

Meeting Minutes: Apprenticeship Advisory Board

Approved minutes can be viewed at: <https://www.dli.mn.gov/about-department/boards-and-councils/apprenticeship-advisory-board>.

Date: December 13, 2023
Time: 1:00 p.m. – 3:00 p.m.
Minutes prepared by: Grace Ouellette
Location: Minnesota Department of Labor & Industry
443 Lafayette Road N
St. Paul, MN 55155

Attendance

Members Present:

Don Mullin, Chair
Mary Berg
Tom Dicklich
Norma Miller
Dienna Sabol
Sophie Thaden
Melissa Stachovich
Tim Sturdivant
Erin Larsen

Attendees:

Tom Aasheim
Clara Albert
Lynn Anderson
Derrick Atkins
Cassandra Avery
Jon Boesche
Carl W. Borleis
Becky Brink
Erin Clotfelter
Kathy Cottew
Mitchell Davis Jr.
Wade Delk
Michelle Drier
Sam Dugan
Megan Fink
Jennifer Freeburg
Andy Galles
Tim Garcia
Daniel Gillis
Nate Gurol

Attendees (cont.)

Brian Hagberg
Amy D. Hansmann
Adam Hanson
Tonya Holt
Kimberly Johnson
Nick Judge
Kelsey Kennedy
Mike Kennedy
Tom Kennedy
Sherry Kinnibrugh
Gary Larsen
Suzy Levy
Mike Lovich
Kyle Makarios
Marietta Manchester
Rick Martagon
Matthew Miller
Darcus Mitchell
Kelsey Kennedy
Emily Mittelsteadt

Attendees (cont.)

Jacquelynn Mol Sleeten
Grace Ouellette
Jeremy Parker
Constance Pearson-Howey
Leslie Philmon
John Pollard
Sen. Eric Pratt
Jamie Quenzer
Delores Ressemann
Deborah Roberts
Izzy Rojas
Meghana Schroff
Andy Snope
Rebecca Stearns
Ruth Taylor
Gary Thaden
Trevor Tunek
Brian K. Winkelaar

1. The meeting was called to order by Don Mullin at 1:00 p.m.

- Welcome-Chair
- Erin Larsen took roll call-Chair directed the record reflect those members in attendance.

2. Approval of Proposed Agenda

A motion was made, seconded, and carried to approve the December 13, 2023, Apprenticeship Advisory Board Meeting Agenda.

3. Approval of October 12, 2023, Board Minutes

A motion was made, seconded, and carried to approve the October 12, 2023, board minutes.

4. Department of Labor and Industry Greeting and Update

Kate Perushek, Deputy Commissioner, Minnesota Department of Labor, and Industry

- The skilled and trained contractor workforce law at oil refineries will go into effect January 1, 2024.
- The new earned sick and safe time law will go into effect January 1, 2024.

5. Overview of proposed changes to Chapter 178

Erin Larsen, Director of Apprenticeship, Minnesota Department of Labor, and Industry

Proposed changes included

- updated language around protected classes,
- updates to the journeyworker definition,
- clarification of the process of moving a program from provisional to permanent registration,
- updates to ratios for programs outside of the building and construction trades to 1 journeyworker to 1 apprentice
- updates to the probationary period to match federal language
- additional language added related to apprenticeship data, and
- updates to the deregistration process.

6. Public Comment: Proposed changes to Chapter 178

- **John Boesche, Associate Builders and Contractors of Minnesota**
 - Recommended modification of ratios for construction apprentices.
 - Recommended employers be able to set the wage rates.
- **Andy Snow, IBEW 292 Representative**
 - Did not support the proposed changes to the journeyworker definition and recommended including the words “passed an exam.”
 - Recommended more strongly worded consequences if registered apprenticeship programs are not meeting program requirements.

7. Board discussion

- Mary Berg recommended keeping language related to Minnesota Department of Education requirements for instructors and updating language to career and technical education.
- Dee Sabol encouraged additional discussion around ratios.
- Don Mullin recommended allowing 45 days after program registration to register one apprentice

8. Next Steps

Erin Larsen Director of Apprenticeship, Department of Labor and Industry

Proposed changes will be submitted to the Governor's Office for review, and if approved, then proceed through the legislative process.

9. Adjourn

- Roll call
- Dun Mullin adjourned the Apprenticeship Advisory Board meeting.

