

ACT 14

H.B. NO. 2573

A Bill for an Act Relating to Apprenticeship.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 26-20, Hawaii Revised Statutes, is amended to read as follows:

“§26-20 Department of labor and industrial relations. The department of labor and industrial relations shall be headed by a single executive to be known as the director of labor and industrial relations.

The department shall administer programs designed to increase the economic security, physical and economic well-being, and productivity of workers, and to achieve good labor-management relations, including the administration of workers' compensation, employment security, apprenticeship training, wage and hour, and industrial relations laws. The department shall also have the function of developing, preparing, and disseminating information on employment, unemployment, and general labor market conditions.

The labor and industrial relations appeals board provided for in chapters 371 and 386 is placed within the department of labor and industrial relations for administrative purposes. The respective functions, duties, and powers, subject to

the administrative control of the director of labor and industrial relations, and the composition of the board shall be as heretofore provided by law.

There shall be within the department of labor and industrial relations a board to be known as the Hawaii labor relations board as provided for in section 89-5, which shall exercise powers and duties in accordance with chapters 89, 377, and 396. The director shall have general administrative supervision over the board, but shall not have the power to supervise or control the board in the exercise of its powers or duties.

The functions of mediation heretofore exercised by the commission of labor and industrial relations existing immediately prior to November 25, 1959, as provided in section 371-10, shall be exercised by the governor or the governor's designated agent.

The director may establish within the department of labor and industrial relations a committee to be known as the state apprenticeship council which shall sit in an advisory capacity to the director of labor and industrial relations on matters within the jurisdiction of the department of labor and industrial relations relating to apprenticeship programs. The membership and organization of the council shall be determined by the director."

SECTION 2. Section 372-1, Hawaii Revised Statutes, is amended to read as follows:

"§372-1 Application of chapter. This chapter shall apply to a person, ~~[firm, corporation, or craft]~~ employer, association, committee, or organization only after such person, ~~[firm, corporation, or craft]~~ employer, association, committee, or organization has voluntarily elected to conform with its provisions."

SECTION 3. Section 372-2, Hawaii Revised Statutes, is amended to read as follows:

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

"Apprentice" means a [person participating, through employment, in an approved schedule of work experience supplemented by related instruction and who is a party to an apprenticeship agreement registered with the department in accordance with this chapter.] 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" [means] is a written agreement [which conforms to standards established under this chapter and is entered into] between an apprentice and [(1) an employer, (2) an association of employers, (3) an organization of employees, or (4) a joint committee representing employers and employees,] 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.”

SECTION 4. Section 372-3, Hawaii Revised Statutes, is amended to read as follows:

“§372-3 Standards [for agreements.] of apprenticeship. [~~“Standards for apprenticeship agreements”~~ are as follows:

- (1) ~~A statement of the trade or craft to be taught and the required months or hours for completion of apprenticeship which shall not be less than twelve months or two thousand hours of reasonably continuous employment;~~
- (2) ~~A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process;~~
- (3) ~~A statement of the number of hours to be spent in related instruction which shall not be less than one hundred and forty four hours per year; provided that the department of labor and industrial relations may, in the best interest of apprenticeship, reduce the hours of related instruction;~~
- (4) ~~A statement that apprentices shall be not less than sixteen years of age;~~
- (5) ~~A statement of the progressively increasing scale of wages to be paid the apprentice;~~
- (6) ~~Provision for a period of probation during which the director of labor and industrial relations shall be directed to terminate an apprenticeship agreement at the request in writing of any party thereto;~~
- (7) ~~Provision that after the probationary period the director may terminate an apprenticeship agreement upon agreement of the parties thereto;~~
- (8) ~~Provision that the services of the department may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where the differences cannot be adjusted locally or in accordance with the established trade procedure;~~
- (9) ~~Provision to specify the ratio of apprentice to journey worker;~~
- (10) ~~Provision that if an employer is unable to fulfill the employer’s obligation under the apprenticeship agreement, the employer may transfer the obligation to another employer;~~
- (11) ~~Such additional standards as may be prescribed in accordance with this chapter.~~

An apprentice who, prior to entering¹ an agreement, has had training or experience or both in the trade or craft in which the apprentice is employed as an apprentice may be granted full or partial credit for the training or experience on the recommendation of the employer or the joint apprenticeship committee with the approval of the director.] 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.”

SECTION 5. Section 372-4, Hawaii Revised Statutes, is amended to read as follows:

“§372-4 [Apprenticeship] State apprenticeship council. The director [~~of labor and industrial relations may~~] shall establish within the department [~~of labor and industrial relations a committee to be known as~~] the state apprenticeship council which shall [sit] 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. [~~The director or the director’s subordinate officer in charge of the apprenticeship program shall act as secretary of the council.~~”

SECTION 6. Section 372-5, Hawaii Revised Statutes, is amended to read as follows:

“§372-5 Powers and duties of director. The director [~~of labor and industrial relations~~] 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 [~~the making of~~] apprenticeship [agreements conforming to the standards established by this chapter;] in apprenticeable occupations, including occupations in high growth and high demand industries;
- (4) [~~Register such apprenticeship agreements as are in the best interest of apprenticeship and~~] Approve and register apprenticeship programs and apprenticeship agreements which conform to the standards established by this chapter;
- (5) Keep [~~a record~~] records of apprenticeship agreements and upon performance thereof issue certificates of completion of apprenticeship;
- (6) Terminate or cancel [~~any~~] 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; [~~and~~]
- (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.”

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SECTION 7. Section 372-6, Hawaii Revised Statutes, is amended to read as follows:

“§372-6 Related instruction [~~and coordination of instruction~~]. Related instruction for apprentices [~~coordination of instruction with job experiences, and the selection~~] and training of teachers and coordinators for the instruction shall be the responsibility of the community [~~college division~~] colleges of the University of Hawaii [~~system.~~”

SECTION 8. Section 372-7, Hawaii Revised Statutes, is amended to read as follows:

“§372-7 [~~Joint apprenticeship committees.~~] Apprenticeship committee. [~~Local joint apprenticeship committees may be approved by the director of labor and industrial relations in any trade, group of trades, or in trade areas, whenever the apprentice training needs of the trade or group of trades justifies the establishment of the committees. The joint apprenticeship committees shall be composed of an equal number of persons known to represent the interest of the employers and employees, respectively.~~] Subject to the review of the director and in accordance with the standards established by this chapter and rules adopted by the director, [the] apprenticeship committees shall [devise standards for apprenticeship agreements and] give assistance to the operation and further development of apprenticeship in their respective [trade] occupation and localities.”

SECTION 9. Section 372-8, Hawaii Revised Statutes, is amended to read as follows:

“§372-8 State-federal cooperation. The department [~~of labor and industrial relations~~] may promote the administration of this chapter by accepting and utilizing information, services, and facilities made available to it by the federal [~~committee on apprenticeship;~~] Advisory Committee on Apprenticeship; and the department shall cooperate with the federal [~~committee on apprenticeship~~] Advisory Committee on Apprenticeship to the fullest extent consistent with this chapter.”

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 11. This Act shall take effect upon its approval.

(Approved April 10, 2012.)

Notes

1. Prior to amendment “into” appeared here.
2. So in original.