



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3898/3  
GMM:jld&wlj:jf

## 2009 ASSEMBLY BILL 797

March 2, 2010 – Introduced by Representatives TOLES and SINICKI, cosponsored by Senator COGGS, by request of Department of Workforce Development. Referred to Committee on Workforce Development.

1     **AN ACT** *to repeal* 106.01 (2), 106.01 (4), 106.01 (5) (intro.), 106.01 (5) (a), 106.01  
2         (5) (b), 106.01 (5) (c), 106.01 (5) (e), 106.01 (5) (f), 106.01 (5) (g), 106.01 (5i) (a),  
3         106.01 (5i) (b) and 106.01 (5k); **to renumber and amend** 15.227 (13), 106.001  
4         (3), 106.01 (3), 106.01 (5) (d), 106.01 (5i) (am) 1., 106.01 (5i) (am) 2., 106.01 (5i)  
5         (c), 106.01 (5j), 106.01 (6) and 106.01 (10); **to amend** 15.157 (15) (a), 15.157 (15)  
6         (c), 101.136 (4) (a), 101.136 (6) (a) 1., 101.136 (6) (c) 2., 103.70 (1), 104.08 (2m),  
7         106.001 (1), 106.001 (2), 106.01 (7), 106.01 (8), 106.01 (9), 106.02, 106.025 (2),  
8         106.03, 106.13 (3), 145.01 (3), 145.07 (7) (a), 445.095 (3) and 454.10 (1); **to**  
9         **repeal and recreate** 106.01 (title); and **to create** 15.227 (13) (a) 1. to 6. and  
10         (b), 106.001 (2m), 106.001 (4), 106.001 (5), 106.001 (6), 106.001 (7), 106.01 (5m)  
11         (title), 106.01 (6) (title), 106.01 (6) (d) and 106.01 (11) of the statutes; **relating**  
12         **to:** apprentice contracts, the appointment and composition of the Wisconsin

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- 1           Apprenticeship Council, requiring the exercise of rule-making authority, and  
2           providing a penalty.
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***Analysis by the Legislative Reference Bureau*****INTRODUCTION**

Under current law, any person 16 years of age or over may enter into an indenture, which is a contract whereby the person (apprentice) is to receive from his or her employer, in consideration for the apprentice's services, instruction in any trade, craft, or business. This bill makes various changes relating to the formation and assignment of an apprentice contract, the related instruction that must be provided under an apprentice contract, the procedures for terminating an apprentice contract, and the penalties for nonperformance of an apprentice contract. The bill also makes certain changes relating to the appointment and composition of the Wisconsin Apprenticeship Council.

**APPRENTICE CONTRACTS**

***Formation of apprentice contract.*** Under current law, an apprentice may enter into an indenture with an employer or with an organization of employees, association of employers, or other similar responsible agency (organization). An indenture must contain the names of the parties; the date of birth of the apprentice; a statement of the trade, craft, or business that the apprentice is to be taught and the time when the apprenticeship will begin and end; an agreement stating the number of hours to be spent in related instruction; an agreement as to the procedures, methods, or plans to be taught; and a statement of the compensation to be paid to the apprentice.

This bill defines or redefines certain terms relating to apprenticeships. Specifically, the bill:

1. Replaces the term "indenture" with the term "apprentice contract" and specifies that an apprentice contract is between the apprentice, the Department of Workforce Development (DWD), and the sponsor of the apprenticeship program or an apprenticeship committee acting as the agent of the sponsor.

2. Replaces the term "organization" with the term "sponsor" and redefines that term to mean any employer, organization of employees, association of employers, committee, or other person operating an apprenticeship program and in whose name the apprenticeship program is approved by DWD.

3. Defines an "apprenticeship committee" as a joint apprenticeship committee, which consists of both employer and employee representatives, or a nonjoint apprenticeship committee, which consists only of employer representatives, designated by a sponsor to administer an apprenticeship program.

4. Defines an "apprenticeship program" as a program approved by DWD providing for the employment and training of apprentices in a trade, craft, or business that includes a plan containing all of the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices as required under the subchapter of the statutes relating to apprenticeship programs.

