approval.
  21. Provision for registration of apprenticeship agreements, modifications, and amendments; notice to the department of persons who have successfully completed apprenticeship programs; and notice of transfers, unassignments, and cancellations of apprentice contracts and a statement of the reasons therefor.
  22. Authority for the cancellation of an apprentice contract during the probationary period by either party without stated cause; cancellation during the probationary period shall not have an adverse impact on the sponsor's completion rate.
  23. Compliance with 29 CFR 30, including the equal opportunity pledge prescribed in 29 CFR 30.3(b); an affirmative action plan complying with s. DWD 296.04; and a method for the selection of apprentices authorized by s. DWD 296.05, or compliance with parallel requirements contained in a state plan for equal opportunity in apprenticeship adopted under ch. DWD 296 and approved by the department. The apprenticeship standards shall also include a statement that the program shall be conducted, operated and administered in conformity with applicable provisions of ch. DWD 296, as amended, or, if applicable, an approved state plan for equal opportunity in apprenticeship.
  24. Contact information, including name, address, telephone number and email address, for the appropriate individual with authority under the program to receive, process and make disposition of complaints.
  25. Recording and maintenance of all records concerning apprenticeship as may be required by the department and other applicable law.
- (3) In trades for which no uniform apprenticeship courses or schedules of training have been adopted by the department, the

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

sponsor may execute an apprentice contract with approved standards, subject to the approval of the department.

**History:** CR 10-073; cr. Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.03 Local committees.** (1) The function of local apprenticeship committees is to act in an advisory capacity to the department and to be parties to apprentice contracts. Candidates for membership are nominated by the organizations which the members are to represent. To be recognized as a local apprenticeship committee each individual member shall be officially so designated by the department. The geographical jurisdictional area of each such local apprenticeship committee shall be determined by the department.

(2) This rule does not apply to shop or plant sponsored apprenticeship programs or to local apprenticeship committees created under the terms of a bargaining agreement between the management and its employees within that plant or shop program.

**History:** Cr. Register, March, 1957, No.15, eff. 4-1-57; am. (1), Register, November, 1978, No.275, eff. 12-1-78; renum. from Ind 85.02, Register, April, 1981, No.304, eff. 5-1-81; CR 10-073; renum. from DWD 295.02 and am. Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.04 Application forms.** Where the department requires application forms to be filled out by applicant employers, applicant sponsors, and applicants for apprenticeships, the forms shall be approved by the department.

**Note:** All forms referred to may be obtained at no charge from the Department of Workforce Development, Bureau of Apprenticeship Standards, P.O. Box 7972, Madison, WI 53707.

**History:** Cr. Register, March, 1957, No.15, eff. 4-1-57; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.03, Register, April, 1981, No.304, eff. 5-1-81; CR 10-073; renum. from DWD 295.03 and am. Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.05 Procedure in processing indentures where there are area joint apprenticeship committees.** **History:** Cr. Register, March, 1957, No.15, eff. 4-1-67; am. Register, November, 1978, No. 276, eff. 12-1-78; renum. from Ind 85.05, Register, April, 1981, No.304, eff. 5-1-81; CR 10-073; r. Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.05 Apprentice wages.** (1) An apprentice contract wage scale is deemed adequate when, during the term of training, it averages 60% of the current journeyworker rate or skilled wage rate. The apprentice contract shall provide for a graduated scale progressing in periods as approved by the department.

(2) In determining the journeyworker or skilled wage rate, for the construction sector for the apprentices who are covered under a collective bargaining agreement, the specified rate applies. Where apprentices are not covered by the collective bargaining agreement, the skilled wage rate is the rate average, calculated as the mean, based on the geographical area of the appropriate local committee. The department will not normally approve a skilled rate for apprenticeship purposes more than 20% below the journeyworker rate in the area. In controversial cases, growing out of the fact that the committee's jurisdictional area is so great as to extend into communities in which application of this policy proves impracticable, the department reserves the right to make exceptions.

(3) In other industry sectors in which collective bargaining is on the basis of an individual program, the skilled rate is that rate specified in the bargaining agreement. In individual programs not covered by bargaining agreements, the skilled rate is that rate paid the greatest number of competent journeyworkers in like establishments in the community, or such other rate deemed adequate by the department.

**History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.04, Register, April, 1981, No.304, eff. 6-1-81; CR 10-073; renum. from DWD 295.04 and am. Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.06 Effect of bargaining agreements.**

(1) Where conditions of employment of apprentices are stipulated by collective bargaining agreement, the department will be

guided by the terms of such agreement provided such terms are not in conflict with state statutes or this chapter.

(2) The department shall similarly be guided by any special provision for veterans, minority persons, or women in the standards, apprentice qualifications or operation of the program, or in the apprentice contract, which is not otherwise prohibited by law, executive order, or authorized regulation.

**History:** Cr. Register, March, 1957, No.15, eff. 4-1-57; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.06, Register, April, 1981, No.304, eff. 5-1-81; correction made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1984; correction made under s. 13.93 (2m) (b) 7, Stats., Register, February, 1996, No. 482; CR 10-073; renum DWD 295.06 to be (1), cr. (2) Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.07 Apprentice contract.** (1) All apprentice contracts shall be made upon the forms provided by the department.

(2) No apprentice contract shall be considered in force unless it has had the approval of the department.

(3) The apprentice contract shall contain, explicitly or by reference, all of the following information:

(a) Names and signatures of the contracting parties (apprentice, the program sponsor, and the department), and the signature of a parent or guardian if the apprentice is a minor.

(b) The date of birth of the apprentice, and, on a voluntary basis, the social security number of the apprentice.

(c) Contact information of the program sponsor and the department.

(d) A statement of the occupation in which the apprentice is to be trained, and the beginning date and term constituting the duration of apprenticeship.

(e) A statement showing:

1. 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; or 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

2. The number of hours to be spent in related instruction in technical subjects related to the occupation consistent with s.106.01 (6) (a) and (b), Stats.

(f) 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.

(g) A statement of the graduated scale of wages to be paid to the apprentice and whether or not the required related instruction is compensated.

(h) 1. The apprentice contract shall state the length of the probationary period, which may be up to 25% of the contract hours of the apprenticeship but in no case shall it exceed 12 calendar months. The probationary period shall constitute part of the apprenticeship period.

2. During the probationary period, apprentice contracts are voidable by any party to the contract upon written notice to the department.

3. After the probationary period, the apprentice contract may be cancelled consistent with this chapter.

(i) A reference incorporating as part of the contract the standards of the apprenticeship program as they exist on the date of the contract and as they may be amended during the period of the contract, upon approval of the department.

(j) A statement that the apprentice shall be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, sex, sexual orientation, or age.

(k) Contact information of the department when the controversies or differences cannot be resolved locally.

