

1 HB570
2 200562-1
3 By Representative Collins
4 RFD: Education Policy
5 First Read: 07-MAY-19

SYNOPSIS: This bill would provide that an individual who completes an apprenticeship may be granted an occupational license in that trade if the individual also meets other requirements, including completion of any required examination with a passing score, and provides that if a licensing authority requires an examination for a license, the authority may not impose higher testing standards upon that individual than it does for any other applicant.

 This bill also provides incentives for employers to hire in-school youth apprentices by allowing children from 14 years of age through 17 years of age to participate in apprenticeship programs certified by the Alabama Office of Apprenticeship.

A BILL
TO BE ENTITLED
AN ACT

1
2 Relating to apprenticeships; to provide that an
3 individual who completes an apprenticeship may be granted an
4 occupational license in that trade if the individual also
5 meets other requirements, including completion of any required
6 examination with a passing score; to provide that if a
7 licensing authority requires an examination for a license, the
8 authority may not impose higher testing standards upon that
9 individual than it does for any other applicant; and to amend
10 Sections 25-8-33, 25-8-35, and 25-8-43, Code of Alabama 1975,
11 to allow in-school youth apprentices to work in certain
12 occupations under certain conditions.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act may be known and shall be cited
15 as the Eliminating Legal Barriers to Apprenticeships (ELBA)
16 Act.

17 Section 2. As used in this act, the following terms
18 shall have the following meanings:

19 (1) APPRENTICE. A worker at least 14 years of age,
20 except where a higher minimum age standard is otherwise fixed
21 by law, who is employed to learn an apprenticeable occupation.

22 (2) APPRENTICEABLE OCCUPATION. As defined in 29
23 C.F.R. §29.4.

24 (3) APPRENTICESHIP AGREEMENT. A written agreement
25 between an apprentice and either the apprentice's program
26 sponsor or an apprenticeship committee acting as agent for the
27 program sponsor, which contains the terms and conditions of

1 the employment and training of the apprentice in conformance
2 with 29 C.F.R. §29.4. and Section 40-18-421, Code of Alabama
3 1975.

4 (4) APPRENTICESHIP PROGRAM. A plan containing all
5 terms and conditions for the qualification, recruitment,
6 selection, employment, and training of apprentices, as
7 required under the federal guidelines in CFR Title 29,
8 Subtitle A, Parts 29 and 30, 29 U.S.C. §50, and the rules and
9 regulations adopted by the Alabama Office of Apprenticeship.

10 (5) CERTIFICATION or CERTIFICATE. The written
11 approval by the Alabama Office of Apprenticeship of a set of
12 apprenticeship standards, of an individual for employment as
13 an apprentice or probationary apprentice in a registered
14 apprenticeship program, or of an individual who has
15 successfully met the requirements to receive an interim
16 credential.

17 (6) DIRECTOR. The Director of the Alabama Office of
18 Apprenticeship.

19 (7) ELIGIBLE EMPLOYER. As defined in Section
20 40-18-421, Code of Alabama 1975.

21 (8) EMPLOYER. An individual or organization
22 employing an apprentice whether or not the individual or
23 organization is a party to an apprenticeship agreement with
24 the apprentice.

25 (9) FISCAL YEAR. An annually recurring period of
26 time that begins on October 1 and concludes on September 30.

1 (10) LICENSING AUTHORITY. An agency, board,
2 commission, or other office with the authority to require
3 occupational fees or issue licensing requirements for practice
4 of an apprenticeable occupation.

5 (11) WORK-BASED LEARNING. Sustained interactions
6 with industry or community professionals in real workplace
7 settings, to the extent practicable, or simulated environments
8 at an educational institution that foster in-depth, first-hand
9 engagement with the tasks required of a given career field,
10 that are aligned to curriculum and instruction.

11 Section 3. (a) A licensing authority shall grant an
12 occupational license to any applicant who meets all of the
13 following requirements:

14 (1) Has successfully completed the 8th grade.

15 (2) Has successfully completed an apprenticeship
16 subject to a valid apprenticeship agreement and under the
17 supervision of an eligible employer.