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The bill also requires DWD to promulgate rules providing procedures for approving and rescinding approval of an apprenticeship program.

The bill also eliminates the statutory provisions specifying the provisions that must be included in an indenture and instead requires DWD to promulgate rules specifying the provisions that are required to be included in an apprentice contract.

**Assignment of apprentice contract.** Current law requires an organization that has entered into an indenture, with the written consent of the other parties to the indenture and the written acceptance of the proposed employer of the apprentice, to assign the indenture to the proposed employer, who is then bound by the terms of the indenture. Similarly, current law permits an employer that has entered into an indenture, with the approval of DWD and the written consent of the other parties to the indenture, to assign the indenture to an organization, which, with the approval of DWD and the written consent of the apprentice, must reassign the indenture to another employer that agrees to perform the unperformed obligations of the indenture. Current law also permits an employer that has entered into an indenture, with the written consent of the other parties to the indenture and the approval of DWD, to assign the indenture to another employer, who must then perform the unperformed obligations of the indenture.

This bill requires a sponsor that is not the proposed employer of an apprentice, or an apprenticeship committee that is acting as the agent of a sponsor, with the written acceptance of the proposed employer of the apprentice, to assign an apprentice contract to the proposed employer, who is then bound by the terms of the apprentice contract. The bill also permits the sponsor or the apprenticeship committee that entered into an apprentice contract to reassign the apprentice contract to a different employer who agrees to perform the unperformed obligations of the apprentice contract.

**Related instruction.** Current law requires an apprentice to receive not less than four hours per week of related instruction during the first two years of an apprenticeship, to receive a total of not less than 400 hours of related instruction if the apprenticeship is for longer than two years, and to be paid for no fewer than those hours of related instruction at the same rate per hour as the apprentice is paid for services performed. Current law, however, does not prohibit an agreement between the parties requiring the apprentice to take additional instruction on his or her own time in excess of those required hours of related instruction.

This bill requires a sponsor to provide for an apprentice not less than 144 hours per year of related instruction during the first two years of the apprenticeship, not less than a total of 400 hours of related instruction over the term of the apprenticeship if the apprenticeship is for longer than two years, and, if the apprentice is receiving classroom instruction, not less than four hours of related instruction or the equivalent during each week that the school providing the classroom instruction is in session. The bill also requires an employer to pay an apprentice for not less than the number of hours of related instruction required under the bill or under the apprentice contract, whichever is greater, at the same rate per hour as the employer pays the apprentice for services performed, but does not prohibit an agreement between the parties requiring the apprentice to take

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additional instruction on his or her own time in excess of the number of hours of related instruction required under the bill or under the apprentice contract, whichever is greater. In addition, the bill requires the provider of related instruction to submit reports on grades and attendance to DWD and the sponsor in accordance with standards set by DWD.

***Termination of apprentice contract.*** Under current law, DWD may declare an indenture to be at an end if after due notice and hearing it is proved at the hearing that any apprentice, employer, or organization that is a party to the indenture is unable to continue with the obligations under the indenture or has breached the indenture.

This bill permits DWD to terminate an apprentice contract if after due notice and investigation it is proved that any apprentice, employer, or sponsor that is a party to the apprentice contract is unable to continue with the obligations under the apprentice contract or has breached the apprentice contract. Under the bill, no hearing is required unless the apprentice, employer, or sponsor requests a hearing.

***Nonperformance of apprentice contract.*** Under current law, if either party to an indenture fails to perform any of the stipulations of the indenture, the nonperforming party may be required to forfeit not less than \$1 nor more than \$100.

This bill increases that penalty to not less than \$100 nor more than \$1,000 and applies that penalty to an apprentice, sponsor, or assignee employer that fails to perform any of the stipulations of an apprentice contract.

