

Chapter 6 Apprenticeship Act

Part 1 General Provisions

35A-6-101 Title.

This chapter shall be known as the "Apprenticeship Act."

Enacted by Chapter 375, 1997 General Session

35A-6-102 Definitions.

As used in this chapter and in Title 34, Labor in General:

- (1) "Apprentice" means an individual who has entered into:
 - (a) a written agreement approved by the Office of Apprenticeship with an employer or the employer's agent, an association of employers, an organization of employees, or a joint committee representing employers and employees;
 - (b) an apprenticeship that meets Office of Apprenticeship standards; or
 - (c) an apprenticeship that can be completed at no charge to the participant where the participant learns and works with registered standards to learn a set of skills that result in the participant qualifying for a state license or certification or earning industry recognized credentials at the completion of the apprenticeship.
- (2) "Apprenticeship" means an industry-driven, high-quality career pathway where employers can develop and prepare their future workforce, and individuals can obtain paid work experience, classroom instruction, and a portable, nationally recognized credential.
- (3) "Commissioner" means the Commissioner of Apprenticeship Programs described in Section 35A-6-105.
- (4) "Office of Apprenticeship" means the federal agency designated by the United States Department of Labor to oversee apprenticeship programs.
- (5) "Pre-apprenticeship" means a program or set of strategies that is designed to prepare individuals to enter and succeed in an apprenticeship program with registered standards.
- (6) "Youth apprenticeship" means a program or set of strategies that combines academic and technical classroom instruction with work experience through an apprenticeship program and which provides the foundation for youth in high school to choose among multiple pathways, including enrolling in college, beginning full-time employment, or a combination of college and employment.

Amended by Chapter 301, 2021 General Session

35A-6-103 Apprenticeship agreements -- Terms and conditions.

Every apprenticeship agreement entered into under this chapter shall contain:

- (1) the names of the contracting parties;
- (2) the date of birth of the apprentice;
- (3) a statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin;
- (4) 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 and supplemental instruction, which instruction shall be not less

- than 144 hours per year, unless prior educational experience is substituted or prior practical experience programs are substantial as provided in other state laws;
- (5) a statement setting forth a schedule of the work processes in the trade or industry divisions in which the apprentice is to be taught and the approximate time to be spent at each process;
 - (6) a statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated;
 - (7) a statement providing for a period of probation during which time the apprenticeship agreement may be terminated by either party to the agreement; and
 - (8) a statement that if an employer is unable to fulfill the employer's obligation under the apprenticeship agreement, the employer may transfer such obligation to another employer.

Amended by Chapter 132, 1999 General Session

35A-6-104 Application of chapter -- Voluntary election.

This chapter applies only to such persons, firms, political subdivisions, corporations, employer associations, or bona fide organizations of employees as voluntarily elect to conform with its provisions.

Renumbered and Amended by Chapter 375, 1997 General Session

35A-6-104.5 Youth apprenticeships -- Workers' compensation -- Risk management.

- (1) As used in this section, "youth apprentice" means an individual who is:
 - (a) participating in a youth apprenticeship; and
 - (b) enrolled in a public school.
- (2) A youth apprentice is considered to be a volunteer government worker of the public school in which the individual is enrolled, solely for purposes of:
 - (a) receiving workers' compensation medical benefits; and
 - (b) coverage by the Risk Management Fund created in Section 63A-4-201.
- (3) Receipt of medical benefits under Subsection (2) shall be the exclusive remedy against the school and the cooperating employer for all injuries and occupational diseases as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act.

Enacted by Chapter 350, 2023 General Session

35A-6-105 Commissioner of Apprenticeship Programs.

- (1) There is created the position of Commissioner of Apprenticeship Programs within the department.
- (2) The commissioner shall be appointed by the executive director and chosen from one or more recommendations provided by a majority vote of the State Workforce Development Board.
- (3) The commissioner may be terminated without cause by the executive director.
- (4) The commissioner shall:
 - (a) promote and educate the public, including high school guidance counselors and potential participants in apprenticeship programs, about apprenticeship programs, youth apprenticeship, and pre-apprenticeship programs offered in the state, including apprenticeship, youth apprenticeship, and pre-apprenticeship programs offered by private sector businesses, trade groups, labor unions, partnerships with educational institutions, and other associations in the state;

- (b) coordinate with the department and other stakeholders, including union and nonunion apprenticeship programs, the Office of Apprenticeship, the State Board of Education, the Utah system of higher education, the Department of Commerce, the Division of Professional Licensing, and the Governor's Office of Economic Opportunity to improve and promote apprenticeship opportunities in the state; and
- (c) provide an annual written report to:
 - (i) the department for inclusion in the department's annual written report described in Section 35A-1-109;
 - (ii) the Business, Economic Development, and Labor Appropriations Subcommittee; and
 - (iii) the Higher Education Appropriations Subcommittee.
- (5) The annual written report described in Subsection (4)(c) shall provide information concerning:
 - (a) the number of available apprenticeship, youth apprenticeship, and pre-apprenticeship programs in the state;
 - (b) the number of apprentice participants in each program;
 - (c) the completion rate of each program;
 - (d) the cost of state funding for each program; and
 - (e) recommendations for improving apprenticeship, youth apprenticeship, and pre-apprenticeship programs.

Amended by Chapter 415, 2022 General Session