CHAPTER 178

APPRENTICE TRAINING

178.01	PURPOSES.	178.044	DETERMINATION OF APPRENTICE WAGES.
178.011	DEFINITIONS.	178.07	REGISTERED APPRENTICESHIP AGREEMENTS.
178.012	UNIFORMITY WITH FEDERAL LAW.	178.09	INVESTIGATIONS AND ENFORCEMENT OF APPRENTICESHIP AGREEMENTS.
178.02	APPRENTICESHIP ADVISORY BOARD.	178.091	INVESTIGATIONS AND ENFORCEMENT; APPRENTICESHIP PROGRAMS AND STANDARDS.
178.03	DIVISION OF APPRENTICESHIP.	178.10	LIMITATION.
178.035	REGISTRATION OF APPRENTICESHIP PROGRAMS.	178.11	LABOR EDUCATION ADVANCEMENT GRANT PROGRAM.
178.036	STANDARDS OF APPRENTICESHIP.		
178.041	RULEMAKING POWER.		

178.01 PURPOSES.

The purposes of this chapter are: to open to all people regardless of race, color, creed, religion, national origin, sex, gender identity, sexual orientation, marital status, familial status, disability, status with regard to public assistance, or age ~~creed, color or national origin~~, the opportunity to obtain training and on-the-job learning that will equip them for profitable employment and citizenship; to establish as a means to this end, a program of voluntary apprenticeship under approved apprenticeship agreements providing facilities for their training and guidance in the arts, skills, and crafts of industry and trade or occupation, with concurrent, supplementary instruction in related subjects; to promote apprenticeship opportunities under conditions providing adequate training and on-the-job learning and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an Apprenticeship Advisory Board and apprenticeship committees to assist in effectuating the purposes of this chapter; to provide for a Division of Apprenticeship within the Department of Labor and Industry; ~~to provide for reports to the legislature regarding the status of apprentice training in the state~~; to establish a procedure for the determination of apprenticeship agreement controversies; and to accomplish related ends.

History: (4260-31) 1939 c 363 s 1; 1974 c 144 s 1; 2003 c 128 art 11 s 4; 2007 c 135 art 7 s 1; 2007 c 140 art 11 s 1; 2010 c 280 s 2; 2012 c 295 art 1 s 1; 2023 c 53 art 1 s 7

178.011 DEFINITIONS.

Subdivision 1. **Scope.** The terms defined in this section have the meanings given and apply to this chapter.

Subd. 2. **Apprentice.** "Apprentice" means a worker who is at least 16 years of age who is employed to learn an apprenticeable trade or occupation in a registered apprenticeship program under this chapter.

Subd. 3. **Apprenticeship Advisory Board.** "Apprenticeship Advisory Board" or "board" means the Apprenticeship Advisory Board established under section 178.02 and as an advisory State Apprenticeship Council as defined in Code of Federal Regulations, title 29, section 29.2.

Subd. 4. **Apprenticeship program.** "Apprenticeship program" means a program registered under this chapter that includes standards containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, as required under Code of Federal Regulations, title 29, parts 29 and 30, and a written apprenticeship agreement.

Subd. 5. **Commissioner.** "Commissioner" means the commissioner of labor and industry or a duly designated representative of the commissioner who is an employee of the department.

Subd. 6. **Department.** "Department" means the Department of Labor and Industry established under section 175.001.

Subd. 7. **Division.** "Division" means the department's Apprenticeship Division, established under sections 175.16 and 178.03, and the State Apprenticeship Agency as defined in Code of Federal Regulations, title 29, part 29, section 29.2.

Subd. 8. **Employer.** "Employer" means any person or organization employing an apprentice whether or not the person or organization is a party to an apprenticeship agreement with the apprentice.

Subd. 9. **Journeyworker.** "Journeyworker" means a person who has attained a level of skill, abilities, and competencies recognized within an industry as having mastered the skills and competencies required for the trade or occupation. Use of the term may also refer to a mentor, technician, specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training.

Subd. 10. **Registered apprenticeship agreement.** "Registered apprenticeship agreement" or "apprenticeship agreement" means a written agreement, complying with section 178.07, between the division, sponsor, and apprentice, and, if the apprentice is a minor, the minor's parent or guardian, which contains the terms and conditions of the employment and training of the apprentice.

Subd. 11. **Related instruction.** "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the apprentice's trade or occupation. The instruction may be given in a classroom through trade, occupational, or industrial courses or, when of equivalent value, by correspondence, electronic media, or other forms of self-study approved by the commissioner.

Subd. 12. **Sponsor.** "Sponsor" means an employer, employer association, or apprenticeship committee as defined by Code of Federal Regulations, title 29, part 29, section 29.2, that operates an apprenticeship program and in whose name the program is or is to be registered or approved.