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

(L) A statement of advance standing including work and related instruction wages shall be commensurate for the credit granted or an amendment thereto.

(4) A minor with an apprentice contract under the provisions of ch. 106, Stats., shall not be subject to the law relating to prohibited employments for minors, to the extent that the minor is performing service within the provisions of an apprentice contract approved by the department.

(5) The terms of an existing apprentice contract may be modified subject to approval of the department.

**History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57; am. Register, November, 1978, No. 275, eff. 12-1-78; renun. from Ind 85.08, Register, April, 1981, No. 304, eff. 5-1-81; CR 02-087: am. (4) Register November 2002 No. 563, eff. 12-1-02; CR 10-073: r. and recr. (title), (3), am. (1), (2), r. (4), (5), (6), renun. (7), (8) to be (4), (5) and am. Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.08 Manual.** The department shall keep on record and make available to all interested persons the apprentice-ship manual as approved by the department effective January 2008, or as thereafter amended.

**History:** Cr. Register, March, 1967, No. 15, eff. 4-1-57; am. Register, November, 1978, No. 275, eff. 12-1-78; renun. from Ind 85.09, Register, April, 1981, No. 304, eff. 5-1-81; CR 07-010: am. Register June 2007 No. 618, eff. 7-1-07; CR 10-073: am. Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.09 Forms.** **History:** Cr. Register, October, 1957, No. 22, eff. 11-1-57; am. Register, November, 1978, No. 275, eff. 12-1-78; renun. from Ind 85.10, Register, April, 1981, No. 304, eff. 5-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1996, No. 482; CR 10-073: r. Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.10 Family-owned construction business.** (1) In this section, "family-owned construction business" means a construction business which is owned or a majority of whose stock is owned by one person or jointly by 2 persons who are related by blood or marriage.

(2) An owner of a family-owned construction business may select any of his or her sons or daughters or any person necessary to an approved affirmative action plan as an apprentice when the person has met the qualification standards for a trade and the business has met the qualification standards for training the type of apprentice involved.

(3) This section may not be used by a family-owned construction business to replace an apprentice already registered and assigned to the business.

(4) Where conditions of employment of apprentices are stipulated by a collective bargaining agreement, the department will be guided in its actions under this section by the terms of the agreement. Such stipulated conditions may require that sons and daughters of owners receive the same treatment as all other apprenticeship applicants.

**Note:** The qualification standards referred to in sub. (2) are set by joint apprenticeship committees and the department. Copies are available from the division of apprenticeship and training, P.O. Box 7946, Madison, WI 53707.

**History:** Cr. Register, June, 1984, No. 342, eff. 7-1-84; CR 10-073: am. (2), (3) Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.15 Criteria for apprenticeable occupations.** (1) **DUTIES OF THE DEPARTMENT.** (a) No apprentice contract or program may be approved pursuant to ch. 106, Stats., unless the occupation involved has been approved by the department as one suitable as an apprenticeable occupation under the criteria provided in this section.

(b) The department shall maintain a list of approved apprenticeable occupations.

(2) **OCCUPATIONAL CRITERIA.** In order for a new occupation to be approved by the department as an apprenticeable occupation, the department shall find that the occupation:

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

(b) Is clearly identified and commonly recognized throughout an industry;

(c) Involves the progressive attainment of manual, mechanical, or technical skills and knowledge which, in accordance with the industry standard for the occupation, would require the completion of at least 2,000 hours of on-the-job learning to attain; and

(d) Requires related instruction to supplement the on-the-job learning.

**History:** Cr. Register, October, 1981, No. 310, eff. 11-1-81; CR 10-073: am. (1) (a), (2) (a), (b), r. and recr. (2) (c), (d), r. (2) (e), (3) Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.20 Enforcement of indenture agreements.**

(1) **COMPLAINTS.** The department may accept complaints arising under an apprentice contract which cannot be adjusted locally alleging that an apprentice contract entered into under ch. 106, Stats., is not being complied with by another party to the agreement. This section does not apply to any complaint concerning discrimination or other equal opportunity issues covered by ch. DWD 296, or subject matter covered by a collective bargaining agreement.

(2) **REQUIREMENTS.** The complaint shall be in writing and signed by the complainant, or authorized representative, and shall be submitted within 20 days of the final local decision. It shall set forth the specific matters complained of, together with relevant facts and circumstances. Copies of pertinent documents and correspondence shall accompany the complaint.

(3) **INITIAL PROCEDURE.** The department, as appropriate, shall render an opinion within 90 days after receipt of the complaint, based upon such investigation of the matters submitted as may be found necessary, and the record before it. During the 90-day period, the department shall make reasonable efforts to effect a satisfactory resolution between the parties involved. If so resolved, the parties shall be notified that the case is closed. Where an opinion is rendered, copies shall be sent to all interested parties. Nothing in this section precludes an apprentice from pursuing any other remedy authorized under another federal, state, or local law.

(4) **NOTICE.** (a) *Notice of intent to cancel.* If any party to the apprentice contract requests that the department cancel the contract, the department shall send a written notice of intent to cancel to the complainant and the other party or parties. The notice shall state that the apprentice contract will be cancelled 20 days from the date of the notice, unless the department receives a written objection from any party within the 20-day period. An objection shall be on the form provided by the department with the notice.

(b) *No objection to cancellation.* If no party to the apprentice contract objects by the expiration of the 20-day period in the notice of intent to cancel, the apprentice contract is cancelled effective the date of the cancellation notice under par. (d).

(c) *Timely objection.* If the department receives an objection within the 20-day period provided in the notice of intent to cancel, the following provisions apply:

1. The apprentice contract shall remain in the status it is in at the time that the department receives the objection, until the department cancels the apprentice contract under par. (d).

2. The department shall determine whether the information provided by the complainant and the objecting party supports the complainant's allegation that another party is not complying with the terms of the apprentice contract and whether the apprentice contract should be cancelled. If the information provided is unclear or incomplete, the department shall investigate further.

3. If the department determines that the apprentice contract should be cancelled, the department shall send a cancellation notice under par. (d) and the apprentice contract is cancelled effective the date of the notice. If the department determines that the apprentice contract should not be cancelled, the department shall rescind the intent to cancel notice.

(d) *Cancellation notice.* If the apprentice contract is cancelled, the department shall send a written cancellation notice to the par-

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

ties. Any party who objects may make a request for a hearing within 20 days from the date of the notice.

(5) **APPROPRIATE SUBJECT MATTER.** (a) The department shall hold a hearing if a timely request is made under sub. (3) on any complaint alleging that the provisions of the apprentice contract are not being complied with by a party to the contract. The department may not hold a hearing on complaints which consist of matters which are unrelated to the provisions of the apprentice contract.

