

HOUSE No. 1857

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to apprenticeship standards.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/10/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>1/24/2023</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/24/2023</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>1/27/2023</i>
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>2/23/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/27/2023</i>
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>2/28/2023</i>

HOUSE No. 1857

By Representative Cutler of Pembroke, a petition (accompanied by bill, House, No. 1857) of Josh S. Cutler and others relative to apprenticeship standards. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to apprenticeship standards.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 23 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in lines 12 and 13, the words “and the
3 department of labor relations” and inserting in place thereof the following words:- , the
4 department of labor relations and the department of apprenticeship standards

5 SECTION 2. The first paragraph of section 11E of said chapter 23, as so appearing, is
6 hereby amended by striking out the first to third sentences, inclusive, and inserting in place
7 thereof the following 4 sentences:-

8 There shall be in the department of apprenticeship standards an apprenticeship council, to
9 consist of 12 members, 10 of whom shall be appointed by the secretary of labor and workforce
10 development, 1 of whom shall be the director of the department of apprenticeship standards or a
11 designee thereof, who shall serve as chair, and 1 of whom shall be the associate commissioner of
12 career and technical education or his successor, in the department of education. Of the appointive

13 members, 4 of whom shall be persons who, on account of previous vocation, employment,
14 occupation or affiliation, may be classified as representatives of labor, provided that at least 1 of
15 whom shall be recommended by the president of the Massachusetts Building Trades Council,
16 and 4 of whom shall be persons who, on account of previous vocation, employment, occupation
17 or affiliation, may be classified as representatives of management, provided that at least 1 of
18 whom shall be recommended by the Massachusetts Apprentice Network. The appointive
19 members shall represent a variety of industries and geographical diversity across the
20 commonwealth. The terms of office of the representatives of labor and management initially
21 appointed shall expire as designated by the director of the department of apprenticeship
22 standards at the time of making the appointments, 1 representative each of labor and
23 management shall be appointed for a term of 1 year, 2 representatives each of labor and
24 management shall be appointed for a term of 2 years, and 1 representative each of labor and
25 management shall be appointed for a term of 3 years.

26 SECTION 3. The last sentence of said first paragraph of said section 11E of said chapter
27 23, as so appearing, is hereby amended by inserting, in line 28, after the words "15 days in a" the
28 following word:- calendar.

29 SECTION 4. The second paragraph of said section 11E of said chapter 23, as so
30 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the
31 following sentence:-

32 The council shall meet no less than once quarterly during each calendar year or at the call
33 of the director of the department of apprenticeship standards and shall aid the director in
34 formulating policies for the effective administration of this chapter.

35 SECTION 5. Section 11F of said chapter 23, as so appearing, is hereby amended by
36 striking out, in lines 2 and 3, the words “deputy director of apprentice standards. The deputy
37 director” and inserting in place thereof the following words:- director of the department of
38 apprenticeship standards. The director

39 SECTION 6. Said chapter 23, as so appearing, is hereby further amended by striking out
40 section 11G and inserting in place thereof the following section:-

41 Section 11G. The director of the department of apprenticeship standards, with the advice
42 and guidance of the apprenticeship council, shall administer sections 11E to 11W, inclusive,
43 shall maintain or require to be maintained a record of apprenticeship programs and
44 apprenticeship agreements and their disposition, shall cooperate with the state department of
45 education and the local school authorities in regard to the education of apprentices in accordance
46 with the standards established by the director for the same occupation or group of occupations,
47 and shall perform such other duties as are necessary to carry out the intent of said sections 11E to
48 11W, inclusive.

49 The director, or a designee thereof, shall set up and establish conditions and training
50 standards for apprentice programs, which conditions or standards shall in no case be lower than
51 those prescribed in said section 11E to 11W, inclusive. Further, the director, or a designee
52 thereof, may create and implement a schedule of progressive sanctions regarding registration of
53 apprenticeship programs, shall act as chair of the apprenticeship council, may approve an
54 apprenticeship program or resultant apprenticeship agreement which meets the standards
55 established under said sections 11E to 11W, inclusive, may exercise discretion to review and
56 modify apprenticeship programs or apprenticeship agreements, including terminating or

57 canceling an apprenticeship program or apprenticeship agreement, and may issue certificates of
58 completion of apprenticeship.