**WISCONSIN APPRENTICESHIP COUNCIL*****Appointment and composition of Wisconsin Apprenticeship Council.***

Under current law, there is created in DWD a Wisconsin Apprenticeship Council (council) whose members are appointed by the Labor and Industry Review Commission (LIRC). This bill requires the council to consist of nine representatives of employers, nine representatives of employees, one representative of the Technical College System (TCS), one representative of the Department of Public Instruction (DPI), two members who represent the public interest, and one permanent classified employee of DWD to serve as nonvoting chairperson of the council. The bill also requires the secretary of workforce development, rather than LIRC, to appoint the members of the council, except that the bill requires the representative of the TCS to be appointed by the director of the TCS and the representative of the DPI to be appointed by the state superintendent of public instruction. In addition, the bill requires all members of the council to be familiar with apprenticeable occupations.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

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1           **SECTION 1.** 15.157 (15) (a) of the statutes, as created by 2009 Wisconsin Act 16,  
2 is amended to read:

3           15.157 **(15)** (a) Two members who represent major insulation companies that  
4 sponsor an apprenticeship training program in installing and maintaining thermal  
5 system insulation that is approved by the department and that meets the  
6 requirements of the department of workforce development under subch. I of ch. 106.

7           **SECTION 2.** 15.157 (15) (c) of the statutes, as created by 2009 Wisconsin Act 16,  
8 is amended to read:

9           15.157 **(15)** (c) Two members who are mechanics with at least 10 years of  
10 experience in the area of heat and frost insulation and who have successfully  
11 completed training in installing and maintaining thermal system insulation under  
12 an apprenticeship program that is approved by the department and that meets the  
13 requirements of the department of workforce development under subch. I of ch. 106.

14           **SECTION 3.** 15.227 (13) of the statutes is renumbered 15.227 (13) (a) (intro.) and  
15 amended to read:

16           15.227 **(13)** (a) (intro.) There is created in the department of workforce  
17 development a Wisconsin apprenticeship council ~~appointed by the labor and~~  
18 ~~industry review commission.~~ consisting of all of the following:

19           **SECTION 4.** 15.227 (13) (a) 1. to 6. and (b) of the statutes are created to read:

20           15.227 **(13)** (a) 1. Nine representatives of employers, appointed by the  
21 secretary of workforce development.

22           2. Nine representatives of employees, appointed by the secretary of workforce  
23 development.

24           3. One representative of the technical college system, appointed by the director  
25 of the technical college system.

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1           4. One representative of the department of public instruction, appointed by the  
2 state superintendent of public instruction.

3           5. Two members who represent the public interest, appointed by the secretary  
4 of workforce development.

5           6. One permanent classified employee of the department of workforce  
6 development, appointed by the secretary of workforce development, who shall serve  
7 as nonvoting chairperson.

8           (b) All members of the Wisconsin apprenticeship council shall be persons who  
9 are familiar with apprenticeable occupations.

10           **SECTION 5.** 101.136 (4) (a) of the statutes, as created by 2009 Wisconsin Act 16,  
11 is amended to read:

12           101.136 (4) (a) The department shall employ a person who has at least 10 years  
13 of experience as a mechanic, and who has successfully completed an apprenticeship  
14 program in installing and maintaining thermal system insulation that is approved  
15 by the department and that meets the requirements of the department of workforce  
16 development under subch. I of ch. 106, as the state inspector. The state inspector  
17 shall work under the direct supervision of the secretary or his or her designee.

18           **SECTION 6.** 101.136 (6) (a) 1. of the statutes, as created by 2009 Wisconsin Act  
19 16, is amended to read:

20           101.136 (6) (a) 1. Except as provided in subd. 2., beginning on July 1, 2011, no  
21 person may install or maintain thermal system insulation in any building unless  
22 that person is a mechanic licensed by the department under this section, is working  
23 under the direct supervision of a licensed mechanic, or is serving an apprenticeship  
24 in the installation and maintenance of thermal system insulation that meets the  
25 requirements specified under subch. I of ch. 106.