(b) Examples of violations of the apprentice contract which may be appropriate subject matter for a hearing on a complaint to the department under this chapter include:

1. That the employer or other party to the apprentice contract has not provided to the apprentice the proper on-the-job learning as required in the apprentice contract;

2. That the employer or other party to the apprentice contract has failed to provide to the apprentice the proper related instruction as required in the apprentice contract;

3. That the employer or other party to the apprentice contract has assigned the apprentice to perform job duties which do not provide the proper on-the-job learning as required in the apprentice contract;

4. That the employer or other party to the apprentice contract has failed to pay the wages as required in the apprentice contract;

5. That the apprentice is not satisfactorily progressing in the on-the-job learning or related instruction required under the apprentice contract.

(c) Examples of matters which are unrelated to the provisions of the apprentice contract which are not appropriate subjects for a hearing by the department under this chapter include:

1. Employee absenteeism or tardiness at work or school;
2. Employee use of drugs or alcohol on the job at work or school;
3. Insubordination;
4. Refusal to perform work as assigned; or
5. Employee violations of the employer's printed work rules.

(d) If the department's investigation reveals that the dispute between the apprentice and the employer or other party to the apprentice contract is unrelated to the provisions of the apprentice contract, the department may cancel the apprentice contract.

(6) **HEARING PROCEDURES.** (a) When the department sets a date for a hearing, it shall notify each party to the apprentice contract at least 20 days prior to the date of the hearing.

(b) The person appointed by the department as the hearing examiner may not be any person who has participated in an initial investigation of the complaint.

(c) The hearing examiner shall limit the hearing to the appropriate subject matter under sub. (5).

(d) The person making the complaint shall present evidence at the hearing to support the allegations in the complaint. If the person making the complaint fails to appear at the hearing without good cause or refuses to present evidence to support the allegations in the complaint, the hearing examiner may dismiss the complaint.

(e) The hearing examiner is not bound by the strict statutory or common law rules of evidence. Evidence shall be admitted as provided in s. 227.45, Stats.

(f) The hearing shall be transcribed. Any party may obtain a copy of the transcript by purchasing a copy from the transcription agency.

(g) At the conclusion of the hearing, the hearing examiner shall make written findings and orders and serve them upon the parties. The hearing examiner may make orders to enforce the apprentice contract, order penalties as provided in s. 106.01, Stats., cancel the apprentice agreement, or dismiss the complaint.

(h) If the hearing examiner finds that a penalty as provided in s. 106.01, Stats., is appropriate, the department may request the attorney general to seek a court order directing the party to pay the penalty. If any party fails to comply with an order of the hearing examiner, the department may request the attorney general to seek enforcement of the order or penalty in the circuit court.

(i) The decision of the hearing examiner is the final order of the department. Any party may seek judicial review of an order of the hearing examiner, as provided in ch. 227, Stats.

(7) **CANCELLATION.** This section does not apply to the request of either party that an apprentice contract be cancelled during the probationary period specified in the apprentice contract.

**History:** Cr. Register, May, 1981, No. 305, eff. 6-1-81; correction in (5) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1996, No. 482, CR 07-010: am. (1), (4) (a), (b), (c), and (d), (5) (a), (b), and (f) and (6), r. (2), r. and recr. (3), Register June 2007 No. 618, eff. 7-1-07; CR 10-073: am. (1), cr. (2), (3), **renum** (3), (4), (5), (6) to be (4), (5), (6), (7) and am. Register November 2010 No. 659, eff. 12-1-10; correction in (2) (title), (3) (title) made under s. 13.92 (4) (b) 2., Stats., Register November 2010 No. 659.

**DWD 295.21 Deregistration of a registered program.**

(1) **TYPES OF DEREGISTRATION.** Deregistration of a program may be effected upon the voluntary action of the sponsor by submitting a request for cancellation of the registration in accordance with sub. (2), or upon reasonable cause, by the department instituting formal deregistration proceedings in accordance with sub. (3).

(2) **DEREGISTRATION AT THE REQUEST OF THE SPONSOR.** The department may cancel the registration of an apprenticeship program by written acknowledgment of such request stating the following:

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

(b) That, within 15 days of the date of the acknowledgment, the department shall notify all apprentices of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of individual registration; that the deregistration of the program removes the apprentice from coverage for federal and state purposes which require the U. S. secretary of labor's approval of an apprenticeship program, and that all apprentices are referred to the department for information about potential transfer to other registered apprenticeship programs.

(3) **DEREGISTRATION BY THE DEPARTMENT UPON REASONABLE CAUSE.** (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: failure to provide on-the-job learning; failure to provide related instruction; failure to pay the apprentice a progressively increasing schedule of wages consistent with the apprentices skills acquired; or persistent and significant failure to perform successfully. Deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions under ch. DWD 296.

(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 department during a review process as requiring corrective action.

(4) **NOTICE.** Where it appears the program is not being operated in accordance with the registered standards or with requirements of this chapter, the department shall notify the program sponsor in writing.

(5) **NOTICE REQUIREMENTS.** The notice sent to the program sponsor's contact person shall:

(a) Be sent by registered or certified mail, with return receipt requested;



**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

(b) State the shortcomings and the remedy required; and  
 (c) State that a determination of reasonable cause for deregistration shall be made unless corrective action is effected within 30 days.

**(6) EXTENSION.** Upon request by the sponsor for good cause, the 30-day term may be extended another 30 days. During the period for corrective action, the department shall assist the sponsor in every reasonable way to achieve conformity.

**(7) NOTICE OF DEREGISTRATION.** If the required correction is not effected within the allotted time, the department 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 paragraph;
- (b) Certain deficiencies were called to the sponsor's attention, enumerating them and the remedial measures requested, with the dates of such occasions and letters, and that the sponsor has failed or refused to effect correction;
- (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 days of the receipt of this notice, the sponsor requests a hearing by the department; and
- (d) If the sponsor does not request a hearing, the entire matter shall be submitted to the department for a decision on the record with respect to deregistration.

**(8) NONHEARING ORDER.** If the sponsor does not request a hearing, the department shall prepare a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration, and copies of all relevant documents and records. Statements concerning interviews, meetings, and conferences shall include the time, date, place, and persons present. The department shall make a final order on the basis of the record presented.

**(9) HEARING.** If the sponsor requests a hearing, the department shall prepare a report containing all the data listed in sub. (8), and the department shall refer the matter to a hearing officer. The hearing officer shall convene a hearing in accordance with ch. 227, Stats., and issue a decision as required in ch. 227, Stats.

**(10) CONTENTS OF ORDER.** Every order of deregistration shall contain a provision that the sponsor shall, within 15 days of the effective date of the order, notify all registered apprentices of the deregistration of the 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 which require the U. S. secretary of labor's approval of an apprenticeship program; and that all apprentices are referred to the department for information about potential transfer to other registered apprenticeship programs.