History: 2014 c 305 s 1; 2023 c 53 art 1 s 8

178.012 UNIFORMITY WITH FEDERAL LAW.

Subdivision 1. **Apprenticeship rules.** Federal regulations governing apprenticeship ~~in effect on January 18, 2017,~~ as provided by Code of Federal Regulations, title 29, parts 29, sections 29.1 to 29.6 and 29.11, and 30, are the apprenticeship rules in this state, subject to amendment by this chapter or by rule under section 178.041.

Subd. 2. **State Apprenticeship Agency.** The commissioner shall take all necessary steps as permitted by law to obtain and maintain the status of the division as a State Apprenticeship Agency recognized by the United States Department of Labor under Code of Federal Regulations, title 29, part 29, section 29.13.

History: 2014 c 305 s 2; 1Sp2021 c 10 art 3 s 2

178.02 APPRENTICESHIP ADVISORY BOARD.

Subdivision 1. **Members.** The commissioner shall appoint an Apprenticeship Advisory Board composed of three representatives each from employer and employee organizations, and two representatives of the general public. A designee of the commissioner of education responsible for career and technical education or designee shall be an ex officio member of the board and shall serve in an advisory capacity only.

Subd. 2. **Terms.** The board shall not expire. The terms, compensation, and removal of appointed members shall be as provided in section 15.059.

Subd. 3. [Repealed, 1976 c 149 s 63]

Subd. 4. **Duties.** The board shall meet at the call of the commissioner and shall advise the commissioner about matters relating to this chapter. It shall propose occupational classifications for apprenticeship programs; propose minimum standards for apprenticeship programs and agreements; and advise on the establishment of such policies, procedures, and rules as the board or commissioner deems necessary in implementing the intent of this chapter.

History: (4260-32) 1939 c 363 s 2; 1951 c 333 s 1; Ex1967 c 1 s 6; 1974 c 144 s 2; 1976 c 149 s 34; 1979 c 130 s 1; 1986 c 444; 1993 c 132 s 3; 1Sp1995 c 3 art 16 s 13; 1997 c 192 s 29; 2001 c 161 s 35; 1Sp2003 c 9 art 10 s 9; 2007 c 135 art 7 s 2; 2007 c 140 art 11 s 2; 2009 c 78 art 6 s 16; 2014 c 305 s 3

178.03 DIVISION OF APPRENTICESHIP.

Subdivision 1. **Establishment of division.** There is established a Division of Apprenticeship in the Department of Labor and Industry. This division shall be administered by a director, and be under the supervision of the commissioner.

Subd. 2. [Repealed, 2014 c 305 s 32]

Subd. 3. **Duties and functions.** (a) The division shall be administered as prescribed by this chapter and in accordance with Code of Federal Regulations, title 29, part 29; to promote equal employment opportunity in apprenticeship and other on-the-job learning and to establish a Minnesota plan for equal employment opportunity in apprenticeship which shall be consistent with standards established under Code of Federal Regulations, title 29, part 30, as amended.

(b) The division shall have the authority to make wage determinations applicable to the graduated schedule of wages and journeyworker wage rate for apprenticeship agreements, giving consideration to the existing wage rates prevailing throughout the state, except that no wage determination by the director shall alter an existing wage provision for apprentices or journeyworkers that is contained in a bargaining agreement in effect between an employer and an organization of employees, nor shall the director make any determination for the beginning rate for an apprentice that is below the wage minimum established by federal or state law.

(c) The division shall:

- (1) issue certificates of registration to sponsors of approved apprenticeship programs;
- (2) approve apprenticeship agreements if the division determines that approval is in the best interest of the apprentice and the agreement meets the standards established in this chapter;
- (3) terminate any apprenticeship agreement according to the provisions of the agreement and this chapter;
- (4) maintain a record of apprenticeship agreements and their disposition;
- (5) issue certificates of completion of apprentices; and
- (6) perform other duties as the commissioner deems necessary to carry out the intent of this chapter.

Subd. 4. **Reciprocity approval.** The commissioner, if requested by a program sponsor, shall grant reciprocity approval to apprentices, apprenticeship programs, and standards that are registered in other states. Program sponsors seeking reciprocal approval must meet the requirements of this chapter including the wage and hour provisions and apprentice ratio standards.

Subd. 5. [Repealed, 1987 c 403 art 2 s 164]

History: (4260-33) 1939 c 363 s 3; Ex1967 c 1 s 6; 1974 c 144 s 3; 1979 c 130 s 2,3; 1985 c 248 s 70; 1Sp1985 c 14 art 9 s 10; 1986 c 444; 2003 c 128 art 11 s 5,6; 2007 c 135 art 7 s 3; 2007 c 140 art 11 s 3; 2010 c 280 s 3,4; 2012 c 295 art 1 s 2,3; 2014 c 305 s 4; 2015 c 54 art 4 s 1; 2023 c 53 art 1 s 9

178.035 REGISTRATION OF APPRENTICESHIP PROGRAMS.

Subdivision 1. **Application.** To apply for the registration of an apprenticeship program, a sponsor shall submit a completed application to the division on a form provided by the commissioner, which shall include standards of apprenticeship that comply with the requirements of Code of Federal Regulations, title 29, part 29, section 29.5, and this chapter.

