

SENATE BILL 205

K3

2lr0080

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Labor)**

Requested: September 22, 2021

Introduced and read first time: January 12, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Division of Workforce Development and Adult Learning – Apprenticeship and**
3 **Training Council – Sunset Extension**

4 FOR the purpose of continuing the Apprenticeship and Training Council in accordance with
5 the provisions of the Maryland Program Evaluation Act (sunset law) by extending to
6 a certain date the termination provisions relating to the statutory and regulatory
7 authority of the Council; and generally relating to the Apprenticeship and Training
8 Council.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 11–402
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2021 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Labor and Employment
16 Section 11–403 through 11–405
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2021 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Labor and Employment**

22 11–402.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Subject to the evaluation and reestablishment provisions of the Maryland Program
2 Evaluation Act, §§ 11–403 through 11–405 of this subtitle shall terminate on July 1, [2024]
3 **2034**.

4 11–403.

5 (a) The Division of Workforce Development and Adult Learning is the designated
6 State Apprenticeship Agency under Title 29, C.F.R. Parts 29 and 30.

7 (b) (1) There is an Apprenticeship and Training Council as part of the Division
8 of Workforce Development and Adult Learning. The Council consists of 12 members all of
9 whom shall be appointed by the Governor of Maryland, with the advice of the Secretary
10 and with the advice and consent of the Senate of Maryland.

11 (2) Four of the members shall be representatives of employee
12 organizations; one shall be an employee; five shall be representatives of employers; and two
13 shall be appointed from the general public.

14 (3) The membership of the Council shall, to the extent practicable, reflect
15 the geographic, racial, ethnic, cultural, and gender diversity of the State and shall include
16 representation by individuals with disabilities. Consultants to the Council shall, to the
17 extent practicable, reflect the geographic, racial, ethnic, cultural, and gender diversity of
18 the State and shall include representation by individuals with disabilities.

19 (4) In advising the Governor, the Secretary shall give consideration to a
20 balanced geographic representation from all of Maryland and a representative sampling
21 and mix of Maryland industry.

22 (5) One member shall be appointed as Chairman by the Governor, with the
23 advice of the Secretary, and serve as Chairman at the pleasure of the Governor. The
24 Assistant State Superintendent, Career and Technology Education, and the Maryland
25 State Director of the Office of Apprenticeship, U.S. Department of Labor, shall serve as
26 consultants to the Council without vote.

27 (6) The Governor, with the advice of the Secretary may appoint up to three
28 additional consultants to the Council from the public at large.

29 (c) All appointments as members of the Council shall be for terms of 4 years.

30 (d) (1) Except as provided in paragraph (2) of this subsection and subject to
31 paragraph (3) of this subsection, a member shall be considered to have resigned if the
32 member did not attend at least two-thirds of the Council meetings held during any
33 consecutive 12-month period while the member was serving on the Council.

34 (2) The Governor may waive a member's resignation and allow the member
35 to continue serving if the member has been unable to attend meetings for reasons
36 satisfactory to the Governor and the reasons are made public.

1 (3) In accordance with § 8–501 of the State Government Article, the
2 Chairman shall provide notice to the Governor and the Governor shall appoint a successor.

3 11–404.

4 The members of the Council shall receive per diem compensation as provided in the
5 State budget for each day actually engaged in the discharge of their official duties as well
6 as reimbursement for expenses in accordance with the Standard State Travel Regulations.
7 The Director of Apprenticeship and Training shall act as secretary.

8 11–405.

9 (a) The duties of the Council shall be to:

10 (1) advise the Division of Workforce Development and Adult Learning on
11 the apprenticeability of occupations in the State of Maryland;

12 (2) encourage the establishment of local apprenticeship committees where
13 the committees are needed;

14 (3) make recommendations regarding the formulation and adoption of
15 standards of apprenticeship which safeguard the welfare of apprentices, being guided, but
16 not controlled, by the standards of apprenticeship recommended by the federal committee
17 on apprenticeship;

18 (4) make recommendations regarding the formulation of policies for the
19 overall apprenticeship program;

20 (5) make recommendations regarding the registration of standards of
21 apprenticeship of the groups or employers that elect to conform with the provisions of this
22 subtitle;