**History:** CR 10-073: cr. Register November 2010 No. 659, eff. 12-1-10; correction to (4) (title) to (10) (title) made under s. 13.92 (4) (b) 2, Stats., Register November 2010 No. 659.

**DWD 295.22 Reinstatement of program registration.** Any apprenticeship program deregistered under s. DWD 295.21 may be reinstated by the department upon presentation to the department of adequate evidence that the apprenticeship program is operating in accordance with this chapter.

**History:** CR 10-073: cr. Register November 2010 No. 659, eff. 12-1-10.

**DWD 295.23 Hearings for deregistration.** (1) Within 10 days of receipt of a request for a hearing, the department shall designate a hearing officer to preside over the hearing. The hearing officer shall give reasonable notice of such hearing by registered mail, return receipt requested, to the appropriate sponsor. The notice shall include:

- (a) A reasonable time and place of hearing;
- (b) A statement of the provisions of this chapter pursuant to which the hearing is to be held; and
- (c) A concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

**(2)** The procedures contained in ch. 227, Stats., shall apply to the disposition of the request for hearing except that:

(a) The hearing officer shall receive, and make part of the record, documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available by the party submitting the documentary evidence to any party to the hearing upon request.

(b) Technical rules of evidence shall not apply to hearings conducted pursuant to this chapter, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied, where reasonably necessary, by the hearing officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence.

(c) The hearing officer shall issue a written decision within 90 days of the close of the hearing record. The hearing officer's decision constitutes final agency action unless, within 20 days from the date of the decision, a party dissatisfied with the decision files a petition for rehearing with the department, specifically identifying the procedure, fact, law or policy to which exception is taken. Any exception not specifically noted is deemed to have been waived. A copy of the petition for rehearing shall be sent to the opposing party at the same time. Thereafter, the decision of the hearing officer remains final agency action unless the hearing officer, within 30 days of the filing of the petition for rehearing, notifies the parties that it has accepted the case for rehearing. The hearing officer may set a briefing schedule or decide the matter on the record. The hearing officer shall decide any case that the hearing officer accepts for review within 180 days of the close of the record. If not so decided, the hearing officer's previous decision constitutes final agency action.

**History:** CR 10-073: cr. Register November 2010 No. 659, eff. 12-1-10.



Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

## Chapter DWD 296

### FEDERAL EQUAL OPPORTUNITY STANDARDS FOR APPRENTICESHIP PROGRAMS

DWD 296.01	Scope and purpose.	DWD 296.11	Complaint procedure.
DWD 296.02	Definitions.	DWD 296.12	Adjustments in schedule for compliance review or complaint processing.
DWD 296.03	Authority to adopt state plan.	DWD 296.13	Sanctions.
DWD 296.04	Equal opportunity standards.	DWD 296.14	Reinstatement of program registration.
DWD 296.05	Affirmative action plans.	DWD 296.15	Intimidatory or retaliatory acts.
DWD 296.06	Selection of apprentices.	DWD 296.16	Nondiscrimination.
DWD 296.07	Existing list of eligibles and public notice.	DWD 296.17	Exemptions.
DWD 296.08	Records.		
DWD 296.09	Compliance reviews.		
DWD 296.10	Noncompliance With federal and state equal opportunity requirements.		

**Note:** Chapter Ind 96 was renumbered chapter ILHR 296 under s. 13.93 (2m) (b) 1., Stats., Register, February, 1996, No. 482. Chapter ILHR 296 was renumbered Chapter DWD 296 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, September, 1997, No. 501.

**DWD 296.01 Scope and purpose.** (1) This plan sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the state apprenticeship agency. These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship and the procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs.

(2) The purpose of this plan is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex in apprenticeship programs by requiring affirmative action to provide equal opportunity in such apprenticeship programs and by coordinating this part with other equal opportunity programs.

**History:** Cr. Register, July, 1967, No. 139, eff. 8-1-67; r. and recr. Register, August, 1972, No. 200, eff. 9-1-72; renun. from Ind 85.11, Register, April, 1981, No. 304, eff. 5-1-81.

**DWD 296.02 Definitions.** (1) "Agency" means the department of workforce development, division of apprenticeship and training.

(2) "Department" means the U.S. department of labor.

(3) "Employer" means any person or organization employing an apprentice whether or not the apprentice is enrolled with such person or organization or with some other person or organization.

(4) "Apprenticeship program" means a program operated in accordance with ch. 106, Stats.

(5) "Sponsor" means any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.

(6) "Commission" means the Wisconsin department of workforce development secretary or any person specifically designated by the secretary.

(7) "Registration" means the approval of an apprenticeship program or indenture by the department in accordance with Wisconsin statutes.

(8) "Deregistration" means the cancellation of an apprenticeship program or indenture by the department in accordance with Wisconsin statutes.

(9) "Secretary of labor" means the secretary of labor, the assistant secretary of labor for manpower or any person specifically designated by either of them.

(10) "Minority count" means, for the purpose of determining underutilization, the combinations of race, color, and national origin as used by EEOC identification, of 4 major minority groups should be used, namely, Negro, American Indian, Oriental

and Spanish-American. The latter minority group includes persons of Latin American, Mexican and Puerto Rican origin. In determining underutilization and establishment of goals, minorities are treated as one group, i.e., the numbers of Negro, American Indian, Oriental and Spanish-American are combined for a minority count. This applies to both data or minority count in the labor market area and in the sponsor's work force.

(11) "Female count" means, for the purpose of determining female underutilization, the combinations of race, color, and national origin as used by EEOC identification.

**History:** Cr. Register, July, 1967, No. 139, eff. 8-1-67; r. and recr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renun. from Ind 85.12, Register, April, 1981, No. 304, eff. 5-1-81.

**DWD 296.03 Authority to adopt state plan.** The authority for the implementation and adoption of these policies and procedures affecting the registration of apprenticeship programs with the agency is vested in the department under the authority of chs. 106 and 101, Stats., and other applicable statutes and regulations.

**History:** Cr. Register, July, 1967, No. 129, eff. 8-1-67; r. and recr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renun. from Ind 85.13, Register, April, 1981, No. 304, eff. 5-1-81.

#### DWD 296.04 Equal opportunity standards.

(1) **OBLIGATION OF SPONSORS.** Each sponsor of an apprenticeship program shall:

(a) Recruit, select, employ, and train apprentices during their apprenticeship, without discrimination because of race, color, religion, national origin, or sex; and

(b) Uniformly apply rules and regulations concerning apprentices, including but not limited to, equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties, or other disciplinary action, and all other aspects of the apprenticeship program administration by the program sponsor; and

(c) Take affirmative action to provide equal opportunity in apprenticeship, including adoption of an affirmative action plan as required by this state plan.

(2) **EQUAL OPPORTUNITY PLEDGE.** Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge:

"The recruitment, selection, employment and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under 29 CFR part 30, and the equal employment opportunity rules of the state of Wisconsin."