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1           **SECTION 7.** 101.136 (6) (c) 2. of the statutes, as created by 2009 Wisconsin Act  
2       16, is amended to read:

3           101.136 **(6)** (c) 2. He or she has successfully completed training in installing  
4       and maintaining thermal system insulation under an apprenticeship program that  
5       is approved by the department and that meets the requirements of the department  
6       of workforce development under subch. I of ch. 106.

7           **SECTION 8.** 103.70 (1) of the statutes is amended to read:

8           103.70 **(1)** Except as otherwise provided in sub. (2) and in ss. 103.21 to 103.31,  
9       103.78, 938.245 (2) (a) 5. b., 938.32 (1t) (a) 2., and 938.34 (5) (b) and (5g) (c), and as  
10      may be provided under s. 103.79, a minor, may not be employed or permitted to work  
11      at any gainful occupation or employment, unless indentured as employed under an  
12      apprentice in accordance with contract under s. 106.01, ~~or~~ unless 12 years and over  
13      and engaged in farming, ~~or~~ unless 14 years and over and enrolled in a youth  
14      apprenticeship program under s. 106.13, ~~shall not be employed or permitted to work~~  
15      ~~at any gainful occupation or employment~~ or unless there is first obtained from the  
16      department or a permit officer a written permit authorizing the employment of the  
17      minor within those periods of time stated in the permit, which shall may not exceed  
18      the maximum hours prescribed by law.

19          **SECTION 9.** 104.08 (2m) of the statutes is amended to read:

20          104.08 **(2m)** Any person working in a trade industry for which a living wage  
21      has been established for minors, and who has no trade, shall be ~~indentured~~ employed  
22      under an apprentice contract under s. 106.01.

23          **SECTION 10.** 106.001 (1) of the statutes is amended to read:

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1           106.001 (1) “Apprentice” means any person who enters into an indenture with  
2           an employer or organization apprentice contract with the department and with a  
3           sponsor or an apprenticeship committee acting as the agent of a sponsor.

4           **SECTION 11.** 106.001 (2) of the statutes is amended to read:

5           106.001 (2) “Indenture” “Apprentice contract” means any contract or  
6           agreement of service, express or implied, between an apprentice, the department,  
7           and a sponsor or an apprenticeship committee acting as the agent of a sponsor  
8           whereby an apprentice is to receive from or through the apprentice’s employer, in  
9           consideration for the apprentice’s services in whole or in part, instruction in any  
10          trade, craft, or business.

11          **SECTION 12.** 106.001 (2m) of the statutes is created to read:

12          106.001 (2m) “Apprenticeship committee” means a joint apprenticeship  
13          committee or a nonjoint apprenticeship committee designated by a sponsor to  
14          administer an apprenticeship program.

15          **SECTION 13.** 106.001 (3) of the statutes is renumbered 106.001 (8) and amended  
16          to read:

17          106.001 (8) “~~Organization~~” “Sponsor” means an any employer, organization of  
18          employees, association of employers, committee, or other similar responsible agency  
19          in this state person operating an apprenticeship program and in whose name the  
20          apprenticeship program is approved by the department.

21          **SECTION 14.** 106.001 (4) of the statutes is created to read:

22          106.001 (4) “Apprenticeship program” means a program approved by the  
23          department providing for the employment and training of apprentices in a trade,  
24          craft, or business that includes a plan containing all of the terms and conditions for  
25          the qualification, recruitment, selection, employment, and training of apprentices as



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1 required under this subchapter, including the apprentice contract requirements  
2 under s. 106.01.

3 **SECTION 15.** 106.001 (5) of the statutes is created to read:

4 106.001 (5) “Employer” means any person employing an apprentice, whether  
5 or not the person is a party to an apprentice contract with the apprentice.

6 **SECTION 16.** 106.001 (6) of the statutes is created to read:

7 106.001 (6) “Joint apprenticeship committee” means an apprenticeship  
8 committee that consists of an equal number of representatives of employers and of  
9 representatives of employees who are represented by a collective bargaining agent.

10 **SECTION 17.** 106.001 (7) of the statutes is created to read:

11 106.001 (7) “Nonjoint apprenticeship committee” means an apprenticeship  
12 committee that consists of representatives of employers, but not of representatives  
13 of employees who are represented by a collective bargaining agent.

