

APPRENTICESHIP AUTHORIZATION ACT

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions regarding apprenticeships.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ creates the Apprenticeship Executive Board within the Utah Department of Workforce Services;
 - ▶ provides duties for the Apprenticeship Executive Board;
 - ▶ establishes a process for an employer to become a certified apprenticeship sponsor;
- and
- ▶ establishes a process and certain exemptions for a student entering into an apprenticeship agreement with a certified apprenticeship sponsor.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

35A-6-201, Utah Code Annotated 1953

35A-6-202, Utah Code Annotated 1953



- 28 [35A-6-203](#), Utah Code Annotated 1953
- 29 [35A-6-204](#), Utah Code Annotated 1953
- 30 [35A-6-205](#), Utah Code Annotated 1953
- 31 [35A-6-206](#), Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **35A-6-201** is enacted to read:

35 **Part 2. Apprenticeship Authorization Act**

36 **35A-6-201. Title.**

37 This part is known as "Apprenticeship Authorization Act."

38 Section 2. Section **35A-6-202** is enacted to read:

39 **35A-6-202. Definitions.**

40 (1) "Certified apprenticeship sponsor" means an employer that is certified by the
41 Executive Apprenticeship Board to enter into an apprenticeship agreement with an eligible
42 student as described in this part.

43 (2) "College of applied technology" means:

44 (a) a college described in Section [53B-2a-105](#); and

45 (b) the School of Applied Technology at Salt Lake Community College established
46 under Section [53B-16-209](#).

47 (3) "Eligible institution" means:

48 (a) a college of applied technology;

49 (b) a school district or charter school;

50 (c) an institution of higher education; or

51 (d) a school that is accredited by a regional accrediting body recognized by the United
52 States Department of Education.

53 (4) "Eligible student" means a student who is:

54 (a) at least 16 years old; and

55 (b) has completed grade 8.

56 (5) "Employer" means a private employer, public employer, industry association, the
57 military, or a union.

58 (6) "Institution of higher education" means the same as that term is defined in Section

59 [53B-3-102.](#)

60 (7) "Stackable sequence of credentials" means a sequence of credentials with clear
61 labor market value that an individual can build upon to obtain an advanced job or higher wage.

62 Section 3. Section **35A-6-203** is enacted to read:

63 **35A-6-203. Apprenticeship Executive Board creation -- Membership.**

64 (1) There is created the Apprenticeship Executive Board, within the Utah Department
65 of Workforce Services, composed of the following members:

66 (a) the executive director of the Utah Department of Workforce Services or the
67 executive director of the Utah Department of Workforce Services' designee;

68 (b) the commissioner of higher education or the commissioner of higher education's
69 designee;

70 (c) the president of the Utah College of Applied Technology or the president of the
71 Utah College of Applied Technology's designee;

72 (d) the state superintendent or the state superintendent's designee; and

73 (e) the division director of the Division of Occupational and Professional Licensing or
74 the division director of the Division of Occupational and Professional Licensing's designee.

75 (2) The Department of Workforce Services shall provide staff support for the
76 Apprenticeship Executive Board.

77 (3) The Apprenticeship Executive Board shall select a chair and vice chair from among
78 the members of the Apprenticeship Executive Board.

79 (4) Except as provided in Section [35A-6-204](#):

80 (a) attendance of a simple majority of the members of the Apprenticeship Executive
81 Board constitutes a quorum for the transaction of official Apprenticeship Executive Board
82 business; and

83 (b) formal action by the Apprenticeship Executive Board requires the majority vote of
84 a quorum.

85 (5) A member of the Apprenticeship Executive Board or a member of the Industry
86 Advisory Board established under Section [35A-6-205](#):

87 (a) may not receive compensation or benefits for the member's service; and

88 (b) may receive per diem and travel expenses in accordance with:

89 (i) Section [63A-3-106](#);

90 (ii) Section 63A-3-107; and
91 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

92 Section 4. Section 35A-6-204 is enacted to read:

93 **35A-6-204. Apprenticeship Executive Board duties.**

94 (1) The Apprenticeship Executive Board shall:

95 (a) appoint a director who is the executive officer of the board and serves at the
96 pleasure of the Apprenticeship Executive Board;

97 (b) encourage and recruit employers to become a certified apprenticeship sponsor;

98 (c) coordinate and align existing career and technical education efforts within the state;

99 (d) review a proposal submitted under Section 35A-6-205 and certify an apprenticeship
100 sponsor in accordance with this part; and

101 (e) review an apprenticeship agreement entered into under Section 35A-6-206.

102 Section 5. Section 35A-6-205 is enacted to read:

103 **35A-6-205. Certified apprenticeship sponsor proposal.**

104 (1) To become a certified apprenticeship sponsor, an employer shall submit a proposal
105 to the Apprenticeship Executive Board.