(3) **PROGRAMS PRESENTLY REGISTERED.** Each sponsor of an apprenticeship program registered with the agency as of June 12,

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

1978 shall, by no later than January 1, 1979, take the following actions:

(a) Include in the standards of its apprenticeship program the equal opportunity pledge prescribed by sub. (2), and

(b) Adopt an affirmative action plan required by s. DWD 296.05, and

(c) Adopt a selection procedure required by s. DWD 296.06. A sponsor adopting a selection method under s. DWD 296.06 (2) (a), (b) or (c) shall prepare, and have available for submission upon request, copies of its amended standards, affirmative action plans, and selection procedure. A sponsor adopting a selection method under s. DWD 296.06 (2) (d) shall submit to the agency copies of its standards, affirmative action plan and selection procedure in accordance with the requirements of s. DWD 296.06 (2) (d) 1.

(4) **SPONSORS SEEKING NEW REGISTRATION.** A sponsor of a program seeking new registration with the agency shall submit copies of its proposed program, affirmative action plan, selection procedures, and such other information as may be required.

(5) **PROGRAMS SUBJECT TO APPROVED EQUAL EMPLOYMENT OPPORTUNITY PLANS.** A sponsor shall not be required to adopt an affirmative action plan under s. DWD 296.05 or a selection procedure under s. DWD 296.06 if it submits to the agency satisfactory evidence that it is in compliance with an equal employment opportunity program providing for the selection of apprentices and for affirmative action in apprenticeship including goals and timetables for women and minorities which has been approved as meeting the requirements of Title VII of the Civil Rights Act of 1964 as amended (42 USC 2000e et seq.) and its implementing regulations published in Title 29 of the Code of Federal Regulations, Chapter XIV or executive order 11246, as amended, and its implementing regulations at Title 41 of Code of Federal Regulations, chapter 60: *Provided*, that plans approved, modified or renewed subsequent to the effective date of this amendment will qualify for this exception only if the goals and timetables for minorities and women for the selection of apprentices provided for in such plans are equal to or greater than the goals required under this plan.

(6) **PROGRAMS WITH FEWER THAN 5 APPRENTICES.** A sponsor of a program in which fewer than 5 apprentices are indentured may not be required to adopt an affirmative action plan under s. DWD 296.05 or a selection procedure under s. DWD 296.06 provided, that such program was not adopted to circumvent the requirements of this plan.

**History:** Cr. Register, July, 1967, No. 139, eff. 8-1-67; r. and recr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.14, Register, April, 1981, No. 304, eff. 5-1-81; corrections in (3), (5) and (6) made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1996, No. 482.

**DWD 296.05 Affirmative action plans. (1) ADOPTION OF AFFIRMATIVE ACTION PLANS.** A sponsor's commitment to equal opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action plan.

(2) **DEFINITION OF AFFIRMATIVE ACTION.** Affirmative action is not mere passive nondiscrimination. It includes procedures, methods, and program for the identification, positive recruitment, training, and motivation of present and potential minority and female (minority and nonminority) apprentices. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of minority and women work potential. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to Wisconsin's labor force.

(3) **OUTREACH AND POSITIVE RECRUITMENT.** An acceptable affirmative action plan must include adequate provision for outreach and positive recruitment that would reasonably be expected to increase minority and women participation in apprenticeship

by expanding the opportunity of these persons to become eligible for apprenticeship selection. In order to achieve these objectives, sponsors shall undertake activities such as those listed below. It is not contemplated that each sponsor necessarily will include all of the listed activities in its affirmative action program. The scope of the affirmative action program will depend on all the circumstances including the size and type of the program and its resources. However, the sponsor will be required to undertake a significant number of appropriate activities in order to enable it to meet its obligations under this part. The affirmative action plan shall set forth the specific steps the sponsor intends to take in the areas listed below.

(a) 1. Dissemination of information concerning the nature of apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor.

2. For programs accepting applications only at specified intervals, such information shall be disseminated at least 30 days in advance of the earliest date of application at each interval.

3. For programs customarily receiving applications throughout the year, such information shall be regularly disseminated but not less than semiannually.

4. Such information shall be given to the agency, local schools, employment service office, community organizations which can effectively reach minority and women's groups, and published in newspapers which are circulated in the minority community as well as the general areas in which the program sponsor operates. When apprenticeship openings are advertised in the newspapers, the "Help Wanted — Male or Female" column should be used.

(b) Participate in annual workshops conducted by employment service agencies for the purpose of familiarizing school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.

(c) Cooperation with local school boards, vocational education systems, and other agencies to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.

(d) Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance and support among the sponsor's various officers, supervisors, employees and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under s. DWD 296.05.

(e) Engaging in programs such as outreach for the positive recruitment and preparation of potential applicants for apprenticeships; where appropriate and feasible, such programs shall provide for pretesting experience and training. If no such programs are in existence, the sponsor shall seek to initiate these programs, or when available to obtain financial assistance from the department. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations. The sponsor shall also initiate programs to prepare and encourage women to enter traditionally male programs.

(f) To encourage the establishment and utilization of programs of preapprenticeship, preparatory trade training, or other designed to prepare candidates for apprenticeship, a sponsor shall make appropriate provision in its affirmative action plan to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program.

(g) Utilization of journeymen to assist in the implementation of the sponsor's affirmative action program.

(h) Granting advance standing or credit on the basis of previously acquired experience, training, skills or aptitude for all applicants equally.



**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

(i) Admitting to apprenticeship programs persons whose age exceeds the maximum age for admission to the program, where such action is necessary to assist the sponsor in achieving its affirmative action obligations.

(j) Such other action as to insure that the recruitment, selection, employment, and training of apprentices during apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex; such as: general publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority or women apprentices and journeymen as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and employers of apprentices to insure that equal employment opportunity is being granted including reporting systems, on-site reviews, briefing sessions, etc.

**(4) GOALS AND TIMETABLES.** (a) A sponsor adopting a selection method under s. DWD 296.06 (2) (a) or (b) which determines on the basis of the analysis described in sub. (5) that it has deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the admission of minority and/or female (minority and nonminority) applicants into the eligibility pool.

(b) A sponsor adopting a selection method under s. DWD 296.06 (2) (c) or (d) which determines on the basis of the analysis described in sub. (5) that it has deficiencies in terms of the underutilization of minorities and/or women (minority and nonminority) in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the selection of minority and/or female (minority and nonminority) applicants for the apprenticeship program.

(c) "Underutilization" as used in this subsection refers to the situation where there are fewer minorities and/or women (minority and nonminority) in the particular craft or crafts represented by the program than would reasonably be expected in view of an analysis of the specific factors in sub. (5) (a) through (e). Where, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action plan shall include a detailed explanation why no goals and timetables have been established.

