
SENATE BILL 991

Date: March 12, 2020
Committee: Finance
Bill Title: Apprenticeship and Training Council – Journeyworker - Apprentice Ratios -
Electrical Craft or Trade
RE: Letter of Opposition

Senate Bill 991 would require the Maryland Apprenticeship and Training Council (MATC) to adopt regulations establishing a ratio of journeyworkers to apprentices employed in the electrical craft or trade. It further requires that the regulations may not establish a ratio of less than one journeyworker employed at a work site for each apprentice. **The Department is concerned that this bill, if passed, would put Maryland out of compliance with federal requirements, and therefore, opposes this bill.**

The Maryland Department of Labor is the State's Apprenticeship Agency pursuant to §11-403 of the Labor & Employment Article of the Maryland Annotated Code and Title 29, C.F.R. Parts 29 and 30. Federal apprenticeship law and regulations requires that State Apprenticeship Agencies conform state law and regulation to the federal requirements. Failure to comply with federal requirements may result in rescission of recognition.

As MATC, consistent with 29 CFR Part 29, is an advisory body, the ultimate decision to approve standards is in the hands of the Department. The Council's role is ultimately to advise and not set minimum standards for apprenticeship ratios. The Department's current ratio regulations, COMAR 09.12.43.05, which are allowable under federal rules, state:

1. Each program shall have a minimum ratio of one journeyperson regularly employed for one apprentice consistent with proper supervision, training, and continuity of employment and applicable provisions in collective bargaining agreements.
2. Deviation from the minimum ratio, including the bargaining agreements, is not permitted *unless first submitted to the Council in writing for its approval.*¹

MATC Ratio Subcommittee

MATC and the Department convened a subcommittee in 2017 to examine the issues surrounding ratios and how to handle deviations from the 1:1 ratio. The Ratio Subcommittee, consisting of labor and non-labor representatives, recommended guidelines which were then unanimously approved by MATC in January, 2018. The approved guidelines outlined the minimum information required to consider a request for deviation from a 1:1 ratio.

Maryland guidelines state that once a ratio adjustment is approved, the program must serve a probationary period of one program length of the occupation's apprenticeship. For example, if an apprenticeship program is 4 years in length, the probationary period would be for that 4 year

¹ <http://mdrules.elaws.us/comar/09.12.43.05>

duration. The guidelines further state that a program with an approved ratio adjustment should be reviewed by the Department during the probationary period, and if any negative impacts are identified, the Council will be informed and the Sponsor will receive the opportunity to correct the deficiency. If the deficiencies are not corrected in this specified period of time, the ratio of journeyworker to apprentice would revert back to 1:1.

The Department is not aware of any statistical data that shows an increase in accidents due to a 2:1 ratio instead of a 1:1 ratio.

A similar apprentice to journeyman ratio bill was introduced in 2017, HB 1470, which received an unfavorable report from the House Economic Matters Committee.

With this information, the Department respectfully asks for an unfavorable report from the committee.