

Jim Doyle
Governor

Roberta Gassman
Secretary



OFFICE OF THE SECRETARY
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>

State of Wisconsin
Department of Workforce Development

Rule Analysis for Legislative Review

August 11, 2010
Proposed Rule in Final Draft Form

Apprenticeship

DWD 295

CR 10-073

Basis and Purpose of the Proposed Rules

Under secs. 106.01 to 106.04, Stats., the Department of Workforce Development (DWD) is responsible for the establishment and supervision of apprenticeship standards for sponsors, employers and employees. Under sec. 106.01(9), Stats., “(t)he department may investigate, fix reasonable classifications, issue rules and general or special orders and, hold hearings, make findings and render orders upon its findings as shall be necessary to carry out the intent and purposes of this section.”

On October 26, 2008, the US Department of Labor published 29 CFR 29 (Volume 29 of the Code of Federal Regulations, Part 29) in the Federal Register. 29 CFR 29 is a final rule designed to modernize the National Apprenticeship System. This rule, which took effect on December 29, 2008, provides State Apprenticeship Agencies with up to two additional years to implement the required changes in order to continue federal recognition of Wisconsin’s apprenticeship program.

On May 12, 2010, the Governor signed 2009 Wisconsin Act 291, previously 2009 Senate Bill 586, which makes conforming changes to the Wisconsin Statutes which are designed to ensure that the U.S. Department of Labor will continue to recognize Wisconsin’s apprenticeship program as in conformance with national standards. This proposed rule is intended to carry forward the intent of Act 291 and make similarly conforming changes to the administrative rules of the apprenticeship program.

The proposed amendments to DWD 295 implement the changes provided in 29 CFR Part 29 and include the following changes: allowance for three different approaches to the measurement of an apprentice’s progress in completing an apprenticeship program; allowance for technology based

learning by defining electronic media and explicitly allowing its use in the provision of related instruction; setting the components of program standards and introducing completion rates as critical factors in the evaluation of program quality; providing for increased program quality and options for apprentice sponsors changes; introducing provisional registration which will increase quality and success rates by providing for newly registered programs to be reviewed and the end of the provisional registration, and setting forth components which must be included in an Apprentice Contract.

Public Hearing Summary

A public hearing was held in Madison on July 22, 2010. The hearing was conducted and staffed by Howard Bernstein, DWD Legal Counsel, Karen Morgan, Director of the DWD Bureau of Apprenticeship Standards, and Mary Pierce, Bureau of Apprenticeship Standards.

Statements in support of the proposed rule were given by:

Terry Hayden, representing United Association of Plumbers and Steamfitters Union Local 434, and as Co-Chair of the Wisconsin Apprenticeship Advisory Council.

Robert Riberich, representing Associated Builders and Contractors of Wisconsin, Inc., and Riberich, Inc., and as Co-Chair of the Wisconsin Apprenticeship Advisory Council.

Wayne Belanger, Director of Education, Associated Builders and Contractors of Wisconsin.

Callie Hellenbrand, Tech Trainer, Alliant Energy.

Registrations in favor of the proposed rule were provided by:

Joe Weisling, Southeast Wisconsin Carpentry Training Center

Tim Anhalt, Wisconsin NECA/IBEW Apprenticeship (National Electrical Contractors Association and International Brotherhood of Electrical Workers Local Union 159).

There were no statements in opposition to the proposed rule.

Response to Legislative Council Staff Recommendations

All comments which suggested drafting changes in the rule text were accepted. The report also asks a number of questions in section 5. The questions and DWD's answers are set forth below:

(5)(c) In s. DWD295.01(5), does the department intend the phrase "any cancellations" to actually require explanation of other occurrences such as unassignments? Answer: yes, in order to ensure that apprentice contracts are handled properly, all events which involve the end of an apprentice contract are reported by local committees to the department.

(5)(d) *In s. DWD 290.01(6), what is the other “approval” to which the department refers?*

Answer: The only approval is for the purpose of registration as discussed in the rule.

(5)(e) *In consideration of other state efforts regarding privacy, what is the intent regarding the voluntary submission of an apprentice’s Social Security number in s. DWD 295.07(3)(b)?*

If the submission is voluntary, why allow it at all? How will the department use submitted Social Security numbers? Answer: the department does not compel an apprentice to submit a Social security number against his or her will, but it has this identifier for most apprentices and guards their confidentiality carefully. They are very helpful when used to carry out program evaluation studies which demonstrate the income gain from apprenticeship programs, and also to conduct crossmatch reviews to guard for fraud against other programs, such as unemployment insurance.

(5)(f) *In s. DWD 295.10(2), whop is responsible for approval of affirmative action plans as referenced by the department?* Answer: the department.

Department Contacts

Karen Morgan, Director
Bureau of Apprenticeship Standards
DWD Division of Employment & Training
(608) 266-3133

Karen.Morgan@dwd.wisconsin.gov

Howard Bernstein
Legal Counsel
Wis. Department of Workforce Development
(608) 266-9427

Howard.Bernstein@dwd.wisconsin.gov