14 **SECTION 18.** 106.01 (title) of the statutes is repealed and recreated to read:

15 **106.01 (title) Apprentice contracts.**

16 **SECTION 19.** 106.01 (2) of the statutes is repealed.

17 **SECTION 20.** 106.01 (3) of the statutes is renumbered 106.01 (1) and amended  
18 to read:

19 106.01 (1) FORMATION OF APPRENTICE CONTRACT. ~~Except as provided in ss. 106.02,~~  
20 ~~106.025 and 106.03, any minor~~ Any person 16 years of age or over ~~or any adult may,~~  
21 ~~by the execution of an indenture, bind~~ may enter into an apprentice contract binding  
22 ~~himself or herself to serve as an apprentice as provided in this section for a.~~ Except  
23 as provided in ss. 106.02, 106.025, and 106.03, the term of service of an  
24 apprenticeship shall be for not less than one year. Every apprentice contract shall  
25 be in writing and shall be signed by the apprentice, the department, and the sponsor

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1 or an apprenticeship committee acting as the agent of the sponsor. If the apprentice  
2 has not reached 18 years of age, the apprentice contract shall also be signed by one  
3 of the apprentice's parents or, if both parents are deceased or legally incapable of  
4 giving consent, by the guardian of the apprentice or, if there is no guardian, by a  
5 deputy of the department. The department shall specify the provisions that are  
6 required to be included in an apprentice contract by rule promulgated under sub.  
7 (11).

8 **SECTION 21.** 106.01 (4) of the statutes is repealed.

9 **SECTION 22.** 106.01 (5) (intro.) of the statutes is repealed.

10 **SECTION 23.** 106.01 (5) (a) of the statutes is repealed.

11 **SECTION 24.** 106.01 (5) (b) of the statutes is repealed.

12 **SECTION 25.** 106.01 (5) (c) of the statutes is repealed.

13 **SECTION 26.** 106.01 (5) (d) of the statutes is renumbered 106.01 (6) (b) and  
14 amended to read:

15 106.01 (6) (b) ~~An agreement stating the number of hours to be spent in work,~~  
16 ~~and the number of hours to be spent in instruction.~~ During the first 2 years of an  
17 apprenticeship, the apprentice's period of instruction shall be not less than 4 hours  
18 per week or the equivalent sponsor shall provide for the apprentice not less than 144  
19 hours per year of related instruction. If the apprenticeship is for ~~a~~ longer period  
20 than 2 years, the ~~total hours of instruction shall be~~ sponsor shall provide for the  
21 apprentice not less than a total of 400 hours of related instruction over the term of  
22 the apprenticeship. If the apprentice is receiving classroom instruction, the sponsor  
23 shall provide for the apprentice not less than 4 hours of related instruction or the  
24 equivalent during each week that the school providing the classroom instruction is  
25 in session. The total number of hours of related instruction and work shall that a

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1 sponsor may assign to an apprentice may not exceed 55 per week, except that nothing  
2 in this paragraph shall be construed to forbid overtime work as provided in sub. (7).

3 **SECTION 27.** 106.01 (5) (e) of the statutes is repealed.

4 **SECTION 28.** 106.01 (5) (f) of the statutes is repealed.

5 **SECTION 29.** 106.01 (5) (g) of the statutes is repealed.

6 **SECTION 30.** 106.01 (5i) (a) of the statutes is repealed.

7 **SECTION 31.** 106.01 (5i) (am) 1. of the statutes is renumbered 106.01 (5m) (a)  
8 and amended to read:

9 106.01 **(5m)** (a) Upon entering into an indenture, ~~an organization~~ apprentice  
10 contract, a sponsor that is not the proposed employer of the apprentice, or an  
11 apprenticeship committee that is acting as the agent of a sponsor, shall, with the  
12 written consent of the other parties to the indenture, and the written acceptance of  
13 the indenture acceptance of the apprentice contract by the proposed employer, assign  
14 the indenture apprentice contract to the proposed employer, and the proposed  
15 employer and the apprentice named in the indenture assignment shall be bound by  
16 the terms of the indenture apprentice contract.