18 (3) Has made a passing score on any examination
19 deemed to be necessary for licensing by a licensing authority.

20 (4) Is otherwise eligible to receive a license.

21 (b) (1) A licensing authority may not set a higher
22 required minimum passing score for applicants who satisfy the
23 requirements of subsection (a) than that which is required for
24 any other test taker.

25 (2) If a licensing authority does not require an
26 examination, no examination may be required for applicants who
27 complete an apprenticeship.

1 (c) The term of the apprenticeship shall comport
2 with program standards for apprenticeships as outlined in 29
3 C.F.R. §29.5.

4 (d) Licensing authorities shall adopt necessary
5 rules for the implementation and administration of this
6 section.

7 Section 4. Sections 25-8-33, 25-8-35, and 25-8-43,
8 Code of Alabama 1975, are amended to read as follows:

9 "§25-8-33.

10 "(a) No ~~person~~ individual under 16 years of age
11 shall be employed, except in agricultural service, and except
12 as otherwise provided in this chapter. Any ~~person~~ individual
13 14 or 15 years of age may be employed outside school hours and
14 during school vacation periods, so long as the ~~person~~
15 individual is not employed in, about, or in connection with,
16 any manufacturing or mechanical establishment, cannery, mill,
17 workshop, warehouse, or machine shop or in any occupation or
18 place of employment otherwise prohibited by law. The presence
19 of any ~~person~~ individual under 18 years of age in any
20 restricted business establishment or restricted occupation
21 shall be prima facie evidence of his or her employment ~~therein~~
22 in the business establishment or occupation.

23 "(b) (1) This section does not apply to an individual
24 14 years of age or 15 years of age when both of the following
25 are true:

26 "a. The individual is enrolled in either of a youth
27 pre-apprenticeship program, youth industry-registry

1 apprenticeship program, or similar program in which employment
2 and work-based learning are an integral part of the course of
3 study.

4 "b. The program the individual is enrolled in is
5 registered by the Alabama Office of Apprenticeship.

6 "(2) This section does not apply to employment
7 procured by an individual 14 years of age or 15 years of age
8 when the employment is supervised through the Alabama
9 Department of Education and approved by the Alabama Department
10 of Labor.

11 "§25-8-35.

12 "(a) No ~~person~~ individual under 16 years of age
13 shall be employed, permitted, or suffered to work at any of
14 the following occupations, positions, or places:

15 "(1) Operating or assisting in operating any
16 sandpaper or wood polishing machinery, any washing, grinding,
17 or mixing machinery, or commercial laundry equipment.

18 "(2) Operating or assisting in operating any
19 machines used in picking wool, cotton, hair, or any other
20 material.

21 "(3) In any work in or about a rolling mill, machine
22 shop, or manufacturing establishment which is hazardous or
23 dangerous to health, limb, or life.

24 "(4) In proximity to any hazardous or unguarded
25 gearing.

26 "(5) Upon any vessel or boat engaged in navigation
27 or commerce within the jurisdiction of this state.

1 "(6) In the manufacture or packing of paints,
2 colors, or white or red lead.

3 "(7) In occupations causing dust in injurious
4 quantities.

5 "(8) In soldering, brazing, heat treating, or
6 welding.

7 "(9) In the building trades, except that ~~persons~~
8 individuals 14 or 15 years of age who are members of the
9 immediate family of the contractor may be employed in trades
10 involving nonhazardous duties or occupations.

11 "(10) Repairing, painting, or cleaning buildings or
12 structures while working at the top of ladders, lifts, or
13 scaffolds exceeding a height of six feet.

14 "(11) In connection with a junk or scrap metal yard.

15 "(12) Assorting, manufacturing, or packing tobacco.

16 "(13) Operating any automobile, truck, or motor
17 vehicle, or flagging or directing traffic.

18 "(14) In airport hangars or landing strips or taxi
19 and maintenance aprons.

20 "(15) In connection with any lumberyard.

21 "(16) In any place or occupation which the
22 department declares dangerous to life or limb or injurious to
23 the health or morals of ~~persons~~ individuals under 16 years of
24 age.