(d) Where the sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals and timetables which are unacceptable, and the agency determines that the sponsor has deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) within the meaning of this section, the agency shall establish goals and timetables applicable to the Sponsor for the admission of minority and/or female (minority and nonminority) applicants into the eligibility pool or Selection of apprentices, as appropriate. The sponsor shall make good faith efforts to attain these goals and timetables in accordance with the requirements of this section.

**(5) ANALYSIS TO DETERMINE IF DEFICIENCIES EXIST.** The sponsor's determination as to whether goals and timetables shall be established, shall be based on an analysis of at least the following factors, which analysis shall be set forth in writing as part of the affirmative action plan:

(a) The minority and/or female (minority and nonminority) population of the labor market area in which the program sponsor operates;

(b) The size of the minority and/or female (minority and nonminority) labor force in the program Sponsor's labor market area;

(c) The percentage of minority and/or female (minority and nonminority) participation as apprentices in the particular craft as compared with the percentage of minorities and females in the labor force in the program sponsor's labor market area;

(d) The percentage of minority and/or female (minority and nonminority) participation as journeymen employed by the employer or employers participating in the program as compared with the percentage of minorities and/or women (minority and nonminority) in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices.

(e) The general availability of minorities and/or women (minority and nonminority) with present or potential capacity for apprenticeship in the program sponsor's labor market area.

**(6) ESTABLISHMENT AND ATTAINMENT OF GOALS AND TIMETABLES.** The goals and timetables shall be established on the basis of the sponsor's analysis of its underutilization of minorities and/or female and its entire affirmative action program. In establishing the goals, the sponsor should consider the results which could be reasonably expected from its good faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by the agency as to whether the sponsor has met its goals within its timetable, or failing that, whether it has made good faith efforts to meet its goals and timetables. Its "good faith efforts" shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals. However, in order to deal fairly with program sponsors, and with women who are entitled to protection under the goals and timetables requirements, during the first 12 months after the effective date of these rules, the program sponsor would generally be expected to set a goal for women for the entering year class at a rate which is not less than 50% of the proportion women are of the workforce in the program sponsor's labor market area and set a percentage goal for women in each class beyond the entering class which is not less than the participation rate of women currently in the preceding class. At the end of the first 12 months after the effective date of these rules, sponsors are expected to make appropriate adjustments in goals. (See s. DWD 296.08 (2)).

**(7) DATA AND INFORMATION.** The secretary of labor shall make available to program sponsors data and information on minority and/or female (minority and nonminority) population and labor force characteristics for each standard metropolitan statistical area, and for other special areas as appropriate.

**History:** Cr. Register, July, 1967, No. 159, eff. 8-1-67; r. and recr. Register, August, 1972, No. 200, eff. 9-1-71; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.15, Register, April, 1981, No. 304, eff. 5-1-81; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1996, No. 482.

**DWD 296.06 Selection of apprentices. (1) OBLIGATIONS OF SPONSORS.** In addition to the development of a written affirmative action plan to insure that minorities and women have an equal opportunity for selection as apprentices and otherwise insure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that the selection of apprentices shall be made under one of the methods specified in sub. (2) (a) through (d).

**(2) SELECTION METHODS.** The sponsor shall adopt one of the following methods for selecting apprentices prior to January 1, 1979.

(a) *Selection on basis of rank from pool of eligible applicants.*

1. Selection. a. A sponsor may select apprentices from a pool of eligible applicants created in accordance with the requirements of subd. 3. on the basis of the rank order of scores of applicants on one or more qualification standards where there is a significant statistical and practical relationship between rank order of scores and performance in the apprenticeship program.

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

b. In demonstrating such relationship, the sponsor shall follow the procedures set forth in guidelines on employee selection procedures published in 41 CFR Part 60-3.

2. Requirements. The sponsor adopting this method of selecting apprentices shall meet the requirements of subds. 3. through 7.

3. Creation of pool of eligibles. a. A pool of eligibles shall be created from applicants who meet the qualifications of minimum legal working age; or from applicants who meet qualification standards in addition to minimum legal working age provided that any additional qualification standards conform with the following requirements:

b. The qualification standards, and the procedures not determining such qualification standards, shall be stated in detail and shall provide criteria for the specific factors and attributes to be considered in evaluating applicants for admission to the pool. The score required under each qualification standard for admission to the pool shall also be specified. All qualification standards, and the Score required on any standard for admission to the pool, shall be directly related to job performance, as shown by a significant statistical and practical relationship between the score on the standards, and the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall follow the procedures set forth in 41 CFR Part 60-3. Qualifications shall be considered as separately required so that the failure of an applicant to attain the specified score under a single qualification standard shall disqualify the applicant from admission to the pool.

c. Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical and practical relationships between the score on the aptitude tests, and the score required for admission to the pool, and performance in the apprenticeship program. In determining such relationships, the sponsor shall follow the procedures set forth in 41 CFR Part 60-3. These requirements shall also be applicable to aptitude tests utilized by a program sponsor which are administered by a state employment service agency, a private employment agency, or any other person, agency or organization engaged in the selection or evaluation of personnel.

d. All educational attainments or achievements as qualifications for admission to the pool shall be directly related to job performance, as shown by a significant statistical and practical relationship between the score, and the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall meet the requirements of 41 CFR Part 60-3. School records or the results of general education development tests recognized by the state or local public instruction authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.

4. Oral interviews. Oral interviews shall not be used as a qualification standard for admission into an eligibility pool. However, once applicants are placed in the eligibility pool, and before they are selected for apprenticeship from the pool, they may be required to submit to an oral interview. Oral interviews shall be limited only to such objective questions as may be required to determine the fitness of applicants to enter the apprenticeship program, but shall not include questions relating to qualifications previously determined in gaining entrance to the eligibility pool. When an oral interview is used, each interviewer shall prepare a summary of any conclusions. Applicants rejected from the pool of eligibles on the basis of an oral interview shall be given a written statement of Such rejection, the reasons therefor, and the appeal rights available to the applicant.

5. Notification of applicants. All applicants who meet the requirements for admission shall be notified and placed in the eligibility pool. The program sponsor shall give each rejected appli-

cant notice of the rejection, including the reasons for the rejection, the requirements for admission to the pool of eligibles, and the appeal rights available to the applicant.

6. Goals and timetables. The sponsor shall establish, where required by s. DWD 296.05 (5), percentage goals and timetables for the admission of minority and/or women (minority and nonminority) into the pool of eligibles in accordance with the provisions of s. DWD 296.05 (4), (5), and (6).

7. Compliance. A sponsor shall be deemed to be in compliance with its commitments under subd. 6. if it meets its goals or timetables or if it makes a good faith effort to meet these goals and timetables. In the event of the failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every "good faith effort" to meet its commitments of s. DWD 296.05 (6). All the actions of the sponsor shall be reviewed and evaluated in determining whether such good faith efforts have been made.

