

**"CHAPTER 372
APPRENTICESHIP**

Section

- 372-1 Application of chapter
- 372-2 Definitions
- 372-3 Standards of apprenticeship
- 372-4 State apprenticeship council
- 372-5 Powers and duties of director
- 372-6 Related instruction
- 372-7 Apprenticeship committee
- 372-8 State-federal cooperation

Cross References

Public works construction; apprenticeship agreement, see §103-55.6.

Case Notes

Language of chapter was of considerable breadth as to afford the plaintiff a claim for back wages. 71 H. 458, 795 P.2d 276 (1990).

Appellants were not deprived of any identifiable property interest by the registration of an apprenticeship program, under this chapter, initiated by the union, so as to invoke due process protections by way of a contested case hearing. 104 H. 275, 88 P.3d 647 (2004).

" **§372-1 Application of chapter.** This chapter shall apply to a person, employer, association, committee, or organization only after such person, employer, association, committee, or organization has voluntarily elected to conform with its provisions. [L Sp 1941, c 23, §6; RL 1945, §4147; RL 1955, §89-1; HRS §372-1; am L 2012, c 14, §2]

" **§372-2 Definitions.** As used in this chapter:

"Apprentice" means a worker at least sixteen years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation in accordance with the standards of apprenticeship established by this chapter.

"Apprenticeship agreement" is a written agreement between an apprentice and either the apprentice's program sponsors or an apprenticeship committee acting as agent for the program sponsors. The apprenticeship agreement shall be approved by the director.

"Apprenticeship committee" means a group of persons designated by the sponsors to administer an apprenticeship program. An apprenticeship committee may either be a joint committee comprising an equal number of representatives of the employers and employees represented by bona fide collective bargaining agents, or a non-joint committee, known as a unilateral or group non-joint committee, that has employer representatives and may include employees, but does not have a bona fide collective bargaining agent as a participant.

"Department" means the department of labor and industrial relations.

"Director" means the director of labor and industrial relations.

"Sponsor" means any person, employer, association, committee, or organization operating an apprenticeship program and in whose name the program is, or is to be, registered and approved. [L Sp 1941, c 23, pt of §§4, 5; am L 1943, c 158, pt of §2; RL 1945, pt of §§4145, 4146; am L 1945, c 22, §1(1); am L 1955, c 31, §1(b); RL 1955, §89-2; am L 1959, c 14, §1; am L 1967, c 20, §1(a); HRS §372-2; am L 2012, c 14, §3]

" **§372-3 Standards of apprenticeship.** Standards of apprenticeship that conform to the federal regulations shall be established by the director. Apprenticeship program sponsors that meet the standards of apprenticeship may seek approval and registration by the director. [L Sp 1941, c 23, pt of §4; am L 1943, c 158, pt of §2; RL 1945, pt of §4145; am L 1955, c 31, §1(c); RL 1955, §89-3; am L 1959, c 14, §2; am L 1967, c 20, §1(b); HRS §372-3; am L 1978, c 67, §1; gen ch 1985, 1993; am L 2012, c 14, §4]

" **§372-4 State apprenticeship council.** The director shall establish within the department the state apprenticeship council which shall serve in an advisory capacity to the director on matters within the jurisdiction of the department relating to apprenticeship programs. The membership and organization of the council shall be determined by the director. The council shall be composed of persons familiar with apprenticeable occupations, and shall include an equal number of representatives of employers and employee organizations, and shall include public members who shall not number in excess of the number named to represent either employers or employee organizations. The members of the council shall be appointed and removed at the pleasure of the director. [L Sp 1941, c 23, pt of §1; RL 1945, §4141; RL 1955, §89-4; am L 1967, c 20, §1(c); HRS §372-4; gen ch 1985; am L 2012, c 14, §5]

Case Notes

A contested case hearing pursuant to §91-14(a) was not required in the determination by the labor director to register an apprenticeship program pursuant to this section. 104 H. 275, 88 P.3d 647 (2004).

" **§372-5 Powers and duties of director.** The director shall:

- (1) Establish standards of apprenticeship and for apprenticeship agreements in conformity with this chapter;
- (2) Provide assistance for the development of on-the-job training programs in nonapprenticeable occupations;

- (3) Encourage and promote apprenticeship in apprenticeable occupations, including occupations in high growth and high demand industries;
- (4) Approve and register apprenticeship programs and apprenticeship agreements which conform to the standards established by this chapter;
- (5) Keep records of apprenticeship agreements and upon performance thereof issue certificates of completion of apprenticeship;
- (6) Terminate or cancel apprenticeship agreements in accordance with the agreements, and deregister apprenticeship programs;
- (7) Bring about the settlement of differences arising out of the apprenticeship agreement where the differences cannot be otherwise adjusted locally;
- (8) Issue such rules and regulations as may be necessary to carry out the intent and purpose of this chapter;
- (9) Appoint personnel as are necessary in the execution of the functions required under this chapter;
- (10) Perform other duties as are necessary to carry out the intent and purpose of this chapter or rules pertaining to apprenticeship; and
- (11) Accord reciprocal approval to apprenticeship programs and agreements that are registered in other states by the federal Office of Apprenticeship or a recognized agency of a state if such reciprocity is requested by the apprenticeship program sponsor. Program sponsors seeking reciprocal approval shall meet the wage and hour provisions and apprentice ratio standards of this State. [L Sp 1941, c 23, pt of §1; am L 1943, c 158, §1; RL 1945, §4142; RL 1955, §89-5; am L 1963, c 55, §1; am L 1967, c 20, §1(d); HRS §372-5; am L 2012, c 14, §6]

Cross References

Rules, see chapter 91 and §371-7.

" **§372-6 Related instruction.** Related instruction for apprentices and training of teachers and coordinators for the instruction shall be the responsibility of the community colleges of the University of Hawaii system. [L Sp 1941, c 23, §2; RL 1945, §4143; am L 1955, c 31, §1(a); RL 1955, §89-6; am L 1965, c 138, §1; am L 1967, c 20, §1(e); HRS §372-6; am L 1990, c 101, §1; am L 2012, c 14, §7]

" **§372-7 Apprenticeship committee.** Subject to the review of the director and in accordance with the standards established by this chapter and rules adopted by the director, apprenticeship committees shall give assistance to the operation and further development of apprenticeship in their respective occupation and localities. [L Sp 1941, c 23, §3; RL 1945, §4144; RL 1955, §89-7; am L 1967, c 20, §1(f); HRS §372-7; am L 2012, c 14, §8]

" **§372-8 State-federal cooperation.** The department may promote the administration of this chapter by accepting and utilizing information, services, and facilities made available to it by the federal Advisory Committee on Apprenticeship; and the department shall cooperate with the federal Advisory Committee on Apprenticeship to the fullest extent consistent with this chapter. [L 1945, c 22, §1(2); RL 1955, §89-8; am L 1967, c 20, §1(g); HRS §372-8; am L 2012, c 14, §9]

Attorney General Opinions

Does not expressly authorize disclosure of personal records.
Att. Gen. Op. 86-14.