25 "(17) Selling of fireworks, unless under the direct
26 supervision of an individual at least 18 years of age.

1 "(b) (1) This section does not apply to an individual
2 14 years of age or 15 years of age when both of the following
3 are true:

4 "a. The individual is enrolled in either of a youth
5 pre-apprenticeship program, youth industry-registry
6 apprenticeship program, or similar program in which employment
7 and work-based learning are an integral part of the course of
8 study.

9 "b. The program the individual is enrolled in is
10 registered by the Alabama Office of Apprenticeship.

11 "(2) This section does not apply to employment
12 procured by an individual 14 years of age or 15 years of age
13 when the employment is supervised through the Alabama
14 Department of Education and approved by the Alabama Department
15 of Labor.

16 "§25-8-43.

17 "(a) No ~~person~~ individual under 18 years of age
18 shall be employed or permitted or suffered to work at any of
19 the following occupations, positions, or places:

20 "(1) In or about or in connection with any mine,
21 coke breaker, coke oven, or quarry in any capacity.

22 "(2) In wrecking, demolition, and shipbreaking.

23 "(3) In any tunnel or excavation with a depth of
24 four feet or more.

25 "(4) In any roofing, scaffolding, or sandblasting
26 operations.

1 "(5) Operating or driving any truck or heavy
2 equipment over three tons gross weight.

3 "(6) In logging or around any sawmill, lath mill,
4 shingle, or cooperage-stock mill.

5 "(7) Operating any power-driven woodworking, bakery,
6 or paper-products machinery.

7 "(8) Upon any steam, electric, diesel, hydraulic, or
8 other railroad.

9 "(9) As firefighters.

10 "(10) Operating any stamping machines used in sheet
11 metal or tin ware, or in paper or leather manufacturing, or
12 washer or nut factories.

13 "(11) In or around any steam boiler or rolling mill
14 machinery.

15 "(12) Operating any power-driven metal forming,
16 cutting, straightening, drawing, punching, or shearing
17 machines.

18 "(13) Operating or assisting in operating any
19 elevators, open-freight elevators, cranes, derricks, or other
20 power-driven hoisting apparatus, with the exception of an
21 unattended automatic passenger elevator.

22 "(14) Operating any paper cutting, stapling,
23 corrugating, or punching machines.

24 "(15) Assembling, adjusting, cleaning, oiling, or
25 servicing machinery in motion.

26 "(16) Operating any circular saws, band saws, or
27 guillotine shears.

1 "(17) In or around any distillery where alcoholic
2 beverages are manufactured, bottled, wrapped, or packed.

3 "(18) In the manufacture, storage, or transportation
4 of explosive components.

5 "(19) In the manufacturing of brick, tile, or
6 similar products.

7 "(20) In the manufacture or transportation of
8 dangerous or toxic chemicals or compounds.

9 "(21) In, about, or in connection with, poisonous
10 dyes, dangerous or poisonous gases, compositions of lye in
11 dangerous quantities, dangerous or poisonous acids, or
12 pesticides.

13 "(22) In any activity involving exposure to
14 radioactive substances or ionizing radiation.

15 "(23) Around asbestos or any other cancer-causing
16 agents.

17 "(24) Operating or assisting in operating any job,
18 cylinder, or offset printing presses.

19 "(25) In any activity involving slaughtering,
20 butchering, and meat cutting.

21 "(26) In any place or occupation which the
22 department may declare dangerous to life or limb or injurious
23 to the health or morals of ~~persons~~ individuals under 18 years
24 of age.

25 "(b) This section shall not apply to ~~persons~~
26 individuals 16 or 17 years of age enrolled in work-study,
27 student-learner, cooperative education, youth registered

1 apprentice programs, youth industry registry apprenticeship
2 programs, or similar programs in which ~~the~~ employment is and
3 work-based learning are an integral part of the course of
4 study and ~~is~~ are registered by the ~~Bureau of Apprenticeship~~
5 ~~and Training of the United States Department of Labor~~ Alabama
6 Office of Apprenticeship or to employment procured and
7 supervised through the Alabama Department of Education and
8 approved by the Alabama Department of Labor."

9 Section 5. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.