17 **SECTION 32.** 106.01 (5i) (am) 2. of the statutes is renumbered 106.01 (5m) (b)  
18 and amended to read:

19 106.01 **(5m)** (b) ~~The consent and~~ department shall furnish a copy of an  
20 acceptance described in subd. 1. shall be executed in triplicate. One of the triplicate  
21 original consents and acceptances shall be delivered to the department, one to the  
22 employer and one to the apprentice, and in each case shall be attached to the proper  
23 indenture. The approval of the department is required in each transaction. An  
24 organization par. (a) to each party that has signed the apprentice contract. A sponsor  
25 or apprenticeship committee that enters into an indenture under par. (a) apprentice

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1 contract shall have the exclusive right to assign or reassign the indenture apprentice  
2 contract to another sponsor, and the apprentice shall not be permitted to enter into  
3 any other indenture apprentice contract. The period transpiring before assignment  
4 to an employer or reassignment to another employer shall not be credited toward the  
5 period term of apprenticeship. The approval of the department is required in each  
6 transaction.

7 **SECTION 33.** 106.01 (5i) (b) of the statutes is repealed.

8 **SECTION 34.** 106.01 (5i) (c) of the statutes is renumbered 106.01 (5m) (c) and  
9 amended to read:

10 106.01 **(5m)** (c) ~~Any employer that has entered into an indenture may, with the~~  
11 ~~written consent, executed in triplicate, of the other parties to the indenture and the~~  
12 ~~approval of the department, assign the indenture to another employer whose written~~  
13 ~~acceptance shall be executed upon the instrument of consent. One of the triplicate~~  
14 ~~original consents and acceptances shall be delivered to the apprentice, one to the~~  
15 ~~assignee employer and one to the department, and shall in each case be attached to~~  
16 ~~the indenture in each party's possession. After assignment, the assignee~~ A sponsor  
17 or apprenticeship committee that enters into an apprentice contract may reassign  
18 the apprentice contract to a different employer, but the apprentice shall not be bound  
19 by a reassignment unless that employer accepts the terms of the apprentice contract  
20 and agrees to perform the unperformed obligations of the apprentice contract. After  
21 a reassignment, the new employer shall perform the unperformed obligations of the  
22 indenture apprentice contract. The department shall continue to have jurisdiction  
23 over an indenture assigned apprentice contract reassigned under this paragraph  
24 and the parties bound after the assignment reassignment.

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1           **SECTION 35.** 106.01 (5j) of the statutes is renumbered 106.01 (5p) and amended  
2 to read:

3           106.01 **(5p)** TERMINATION OF APPRENTICE CONTRACT. The department ~~may~~, on its  
4 own motion, or on the complaint of any person, and after due notice, investigation,  
5 and, if requested by the apprentice, employer, or sponsor, a hearing; under sub. (9),  
6 may make findings and issue ~~orders declaring any indenture at an end~~ an order  
7 terminating an apprentice contract if it is proved at ~~the hearing~~ that any apprentice,  
8 employer, or ~~organization~~ sponsor that is a party to the indenture apprentice  
9 contract is unable to continue with the obligations under the indenture apprentice  
10 contract or has breached the indenture apprentice contract. Upon the termination  
11 of the indenture apprentice contract, the released apprentice shall be free to may  
12 enter into a new indenture apprentice contract under any terms and conditions  
13 approved by the department that are ~~not inconsistent~~ consistent with this section.

14           **SECTION 36.** 106.01 (5k) of the statutes is repealed.

15           **SECTION 37.** 106.01 (5m) (title) of the statutes is created to read:

16           106.01 **(5m)** (title) ASSIGNMENT OF APPRENTICE CONTRACT.

17           **SECTION 38.** 106.01 (6) (title) of the statutes is created to read:

18           106.01 **(6)** (title) RELATED INSTRUCTION.