106 (2) The proposal shall include:

107 (a) a statement of the trade, craft, or business that the eligible student is to be taught by
108 the certified apprenticeship sponsor and eligible institution;

109 (b) a copy of a memorandum of understanding between the employer and an eligible
110 institution that contains a proposed curriculum, including:

111 (i) the number of hours to be spent by the apprentice in work and the number of hours
112 to be spent in related and supplemental instruction at an eligible institution; and

113 (ii) a statement setting forth a schedule of the work processes in the trade or industry in
114 which the eligible student is to be taught and the approximate time to be spent at each process;

115 (c) an analysis of the labor market need for the instruction; and

116 (d) information on how the cost of instruction will be funded by the employer and the
117 eligible institution.

118 (3) (a) For each proposal submitted under this section, within 30 days of receiving the
119 proposal, the Apprenticeship Executive Board shall establish an Industry Advisory Board for
120 the purposes of reviewing a proposal composed of:

- 121 (i) the employer submitting the proposal; and
122 (ii) three employers that represent the industry of the employer seeking to become a
123 certified apprenticeship sponsor.
- 124 (b) Attendance of a simple majority of the members of the Apprenticeship Executive
125 Board and the Industry Advisory Board constitute a quorum for the purposes of reviewing a
126 proposal submitted under Section 35A-6-205.
- 127 (c) Formal action by the Apprenticeship Executive Board on a proposal submitted
128 under Section 35A-6-205 requires the majority vote of a quorum of the Apprenticeship
129 Executive Board and the Industry Advisory Board.
- 130 (4) (a) The Apprenticeship Executive Board shall establish objective criteria in
131 evaluating a proposal submitted under this section.
- 132 (b) The criteria established under Subsection (4)(a) shall weight heavily the extent to
133 which the proposal:
- 134 (i) uses a four year format to train an eligible student in a highly technical field;
135 (ii) provides a career path opportunity for a high school student to acquire an education
136 and career without incurring student debt;
137 (iii) provides a stackable sequence of credentials culminating in the equivalent of an
138 associate degree;
139 (iv) is responsive to regional or statewide industry needs;
140 (v) is aligned with licensing requirements under Title 58, Occupations and Professions,
141 if the occupation requires licensing under Title 58, Occupations and Professions; and
142 (vi) has a viable plan to fund the cost of instruction.
- 143 (5) (a) The Apprenticeship Executive Board, in conjunction with the Industry Advisory
144 Board shall:
- 145 (i) review a proposal within 30 days after the Industry Advisory Board is established
146 under Subsection (3); and
147 (ii) approve or reject a proposal in accordance with this part.
- 148 (b) If the Apprenticeship Executive Board approves a proposal, the employer is a
149 certified apprenticeship sponsor.
- 150 (c) Upon final approval or rejection of a proposal, the Industry Advisory Board
151 established under Subsection (3) is dissolved.

152 Section 6. Section 35A-6-206 is enacted to read:

153 **35A-6-206. Apprenticeship agreements -- Terms and conditions.**

154 (1) An eligible student may, with the written consent of the eligible student's parent or
155 legal guardian, enter into an apprenticeship agreement between:

- 156 (a) the student;
- 157 (b) a certified apprenticeship sponsor; and
- 158 (c) an eligible institution.

159 (2) Notwithstanding Section 53A-11-102, for an eligible student who has entered into
160 an apprenticeship agreement under Subsection (1), a local school board or charter school
161 governing board shall:

162 (a) grant an eligible student a partial release from school if the eligible student chooses
163 to remain enrolled in a school district or charter school; or

164 (b) excuse the eligible student from school attendance if the eligible student chooses to
165 enroll in an eligible institution that is not a school district or charter school.

166 (3) An apprenticeship agreement entered into under this section shall contain:

- 167 (a) the names of the contracting parties;
- 168 (b) the date of birth of the eligible student;
- 169 (c) a statement of the trade, craft, or business that the eligible student is to be taught by
170 the certified apprenticeship sponsor and eligible institution;
- 171 (d) the date on which the apprenticeship will begin;
- 172 (e) a statement showing the number of hours to be spent by the eligible student in work
173 and the number of hours to be spent in related and supplemental instruction at an eligible
174 institution, including a schedule of classes;
- 175 (f) a statement setting forth a schedule of the work processes in the trade or industry
176 divisions in which the eligible student is to be taught and the approximate time to be spent at
177 each process;
- 178 (g) a statement of the graduated scale of wages to be paid the eligible student and
179 whether the required school time is compensated;
- 180 (h) a statement providing for a period of probation during which time the
181 apprenticeship agreement may be terminated by a party to the agreement; and
- 182 (i) a statement that if an employer is unable to fulfill the employer's obligation under

183 the apprenticeship agreement, the employer may transfer such obligation to another certified
184 apprenticeship sponsor.

185 (4) (a) An eligible student who has entered into an agreement under Subsection (1)
186 shall enroll in, or remain enrolled in, at least one eligible institution.

187 (b) A school district or charter school shall record a student who has entered into an
188 agreement under Subsection (1) as an "other completer" for purposes of state and federal
189 graduation rate reporting.

Legislative Review Note
Office of Legislative Research and General Counsel