23 (6) make recommendations regarding the registration of apprenticeship
24 agreements which conform to the standards of apprenticeship adopted by the Division of
25 Workforce Development and Adult Learning;

26 (7) recommend the issuance of certificates of completion of apprenticeship
27 to apprentices who are registered with the Division of Workforce Development and Adult
28 Learning when the Division determines that such apprentices have completed successfully
29 their apprenticeship;

30 (8) seek all information pertaining to apprenticeship training in the State;

31 (9) prescribe its rules of procedure and duties of the Chairman, Director,
32 and Secretary subject to the provisions of this law; and

1 (10) perform other advisory functions as the Governor or the Secretary may
2 direct or as may come within the scope of the Council.

3 (b) (1) No person, firm, or corporation may offer, establish, maintain, or
4 operate an apprenticeship program for any occupation approved by the Division of
5 Workforce Development and Adult Learning as an apprenticeable occupation for which
6 tuition, charges, or fees are charged to or are payable by an enrollee or student, or which is
7 financed in whole or in part by State funds, unless the program is first approved by the
8 Division of Workforce Development and Adult Learning.

9 (2) (i) The Division of Workforce Development and Adult Learning
10 shall issue a certificate of approval to an applicant operating or proposing to operate the
11 program if the Division of Workforce Development and Adult Learning is satisfied that the
12 conditions of entrance, the qualifications of the administrators and instructors, the content
13 of the program, the facilities, and the financial aspects of the program are adequate and
14 appropriate for the purpose of the program.

15 (ii) If the Division of Workforce Development and Adult Learning
16 does not issue a certificate of approval to an applicant operating or proposing to operate a
17 program, any person, firm, or corporation whose application is rejected has a right to
18 judicial review under Title 10, Subtitle 2 of the State Government Article.

19 (3) (i) The Division of Workforce Development and Adult Learning,
20 after notice and hearing, may deregister a program or course if it finds that the program or
21 course has ceased to meet the conditions of approval.

22 (ii) Any person, association, committee, or organization that
23 operates an apprenticeship program that is deregistered by the Division of Workforce
24 Development and Adult Learning may request a hearing before the United States
25 Department of Labor.

26 (4) After consulting the Council, the Division of Workforce Development
27 and Adult Learning, after notice and hearing, may adopt rules and regulations for the
28 implementation of this section, including rules and regulations requiring the furnishing of
29 periodic relevant information about approved and proposed programs and the operator or
30 proposed operator of the approved or proposed programs.

31 (5) Any person, firm, or corporation that knowingly offers, establishes,
32 maintains, or operates a program in violation of this section is guilty of a misdemeanor and,
33 upon conviction, shall be fined not more than \$1,000 or be imprisoned for not more than
34 one year, or both.

35 (6) If recommended by the Council, the Division of Workforce Development
36 and Adult Learning may apply to any court of competent jurisdiction for an injunction
37 restraining violations of this section.

1 (c) (1) Except as provided in paragraph (2) of this subsection, the Division of
2 Workforce Development and Adult Learning shall accord reciprocal approval to
3 apprentices, apprenticeship programs, and standards that are registered in other states by
4 the United States Department of Labor's Office of Apprenticeship or a registration agency,
5 if reciprocity is requested by the apprenticeship program sponsor.

6 (2) The Division of Workforce Development and Adult Learning may not
7 accord reciprocal approval to a program sponsor that does not meet the wage and hour
8 requirements and apprentice ratio standards of the reciprocal state.

9 (d) (1) On or before June 30 of each year, the Division of Workforce
10 Development and Adult Learning shall report to the General Assembly, in accordance with
11 § 2-1257 of the State Government Article, the following information for the immediately
12 preceding calendar year:

13 (i) the completion and enrollment rates of each apprenticeship
14 program registered in the State; and

15 (ii) the age, race, sex or gender identity, county of residence, and
16 program enrollment of each individual enrolled in a registered apprenticeship program.

17 (2) The Division of Workforce Development and Adult Learning shall:

18 (i) sort the information required under paragraph (1) of this
19 subsection by apprenticeship program; and

20 (ii) publish the report required under paragraph (1) of this
21 subsection on the Division of Workforce Development and Adult Learning's Web site.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2022.