19           **SECTION 39.** 106.01 (6) of the statutes is renumbered 106.01 (6) (a) and  
20 amended to read:

21           106.01 **(6)** (a) An employer shall pay an apprentice for the time ~~an~~ that the  
22 apprentice is receiving related instruction ~~for no fewer hours than specified in sub-~~  
23 ~~(5) (d) at the same rate per hour as for services~~ as provided in this paragraph. An  
24 employer shall pay an apprentice for not less than the number of hours of related  
25 instruction specified in par. (b) or the number of hours of related instruction specified

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1 in the apprentice contract, whichever is greater, at the same rate per hour as the  
2 employer pays the apprentice for services performed.

3 (c) This subsection does not prohibit an agreement between the parties  
4 requiring the apprentice to take additional instruction on the apprentice's own time  
5 in excess of the number of hours required by statute. ~~Attendance at school shall be~~  
6 ~~certified by the teacher in charge~~ under par. (b) or the apprentice contract, whichever  
7 is greater.

8 **SECTION 40.** 106.01 (6) (d) of the statutes is created to read:

9 106.01 (6) (d) The provider of related instruction to an apprentice shall submit  
10 reports on the grades and attendance of the apprentice to the department and the  
11 sponsor in accordance with standards set by the department.

12 **SECTION 41.** 106.01 (7) of the statutes is amended to read:

13 106.01 (7) OVERTIME. An apprentice may be allowed to work overtime. All time  
14 in excess of the hours of labor as ~~limited to~~ that are paid at an employee's regular rate  
15 of pay in the particular craft, industry, or business and ~~as to~~ by the particular  
16 employer, shall be considered overtime. ~~For overtime the~~ An apprentice's rate of pay  
17 for overtime shall be increased by the same percentage as the journeyman's journey  
18 worker's, rate of pay for overtime is increased in the same industry or establishment.

19 **SECTION 42.** 106.01 (8) of the statutes is amended to read:

20 106.01 (8) NONPERFORMANCE OF APPRENTICE CONTRACT. ~~If either party to an~~  
21 ~~indenture~~ the apprentice or sponsor that is a party to an apprentice contract or an  
22 assignee employer fails to perform any of the stipulations of the ~~indenture~~ apprentice  
23 contract, the nonperforming party shall apprentice, sponsor, or assignee employer  
24 may be required to forfeit not less than ~~one dollar~~ \$100 nor more than ~~\$100~~ \$1,000,  
25 which is to be collected on complaint of the department, and paid into the state

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1 treasury. ~~Any indenture may be annulled by~~ In addition, the department may  
2 terminate an apprentice contract under sub. (5p) upon application of either any party  
3 and for good cause shown.

4 **SECTION 43.** 106.01 (9) of the statutes is amended to read:

5 106.01 (9) AUTHORITY OF DEPARTMENT. The department may investigate, fix  
6 reasonable classifications, issue rules and general or special orders, and, hold  
7 hearings, make findings, and render orders upon its findings as ~~shall~~ be necessary  
8 to carry out the intent and purposes of this section. The investigations,  
9 classifications, hearings, findings, and orders shall be made as provided in s.  
10 103.005. Except as provided in sub. (8), the penalties specified in s. 103.005 (12)  
11 apply to violations of this section. Orders issued under this subsection are subject  
12 to review under ch. 227.

13 **SECTION 44.** 106.01 (10) of the statutes is renumbered 106.01 (6) (e) and  
14 amended to read:

15 106.01 (6) (e) ~~It shall be the duty of all~~ All school officers and public school  
16 teachers ~~to shall~~ cooperate with the department and employers and sponsors of  
17 apprentices to furnish, in a public school or any school supported in whole or in part  
18 by public moneys, any related instruction that may be required to be given  
19 apprentices.

20 **SECTION 45.** 106.01 (11) of the statutes is created to read:

21 106.01 (11) **RULES.** The department shall promulgate rules to implement this  
22 section, including rules providing for all of the following:

23 (a) The provisions that are required to be included in an apprentice contract.