59 SECTION 7. Said chapter 23, as so appearing, is hereby further amended by striking out
60 section 11H and inserting in place thereof the following section:-

61 Section 11H. As used in sections 11E through 11W, inclusive, the following words shall,
62 unless the context clearly requires otherwise, have the following meanings:-

63 “Apprentice”, a person at least 16 years of age who has entered an apprenticeship
64 agreement with an employer, or an association of employers, or an organization of employees, or
65 other apprenticeship program sponsor duly registered with the department of apprenticeship
66 standards.

67 “Apprenticeship agreement”, a written agreement, which may be electronically signed,
68 between an apprentice and an apprenticeship program sponsor which is registered with the
69 department and which provides for not less than 2,000 hours of reasonably continuous
70 employment, consistent with training requirements as established by industry practice; except
71 that for expansion industries, as defined by this section, the director may establish a clear
72 minimum threshold for required hours of reasonably continuous employment, consistent with
73 quality and safety standards of such industry. The written agreement shall also provide for not
74 less than 150 hours per year of related instruction for a person in the occupation to which they
75 are apprenticed, or in the case of licensed occupations, as required by regulations of the
76 appropriate licensing identity, as applicable, as well as participation in an approved schedule of
77 work experience throughout a reasonably continuous period of employment.

78 “Apprenticeable occupation”, an occupation which: (1) can be learned in a practical way
79 through a structured, systemic program of on-the-job supervised training; (2) is clearly identified
80 and commonly recognized through an industry; (3) involves manual, mechanical, or technical
81 skills and knowledge which require a minimum hours of on-the-job work experience as written
82 in the apprenticeship agreement; and (4) requires related training or technical instruction to
83 supplement the on-the-job training.

84 “Apprenticeship program”, a program which is registered with the department for the
85 recruitment, selection, employment, training, and qualification of apprentices.

86 “Apprenticeship program sponsor”, a person, association, committee, organization,
87 corporation, partnership, trust or other entity operating an apprenticeship program and in whose
88 name the program is registered with the department.

89 “Apprenticeship term”, a complete apprenticeship program for an individual apprentice,
90 which measures successful performance through (1) a time-based model, showing completion of
91 the industry standard of at least 2,000 hours of reasonably continuous employment; or either (2)
92 a competency-based model, showing skill acquisition through the individual apprentice’s
93 demonstration of acquired skills and knowledge, as verified by the program sponsor; or (3) a
94 hybrid model, which blends the time-based and competency-based model for apprenticeships in
95 expansion industries. At a minimum, the apprenticeship term shall include a measure of skills-
96 based competencies and include both related technical instruction and reasonably continuous
97 employment.

98 “Department”, the department of apprenticeship standards in the executive office of labor
99 and workforce development.

100 “Director”, the director of the department of apprenticeship standards

101 “Expansion Industries”, industries underrepresented in apprenticeship programs that the
102 secretary of labor and workforce development identifies as critical to a regional labor market
103 economy

104 “Licensing entity”, a state agency, including the division of occupational licensure that
105 issues licenses to individuals to engage in occupations.

106 “Proctor”, an instructor approved by the department or a person competent in an
107 apprentice’s occupation including, but not limited to, a journey worker.

108 “Skills-based competencies”, demonstrable manual, mechanical, or technical skills, and
109 related knowledge, as specified by an occupational standard and demonstrated by an apprentice
110 through an appropriate written and hands-on proficiency measurement, including on-the-job
111 work hours. Such skills-based competencies shall be used to determine progression over the
112 course of an Apprenticeship Term and may be used to assess an apprentice’s progression through
113 a registered apprenticeship program.

114 “Verification of Hours”, a formal notice issued by the department upon request by either
115 an apprenticeship program sponsor, a registered apprentice, or a licensing entity, confirming the
116 number of hours that the sponsor has reported to the department.

117 SECTION 8. Section 11I of said chapter 23 of the General Laws, as appearing in the
118 2020 Official Edition, is hereby amended by striking out, subsections (a) to (h), inclusive, and
119 inserting in place thereof the following 7 subsections:-

120 (a) a requirement that the apprentice receive a minimum of hours of reasonably
121 continuous employment as an apprentice, consistent with training requirements as established by
122 industry practice, in the occupation to which they are apprenticed, provided that an apprentice
123 must receive a minimum of 2,000 hours of employment; in the case of licensed occupations,
124 such requirements shall be as required by regulations of the appropriate licensing identity, as
125 applicable;

126 (b) a requirement that the apprentice receive a minimum of 150 hours of annual related
127 classroom instruction during the period of apprenticeship in the occupation to which they are
128 apprenticed, or in the case of licensed trades, as required by regulation of the licensing entity, as
129 applicable and any examinations administered during such instruction shall be monitored by a
130 proctor;