Subd. 2. **Provisional approval.** The division shall grant a provisional approval period of one year to an applicant demonstrating that the standards submitted meet the requirements of this chapter. The division may review each program granted provisional approval for quality and for conformity with the requirements of this section and section 178.036 at any time, but not less than biannually, during the provisional approval period. After review:

(1) a program that conforms with the requirements of this chapter:

(i) may be approved made permanent; or

(ii) may continue to be provisionally approved through the first full training cycle; and

(2) a program not in operation or not conforming with the requirements of this chapter during the provisional approval period shall be deregistered.

The division shall inform the applicant of the results of its review in writing at least 30 days prior to the expiration of the provisional approval period.

Subd. 3. **Review.** The division shall review all programs for quality and for conformity with the requirements of this chapter at the end of the first full training cycle. Subsequent review of a registered program must be conducted at least annually. Programs not in operation or not conforming to this chapter at the time of review may be recommended for deregistration.

Subd. 4. **Program modification.** To apply for modification of or change to a registered program, a sponsor shall submit a written request for modification to the division. The division shall approve or disapprove a modification request within 90 days from the date of receipt. If approved, the modification or change must be recorded and acknowledged within 90 days of its approval as an amendment to the registered program. If not approved, the division shall notify the sponsor in writing of the disapproval and the reasons for the disapproval. The division may provide technical assistance to a sponsor seeking to modify or change a registered program. The division may require program modification to ensure standards of apprenticeship that comply with the requirements of Code of Federal Regulations, title 29, part 29, section 29.5, and this chapter.

Subd. 5. **Notice.** When an application is submitted under subdivision 1 by an employer or employers' association, and where the standards, collective bargaining agreement, or other instrument provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and the participation is exercised, a written acknowledgment of the union's agreement or a written statement specifying that the union has no objection to the registration is required. Where no union participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union, if any, which functions as the collective bargaining agent of the employees to be trained, a copy of its application for registration and the apprenticeship program. The commissioner shall provide a

reasonable time of not less than 30 days nor more than 60 days for receipt of union comments, if any, before final action on the application for registration is taken. Union comments must be submitted to the division during the time period specified by the commissioner.

Subd. 6. **Certificate.** Upon provisional approval ~~registration~~ of a program, the commissioner shall issue a certificate of registration to the sponsor. Within 30 (TBD) days after the certificate is mailed or otherwise delivered to the sponsor, the sponsor must submit to the commissioner a copy of at least one executed apprenticeship agreement.

Subd. 7. **Policy requirement.** It must be the policy of the employer and sponsor that the recruitment, selection, employment, and training of apprentices during their apprenticeship must be without discrimination due to race, color, creed, religion, national origin, sex, gender identity, sexual orientation, marital status, familial status, ~~physical or mental~~ disability, ~~receipt of status with regard to~~ public assistance, or age. The employer and sponsor must take affirmative action to provide equal opportunity in apprenticeship and must operate the apprenticeship program as required under Code of Federal Regulations, title 29, part 30, and under the Minnesota plan for equal opportunity in apprenticeship.

History: 2014 c 305 s 5

178.036 STANDARDS OF APPRENTICESHIP.

Subdivision 1. **Federal uniformity.** Each program must have an organized, written plan of program standards embodying the terms and conditions of employment, training, and supervision of one or more apprentices in an apprenticeable trade or occupation, as defined in Code of Federal Regulations, title 29, part 29, section 29.4, and subscribed to by a sponsor and employer who has undertaken to carry out the apprentice training program. The program standards must contain the provisions that address each item identified in Code of Federal Regulations, title 29, part 29, section 29.5(b).

Subd. 2. **Standards.** In addition to the requirements in subdivision 1, the program standards must also contain provisions in compliance with subdivisions 3 to 12.

Subd. 3. **Related instruction.** A minimum of 144 hours of related instruction is required in each training cycle. At least 50 hours of related safety instruction is required during the term of apprenticeship. Time spent in related instruction cannot be considered as hours of work as required by the ~~job-work~~ process schedule. Related instruction must be designated in hours for each individual trade or occupation included in the standards. Every apprenticeship instructor must ~~meet the Department of Education's requirements for a vocational-technical instructor or~~ be a subject matter expert, which is an individual such as a journeyworker who is recognized within an industry as having expertise in a specific trade or occupation.

