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SENATE BILL NO. 1169

Offered January 9, 2019

Prefiled January 3, 2019

A BILL to amend and reenact §§ 40.1-120 and 40.1-126 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 40.1-120.1, relating to apprenticeships; ratio of apprentices to journeymen.

Patrons—DeSteph; Delegate: Yancey

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-120 and 40.1-126 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 40.1-120.1 as follows:

§ 40.1-120. Definitions.

As used in this chapter, the following terms shall have the following meanings unless the context indicates otherwise:

"Apprenticeable occupation" means a skilled occupation having the following characteristics:

1. It is customarily learned in a practical way through a structured systematic program of on-the-job supervised work experience;

2. It is clearly identifiable and recognized throughout an industry;

3. It involves manual, mechanical, or technical skills which that require a minimum of 2,000 hours of on-the-job work experience of new apprenticeable trades not otherwise established; and

4. It requires related instruction to supplement the on-the-job work experience.

"Apprentice" means a person at least 16 years of age who is covered by a written agreement with an employer and approved by the Commissioner. The agreement shall provide for not less than 2,000 hours of reasonably continuous employment for such person, for his participation in an approved schedule of work experience through employment, and for the amount of related instruction required in the occupation.

"Council" means the Apprenticeship Council established pursuant to § 40.1-117.

"Employer" means any person or organization employing a registered apprentice, whether or not such person or organization is a party to an apprenticeship agreement with a sponsor.

"Joint apprenticeship committee" means a group equally representative of management and labor representatives which works under a bargaining agreement and is established to carry out the administration of an apprenticeship training program.

"Journeyman" 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. 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.

"Sponsor" means either an individual employer, a group of employers, or an association or organization operating an apprenticeship program, and in whose name the program is registered.

§ 40.1-120.1. Ratio of apprentices to journeymen.

A. The apprenticeship agreement standards established by the Council under § 40.1-118 regarding the numeric ratio of journeymen to apprentices shall not require more than one journeyman per two apprentices.

B. Notwithstanding subsection A, the ratio of journeymen to apprentices for individual program sponsors and for individual contractors signatory to joint and nonjoint apprenticeship programs performing work under the Davis-Bacon Act, 40 U.S.C. § 3141 et seq., and related prevailing wage laws shall be as set forth in subdivision B 9 a of 16VAC20-21-50.

§ 40.1-126. Operation and application of chapter.

Nothing in this chapter or in any apprentice agreement approved under this chapter shall invalidate any apprenticeship provision in any collective agreement between employers and employees establishing higher apprenticeship standards regarding (i) ratios of apprentices to journeymen that allow a greater number of apprentices per journeyman than is set forth in § 40.1-120.1, (ii) probationary periods, or (iii) length of the program. ~~But~~ However, none of the terms or provisions of this chapter shall apply to any person, firm, corporation, or craft unless, until, and only so long as such person, firm, corporation, or craft voluntarily elects that the terms and provisions of this chapter shall apply.

INTRODUCED

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