(b) *Random selection from pool of eligible applicants.* 1. A sponsor may select apprentices from a pool of eligible applicants on a random basis. The method or random selection is subject to approval by the agency. Supervision of the random selection process shall be by an impartial person or persons selected by the sponsor, but not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, shall be announced. The place of the selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.

2. The sponsor adopting this method of selecting apprentices shall meet the requirements of par. (a) 3. to 5. relating to the creation of pool of eligibles, oral interviews and notification of applicants.

3. Goals and timetables. The sponsor shall establish, where required by s. DWD 296.05 (4), percentage goals and timetables for the admission of minority and/or women (minority and nonminority) into the pool of eligibles in accordance with the provisions of s. DWD 296.05 (4), (5), and (6).

4. Compliance. Determinations as to the sponsor's compliance with its obligations under these rules shall be in accordance with the provisions of par. (a) 7.

(c) *Selection from pool of current employees.* 1. Selection. A sponsor may select apprentices from an eligibility pool of workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for the selection of minority and/or female (minority and nonminority) apprentices, unless the sponsor concludes, in accordance with the provisions of s. DWD 296.05 (4), (5) and (6) that it does not have deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the apprenticeship of journeymen crafts represented by the program.

2. Compliance. Determination as to the sponsor's compliance with its obligations under the regulations shall be in accordance with the provisions of par. (a) 7.

(d) *Alternative selection methods.* 1. Selection. A sponsor may select apprentices by means of any other method, including its present selection method, provided that the sponsor meets the following requirements:

a. Within 90 days of the effective date of this plan, the sponsor shall submit to the agency a detailed statement of the revised selection method it proposes to use along with the rest of its written affirmative action program including where required by s. DWD 296.05 (4), its percentage goals and timetables for the selection of minority and/or female (minority and nonminority) applicants for apprenticeship and its written analysis, upon which such goals and timetables, or lack thereof, are based. The establishment

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

of goals and timetables shall be in accordance with the provisions of s. DWD 296.05 (4), (5), and (6). The sponsor may not implement any such selection method until the agency has approved the selection method as meeting the requirements of qualifications standards of par. (d) 1. and has approved the remainder of its affirmative action program including its goals and timetables. If the agency fails to act upon the selection method and the affirmative action program within 30 days of its submission, the sponsor may implement the selection method on the effective date of this plan.

b. Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of such standards as fair aptitude tests, school diplomas or equivalent, occupationally essential physical requirements, fair interviews, school grades, and previous work experience. Where interviews are used, adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, and willingness to accept direction which are part of the total judgment. In applying any such standards, the sponsor shall meet the requirements of 41 CFR Part 60-3.

2. Compliance. Determination as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of par. (a) 7. Where a sponsor uses this selection method and despite its good faith efforts, fails to meet its goals and timetables, the sponsor may be required to make appropriate changes in its affirmative action program to the extent necessary to obtain maximum effectiveness towards the attainment of its goals. The sponsor may also be required to develop and adopt an alternative selection method, including a method prescribed by the agency, where it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. Where the sponsor's failure to meet its goals and timetables is attributable in substantial part to its use of a qualification standard the sponsor may be required to demonstrate that such qualification standard is directly related to job performance, in accordance with the provisions of par. (a) 3.

**History:** Cr. Register, July, 1967, No. 139, eff. 8-1-67; r. and recr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renun. from Ind 85.16, Register, April, 1981, No. 304, eff. 5-1-81; corrections made under s. 13.93 (2m) (b) 4. and 7., Stats., Register, February, 1996, No. 482.

**DWD 296.07 Existing list of eligibles and public notice.** (1) A sponsor adopting a selection method under s. DWD 296.06 (2) (a) (b), and a sponsor adopting a selection method under s. DWD 296.06 (2) (d) who determines that there are fewer minorities and/or women (minority and nonminority) on its existing lists of eligibles than would reasonably be expected in view of the analysis described in s. DWD 296.05 (5) shall discard all existing eligibility lists upon approval and adoption of their selection methods and affirmative action plan. New eligibility lists shall be established and current copies will be provided the agency. The sponsor shall provide at least 30 days of public notice in advance of the earliest date applicants may apply and establish a reasonable period of not less than 2 weeks for accepting applications for the eligibility lists. Notification procedures shall be outlined in the sponsor's affirmative action plan.

(2) Applicants who have been placed in a pool of eligibles shall be retained on lists of eligibles subject to selection for a period of 2 years. Applicants may be removed from the list at an earlier date by their request or following their failure to respond to an apprentice job opportunity given by registered return receipt mail notice. Applicants who have been accepted in the program shall be afforded a reasonable period of time in light of the customs and practices of the industry for reporting for work. All applicants shall be treated equally in determining such period of time. It shall be the responsibility of the applicant to keep the sponsor informed of a current mailing address. A sponsor may restore to the list of eligibles an applicant who has been removed from the

list at his or her request or who has failed to respond to an apprenticeship job opportunity.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renun. from Ind 85.17, Register, April, 1981, No. 304, eff. 5-1-81; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1996, No. 482.

**DWD 296.08 Records.** (1) **OBLIGATIONS OF SPONSORS.** Each sponsor shall keep adequate records including a summary of the qualifications of each applicant, the basis for evaluation and for selection or rejection of each applicant, the records pertaining to interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, lay-off, or termination, rates of pay, or other forms of compensation or conditions of work, and any other records pertinent to a determination of compliance with these regulations, as may be required by the agency. The records pertaining to individual applicants, whether selected or rejected shall be maintained in such manner as to permit identification of minority and female (minority and nonminority) participants.

(2) **AFFIRMATIVE ACTION PLANS.** Each sponsor must retain a statement of its affirmative action plan required by s. DWD 296.05 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analysis made pursuant to the requirements of s. DWD 296.05. Sponsors shall annually review their affirmative action plan and update it where necessary.

(3) **QUALIFICATION STANDARDS.** Each sponsor must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in s. DWD 296.05 (2).

(4) **MAINTENANCE OF RECORDS.** The records required by this plan and any other information relevant to compliance with these rules, shall be maintained for 5 years and made available upon request to the agency or the department of labor.

(5) **RECORDS OF THE AGENCY.** The agency will keep adequate records, including registration requirements, approved individual program standards, registration actions, deregistration actions, program compliance reviews and investigations, individual program minority count, total apprenticeship minority count, individual sex count, and total sex count pertinent to a determination of compliance with this plan. The agency will make reports to the department that are reasonably pertinent to the compliance of this plan as required.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renun. from Ind 85.18, Register, April, 1981, No. 304, eff. 5-1-81; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1996, No. 482.