24 (b) Procedures for approving and for rescinding approval of apprenticeship  
25 programs.

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1           **SECTION 46.** 106.02 of the statutes is amended to read:

2           **106.02 Carpenters’ apprentices.** Every person, regardless of age,  
3 commencing a carpentry apprenticeship, shall enter into an ~~indenture~~ apprentice  
4 contract under and be subject to s. 106.01, except that if the apprentice is 18 years  
5 ~~or more~~ of age or over only the apprentice’s signature ~~only~~ shall be necessary to bind  
6 the apprentice. A carpentry apprenticeship shall be for a ~~period~~ term of 4 years,  
7 except that the department may upon the application of the apprentice or the  
8 employer, or both, extend that term for up to one additional year.

9           **SECTION 47.** 106.025 (2) of the statutes is amended to read:

10           106.025 (2) Every person commencing a plumbing apprenticeship shall enter  
11 into an ~~indenture~~ apprentice contract under s. 106.01. The term of a plumbing  
12 apprentice is 5 years, but the department may upon application of the apprentice,  
13 the apprentice’s employer, or both, extend the term for up to one additional year.

14           **SECTION 48.** 106.03 of the statutes is amended to read:

15           **106.03 Real estate apprenticeships excluded.** This chapter ~~shall~~  
16 subchapter does not apply to apprenticeships under ch. 452.

17           **SECTION 49.** 106.13 (3) of the statutes is amended to read:

18           106.13 (3) The youth apprenticeship program under sub. (1) shall not affect any  
19 apprenticeship program that is governed by ~~ss. 106.01 to 106.03~~ subch. I, except that  
20 an apprenticeship program that is governed by ~~ch. 106~~ subch. I may grant credit  
21 toward the completion of an apprenticeship for the successful completion of a youth  
22 apprenticeship under sub. (1).

23           **SECTION 50.** 145.01 (3) of the statutes is amended to read:

24           145.01 (3) **AUTOMATIC FIRE SPRINKLER SYSTEM APPRENTICE.** “Automatic fire  
25 sprinkler system apprentice” means any person other than an automatic fire



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1       sprinkler system contractor or a journeyman automatic fire sprinkler system fitter  
2       who is engaged in learning and assisting in the installation of automatic fire  
3       sprinkler systems and who is ~~indentured under ch. 106~~ employed under an  
4       apprentice contract under s. 106.01.

5               **SECTION 51.** 145.07 (7) (a) of the statutes is amended to read:

6               145.07 (7) (a) A person shall be registered as a registered learner with the  
7       department without examination or training prequalifications and shall not be  
8       required to be ~~indentured under ch. 106~~ employed under an apprentice contract  
9       under s. 106.01.

10              **SECTION 52.** 445.095 (3) of the statutes is amended to read:

11              445.095 (3) All apprentices shall be governed by subch. I of ch. 106 and  
12       apprenticeship rules of the department of workforce development.

13              **SECTION 53.** 454.10 (1) of the statutes is amended to read:

14              454.10 (1) All apprentices shall be ~~indentured~~ employed under an apprentice  
15       contract under s. 106.01 and shall be governed by s. 106.01, the apprenticeship rules  
16       of the department of workforce development, and the rules of the examining board.

17              **SECTION 54. Initial applicability.**

18              (1) APPRENTICE CONTRACTS. The treatment of sections 106.001 (1), (2), (2m), (3),  
19       (4), (5), (6), and (7) and 106.01 (2), (3), (4), (5) (intro.), (a), (b), (c), (d), (e), (f), and (g),  
20       and (5i) (a), (am) 1. and 2., (b), and (c) of the statutes and the renumbering and  
21       amendment of section 106.01 (6) of the statutes first apply to an apprentice contract  
22       entered into on the effective date of this subsection, except that, if any of those  
23       provisions are inconsistent with a collective bargaining agreement, the inconsistent  
24       provision first applies on the day on which the collective bargaining agreement  
25       expires or is extended, modified, or renewed, whichever occurs first.