131 (c) a schedule of the work processes to be learned in the occupation and a corresponding
132 progressively increasing scale of wages for the apprentice, during the period of apprenticeship;
133 such schedule may include a measure of skills-based competencies, through which an apprentice
134 can progress, and which shall include demonstrable development of manual, mechanical, or
135 technical skills, and related knowledge, as specified by an occupational standard and
136 demonstrated by an appropriate written and hands-on proficiency measurement;

137 (d) a concise and accurate statement of the terms and conditions of the employment and
138 training of the apprentice and a statement that the apprenticeship agreement shall be registered
139 with the department within 30 days of its execution;

140 (e) a statement that such agreement may be terminated, within the lesser of (1) 1 year or
141 (2) 25 per cent of the length of the apprenticeship program from the date of its execution, by
142 either the employer or the apprentice, for any reason;

143 (f) a statement that the agreement may be terminated by the director any time during the
144 duration of the agreement if the director deems it proper; and

145 (g) a statement that the department is available to receive, investigate and resolve any
146 complaints the apprentice has about the apprenticeship training program in which the apprentice
147 is registered.

148 SECTION 9. Section 11J of said chapter 23, as so appearing, is hereby amended by
149 striking out, in line 2, the word “division” and inserting in place thereof the following word:-
150 department

151 SECTION 10. Said section 11J of said chapter 23, as so appearing, is hereby further
152 amended by striking out, in line 5, the words “deputy director” and inserting in place thereof the
153 following words:- director; such signature may be electronic in a manner designated by the
154 department. The sponsor shall keep a signed copy of each signed apprenticeship agreement on
155 file and shall make such agreements available to the department upon request

156 SECTION 11. Section 11K of said chapter 23, as so appearing, is hereby amended by
157 striking out, in lines 1 and 38, the word “division” each time it appears, and inserting in place
158 thereof, in each instance, the following word:- department

159 SECTION 12. Said section 11K of said chapter 23, as so appearing, is hereby further
160 amended by striking out, in line 8, the words “deputy director, the director,” and inserting in
161 place thereof the following words:- director of the department of apprenticeship standards

162 SECTION 13. Subsection (b) of said section 11K of said chapter 23, as so appearing, is
163 hereby amended by striking out, in line 13, the word “orientation” and inserting in place thereof
164 the following words:- orientation, genetic information

165 SECTION 14. Said section 11K of said chapter 23, as so appearing, is hereby further
166 amended by striking out subsections (c) and (d) and inserting in place thereof the following 2
167 subsections:-

168 (c) The apprenticeship program shall ensure that each apprentice completes an
169 apprenticeship term, through either a time-based, competency-based, or hybrid model; provided
170 that the apprenticeship program shall ensure that each apprentice works a minimum of 2,000
171 hours of employment, consistent with training requirements as established by industry practice,
172 at the occupation to which they are apprenticed; provided further that the apprenticeship program
173 shall include, at a minimum, a measure of skills-based competencies, through which the
174 apprentice can progress, upon demonstrating proficiency for expansion industries that use
175 competency-based or a hybrid model. The apprenticeship program shall ensure that each
176 apprentice receives, at a minimum, 150 hours annually of related classroom instruction in the
177 occupation to be learned, or in the case of licensed trades, as required by regulation of the
178 licensing entity, as applicable and any examinations administered during such instruction shall
179 be monitored by a proctor.

180 (d) The apprenticeship program must ensure that each apprentice is paid in accordance
181 with a predetermined schedule of wage rates based on the program’s journeyperson rate, said
182 schedule shall progressively increase with the apprentice’s skill level and average at least 50 per
183 cent of the journeyperson's rate for the apprenticeship term.

184 SECTION 15. Section 11L of said chapter 23, as so appearing, is hereby amended by
185 striking out, in lines 4, 15, and 18, the word “division” each time it appears, and inserting in
186 place thereof, in each instance, the following word:- department

187 SECTION 16. Section 11T of said chapter 23, as so appearing, is hereby amended by
188 striking out, in lines 2, 4, 27, 54, and 57, the word “division” each time it appears, and inserting
189 in place thereof, in each instance, the following word:- department

190 SECTION 17. Subsection (b) of said section 11T of said chapter 23, as so appearing, is
191 hereby amended by striking out, in lines 5, 18, and 33, the word “deputy” each time it appears.

