

VIRGINIA ACTS OF ASSEMBLY -- 2020 RECONVENED SESSION

CHAPTER 1228

An Act to amend and reenact § 40.1-121 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 40.1-120.1, relating to prohibited discrimination in apprenticeship programs.

[H 1252]

Approved April 22, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-121 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 40.1-120.1 as follows:

§ 40.1-120.1. Discrimination prohibitions for registered apprenticeship programs.

A. Notwithstanding the provisions of the Virginia Human Rights Act (§ 2.2-3900 et seq.), for purposes of this chapter a sponsor of a registered apprenticeship program shall not discriminate against an apprentice or applicant for apprenticeship on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age if the age of the individual is 40 years of age or older, genetic information, or disability.

B. Notwithstanding any other provisions of this title, it shall not be an unlawful practice for an employer to fail or refuse to hire and employ any individual for any position in a registered apprenticeship program, or for any registered apprenticeship program to fail or refuse to accept or admit any individual to any registered apprenticeship program, if:

1. The occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive Order of the President; and

2. Such individual has not fulfilled or has ceased to fulfill any requirement set forth in subdivision 1.

C. The sole remedy for a violation of subsection A shall be as provided in subdivision B 5 of § 40.1-125.

§ 40.1-121. Requisites of apprentice agreement.

Every apprentice agreement entered into under this chapter shall contain:

1. The names, signatures, and addresses of the contracting parties;
2. The date of birth of the apprentice;
3. The contact information of the Program Sponsor and the Division of Registered Apprenticeship;
4. A statement of the occupation or business that the apprentice is to be taught and the time at which the apprenticeship will begin and end;
5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related or supplemental instruction;
6. A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be taught and the approximate time to be spent at each process;
7. A statement of the graduated scale of wages to be paid the apprentice and whether the required related instruction shall be compensated;
8. A statement providing for a period of probation of not less than 500 hours of employment and instruction extending over not less than four months, during which time the apprentice agreement shall be terminated by the Commissioner at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the Commissioner by mutual agreement of all parties thereto, or cancelled by the Commissioner for good and sufficient reason;
9. A reference incorporating as part of the agreement the standards of the apprenticeship program as they exist on the date of the agreement and as they may be amended during the period of the agreement;
10. A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training without discrimination ~~on the basis of race, color, religion, national origin, or sex as provided in § 40.1-120.1;~~

11. Contact information, including name, address, phone number, and email if appropriate, of the appropriate authority designated under the program to receive, process, and make disposition of controversies or differences arising out of the apprenticeship agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions;

12. A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the Commissioner, transfer such contract to any other employer if (i) the apprentice consents, (ii) such other employer agrees to assume the obligations of the apprentice

agreement, and (iii) the transfer is reported to the registration agency within 30 days of the transfer; and

13. Such additional terms and conditions as may be prescribed or approved by the Commissioner not inconsistent with the provisions of this chapter.