**DWD 296.09 Compliance reviews.** The agency will regularly conduct systematic review of apprenticeship programs in order to determine the extent to which sponsors are complying with these rules and will also conduct compliance reviews undertaking sanctions under s. DWD 296.13. In the case of sponsors seeking new registration, the agency will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration purposes.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renun. from Ind 85.19, Register, April, 1981, No. 304, eff. 5-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1996, No. 482.

**DWD 296.10 Noncompliance With federal and state equal opportunity requirements.** A pattern of practice of noncompliance by a sponsor (or where the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with federal or state laws or regulations requiring equal opportunity may be grounds for the imposition of sanctions in accordance with s. DWD 296.13 if such compliance is related to the equal employment opportunity of apprentices and/or graduates of such an apprenticeship program under this plan. The sponsor shall take affirmative steps to assist and cooperate with

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

employers and unions in fulfilling their equal employment opportunity obligations.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.20, Register, April, 1981, No. 304, eff. 5-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1996, No. 482; correction made under s. 13.93 (2m) (b) 7., Stats., Register November 2002 No. 563.

**DWD 296.11 Complaint procedure. (1) FILING.**

(a) Apprentices or applicants for apprenticeship who believe that they have been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards have not been followed in the operation of an apprenticeship program may, personally or by an authorized representative, file a complaint with the agency or with a private review body established pursuant to par. (c). The complaint shall be in writing and shall be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances causing the complaint.

(b) The complaint must be filed not later than 180 days from the date of the alleged discrimination or specified failure to follow the equal opportunity standards; and, in the case of complaints filed directly with review bodies designated by program sponsors to review such complaints, any referral of such complaint by the complainant to the agency must occur within the time limitation stated above or 30 days from the final decision of such review body, whichever is later. The time may be extended by the agency for good cause shown.

(c) Sponsors are encouraged to establish fair, speedy and effective procedures for a review body to consider complaints or failure to follow the equal opportunity standards. A private review body established by the program sponsor for this purpose should number 3 or more responsible persons from the community serving in this capacity without compensation.

(d) Members of the review body should not be directly associated with the administration of an apprenticeship program. Sponsors may join together in establishing a review body to serve the needs of programs within the community.

**(2) PROCESSING OF COMPLAINTS.** (a) 1. When the sponsor has designated a review body for reviewing complaints, and if the agency determines that such review body will effectively enforce the equal opportunity standards, the agency, upon receiving a complaint shall refer the complaint to the review body.

2. The agency shall, within 30 days following the referral of a complaint to the review body, obtain reports from the complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily adjusted, and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.

3. When a complaint has not been resolved by the review body within 90 days or where, despite satisfactory resolution of the particular complaint by the review body, there is evidence that the equal opportunity practices of the apprenticeship program are not in accordance with this plan, the agency may conduct such compliance review as found necessary, and will take all necessary steps to resolve the complaint.

(b) Where no review body exists, the agency may conduct such compliance review as found necessary in order to determine the facts of the complaint, and obtain such other information relating to compliance with these regulations as the circumstances warrant.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.21, Register, April, 1981, No. 304, eff. 5-1-81.

**DWD 296.12 Adjustments in schedule for compliance review or complaint processing.** If, in the judg-

ment of the agency, a particular situation warrants and requires special processing and either expedited or extended determination, it shall take the steps necessary to permit such determination if it finds that no person or party affected by such determination will be prejudiced by such special processing.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.22, Register, April, 1981, No. 304, eff. 5-1-81.

**DWD 296.13 Sanctions. (1) AGENCY ACTIONS.**

Where the agency, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with this plan and voluntary collective action has not been taken by the program sponsor, the agency shall institute proceedings to deregister the program or institute court action under the applicable state statutes and it shall refer the matter to the department for referral to the attorney general with recommendations for the institution of a court action by the attorney general under title VII of the civil rights act of 1964.

**(2) DEREGISTRATION.** Deregistration proceedings shall be conducted in accordance with the following procedures:

(a) The agency shall notify the sponsor, in writing, that a determination of reasonable cause has been made under sub. (1) and that the apprenticeship program may be deregistered unless, within 15 days of the receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.

(b) If, within 15 days of the receipt of the notice provided for in sub. (1), the sponsor mails a request for a hearing, the department shall convene a hearing in accordance with sub. (3).

(c) The department shall make a final decision on the basis of the record before it, which shall consist of the compliance review file and other evidence presented and, if a hearing was conducted pursuant to sub. (3), the proposed findings and recommended decision of the hearing officer. In its discretion, the department may allow the sponsor a reasonable time to achieve voluntary corrective action. If the department's decision is that the apprenticeship program is not operating in accordance with this plan, it will implement action as referred to in sub. (1). In each case in which such action is ordered, the department shall make public notice of the order and shall notify the sponsor and the complainant, if any, and the department. The agency shall inform any sponsor whose program has been deregistered that it may appeal such deregistration to the department in accordance with procedures of 29 CFR 30.15.

**(3) HEARINGS.** Hearings shall be conducted in accordance with the following procedures:

(a) Within 30 days of its receipt of a request for a hearing, the department shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by registered mail, return receipt requested, to the sponsor. Such notice shall include a reasonable time and place of hearing; a statement of the provisions of this plan pursuant to which the hearing is to be held; and a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his or her case including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the department upon the basis of the record before them.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.23, Register, April, 1981, No. 304, eff. 5-1-81.

**DWD 296.14 Reinstatement of program registration.** Any apprenticeship program deregistered pursuant to this

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

plan may be reinstated upon presentation of adequate evidence to the department that the apprenticeship program is operating in accordance with this plan.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.24, Register, April, 1981, No. 304, eff. 5-1-81.

**DWD 296.15 Intimidatory or retaliatory acts.** Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor against any person for the purpose of interfering with any right or privilege secured by Wisconsin's apprenticeship or fair employment practices laws, Title VII of the Civil Rights Act of 1964, executive order 11246 as amended, or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding, or hearing under this plan shall be considered noncompliance with the equal opportunity standards of this plan. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purpose of this plan, including the conduct of any investigation, hearing or judicial proceeding arising therefrom.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, Novem-

ber, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.25, Register, April, 1981, No. 304, eff. 5-1-81.

**DWD 296.16 Nondiscrimination.** The commitments contained in the sponsor's affirmative action program are not intended and shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; renum. from Ind 85.26, Register, April, 1981, No. 304, eff. 6-1-81.

**DWD 296.17 Exemptions.** Requests for exemption from these regulations, or any part thereof, shall be made in writing to the department and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause. The agency will immediately notify the department any such exemptions granted affecting a substantial number of employees and the reasons therefor.

**History:** Cr. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, November, 1978, No. 275, eff. 12-1-78; renum. from Ind 85.27, Register, April, 1981, No. 304, eff. 5-1-81.