192 SECTION 18. Said subsection (b) of said section 11T of said chapter 23, as so appearing,
193 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the
194 following paragraph:-

195 The determination of the director shall be filed with the department and notice of the
196 determination shall, at the same time, be emailed and mailed, postage prepaid, to each person
197 known by the department to be an interested person, at the last address on file with the
198 department. A person aggrieved by a determination or action of the director may, within the 10
199 business day period, appeal to the department, which shall hold a hearing after due notice to all
200 interested parties. If no appeal is filed with the director within 10 business days after the date of
201 such filing and notice, the determination shall become the final decision.

202 SECTION 19. Section 11U of said chapter 23, as so appearing, is hereby amended by
203 striking out, in lines 1, 11, 12, and 13, the word “division” each time it appears, and inserting in
204 place thereof, in each instance, the following word:- department

205 SECTION 20. Subsection (c) of said section 11U of said chapter 23, as so appearing, is
206 hereby amended by striking out the first paragraph and insert in place thereof the following
207 paragraph:-

208 The determination of the director shall be filed with the department and notice of the
209 determination shall, at the same time, be mailed and emailed to each person known by the
210 department to be an interested person, at the last address on file with the department. If no appeal
211 is filed with the director within 10 business days after the date of the filing and notice, the
212 determination shall become final.

213 SECTION 21. Said subsection (c) of said section 11U of said chapter 23, as so appearing,
214 is hereby further amended by striking out, in lines 22 and 23, the words “deputy director may,
215 within the time allowed, appeal to the director, who” and inserting in place thereof the following
216 words:- director may, within the time allowed, appeal to the department, which

217 SECTION 22. Said subsection (c) of said section 11U of said chapter 23, as so appearing,
218 is hereby further amended by striking out, in line 25 and 26, the following words:- of the director

219 SECTION 23. Subsection (d) of said section 11U of said chapter 23, as so appearing, is
220 hereby amended by striking out, in line 34, the word “deputy”.

221 SECTION 24. Section 11W of said chapter 23, as so appearing, is hereby amended by
222 striking out the first to third sentences, inclusive, and inserting in place thereof the following 3
223 sentences:-

224 The director shall require each apprentice entering into a written agreement pursuant to
225 this chapter to submit an application to the department for an apprentice identification card,
226 which may be issued electronically. Such application shall be accompanied by a fee paid by the
227 apprentice or the program sponsor, together with photographic prints and such other information
228 as required by the director, except that a veteran receiving education benefits from the
229 Department of Veterans Affairs under Title 38 of the United States Code shall not be required to
230 pay a fee. The apprentice identification card shall expire 1 year from the date of issue, but may
231 be automatically renewed electronically in a manner designated by the department.

232 SECTION 25. Said section 11W of said chapter 23, as so appearing, is hereby further
233 amended by striking out, in lines 11 and 14, the word “division” each time it appears, and
234 inserting in place thereof, in each instance, the following word:- department

235 SECTION 26. Said section 11W of said chapter 23, as so appearing, is hereby further
236 amended by striking out, in lines 18 and 19, the words “deputy director requires; the date on
237 which the apprentice identification card expires;” and inserting in place thereof the following
238 words:- director requires; the date on which the apprenticeship began;

239 SECTION 27. Said section 11W of said chapter 23, as so appearing, is hereby further
240 amended by striking out, in line 21, the word “sponsor;” and inserting in place thereof the
241 following words:- sponsor, and may contain

242 SECTION 28. Said section 11W of said chapter 23, as so appearing, is hereby further
243 amended by striking out the last sentence and inserting in place thereof the following 2
244 sentences:-

245 As a condition of apprenticeship, the apprentice shall keep the apprentice identification
246 card in a form designated by the department on his person during the apprenticeship. Such
247 designated form may vary by occupation.

248 SECTION 29. Paragraph (1) of subsection (v) of section 6 of chapter 62, as so appearing,
249 is hereby amended by adding, in line 1158, after the words "NAICS code 31-33", the following
250 words:- and other expansion industries new to apprenticeship the secretary of labor and
251 workforce development identifies as critical to a regional labor market economy

252 SECTION 30. Subsection (a) of section 38HH of chapter 63, as so appearing, is hereby
253 amended by adding, in line 18, after the words "NAICS code 31-33", the following words:- and
254 other expansion industries new to apprenticeship the secretary of labor and workforce
255 development identifies as critical to a regional labor market economy