Subd. 4. **Job-Work process schedule.** Each ~~time-based~~ apprenticeship program must include not less than 2,000 hours of reasonably continuous employment.

Subd. 5. **Ratios.** If the apprentice is covered by a collective bargaining agreement, the employer must follow the provisions of the collective bargaining agreement regarding the maximum number of apprentices to be employed at the work site for each journeyworker employed at the same work site. In the absence of a collective bargaining agreement, for the purposes of direct supervision and the safety and instruction of the apprentice, the ratio shall be:

(1) one apprentice for the first journeyworker employed at the work site plus one apprentice for each additional ~~three~~ journeyworkers employed at the work site; except that for occupations in the building and construction trades or any hazardous occupation as defined by section 181A04, Subdivision 5, one apprentice for the first journeyworker employed at the work site plus one apprentice for each additional

three journeyworkers employed at the work site.

(2) the work site ratio utilized by the majority of registered apprenticeship agreements in the same trade or occupation; or

(3) a program-specific ratio that has been approved by the Apprenticeship Advisory Board.

Subd. 6. **Graduated schedule of wages.** The graduated schedule of wages for an apprenticeship program shall be calculated as a percentage of the journeyworker rate in the majority of registered apprenticeship agreements in the same trade or occupation in the state. If there are no registered apprenticeship agreements in the same trade or occupation, the graduated schedule of wages may be determined by the sponsor with the approval of the division.

Subd. 7. **Probationary period.** The standards must provide a period of probation of not more than 1 year or 25 percent of the length of the program, whichever is shorter, 500 hours of employment and instruction extending over not more than four months, during which time the apprenticeship agreement shall be terminated by the director upon written request of either party, and providing that after such probationary period the apprenticeship agreement may be terminated by the director by mutual agreement of all parties thereto, or terminated by the director for good and sufficient reason.

Subd. 8. **Dispute resolution.** The program standards must include a provision that controversies or differences concerning the terms of the apprenticeship agreement which cannot be resolved by the parties thereto, or which are not covered by a collective bargaining agreement, may be submitted to the commissioner for determination as provided for in section 178.09.

Subd. 9. **Term of apprenticeship.** The term of apprenticeship may be measured either through:

(1) the time-based approach, which requires completion of at least 2,000 work hours of on-the-job training;

(2) the competency-based approach, which requires the attainment of competency; or

(3) the hybrid approach, which is a blend of the time-based and competency-based approaches.

~~Subd. 10. **Training cycle.** The training cycle for related instruction must be designated in hours, days, or months for each individual trade or occupation included in the standards.~~

Subd. 11. **Responsibilities of apprentice.** An apprentice employed under the program standards shall agree to be punctual and regular in attendance, and to endeavor to the best of the apprentice's ability to perfect the required skills for the trade or occupation.

Subd. 12. **Coordination of apprentices.** The sponsor shall designate a qualified individual as a coordinator of apprentices who shall:

(1) maintain an adequate record of progress in training each apprentice;

(2) be responsible for assuring that the requirements of the applicable learning program are met during the prescribed training term; and

(3) perform other duties as may be assigned by the sponsor relative to the development and operation of an effective program of apprenticeship.

History: 2014 c 305 s 6

178.04 [Repealed, 1974 c 144 s 10]

178.041 RULEMAKING POWER.

Subdivision 1. **Rules.** The commissioner may, upon receipt of the board's proposals, accept, adopt, and issue them by rule with any modifications or amendments the commissioner finds appropriate. The commissioner may refer them back to the board with recommendations for further study, consideration and revision. If the commissioner refuses to accept, adopt, and issue by rule or other appropriate action a board proposal, the commissioner must provide a written explanation of the reason for the refusal to the board within 30 days after the board submitted the proposal to the commissioner. Additional rules may be issued as the commissioner may deem necessary.

Subd. 2. **Chapter 14 applies.** Rules, modifications, amendments, and repeals thereof which may be issued by the commissioner under this chapter shall be adopted in accordance with chapter 14 and shall have the force and effect of law.

History: 1974 c 144 s 4; 1982 c 424 s 130; 1986 c 444; 2007 c 135 art 7 s 4; 2007 c 140 art 11 s 4; 2014 c 305 s 7

178.044 DETERMINATION OF APPRENTICE WAGES.

Subdivision 1. **Maximum hours.** The maximum number of hours of work per week shall not exceed either the number prescribed by law or the customary regular number of hours per week for the employees of the company by which the apprentice is employed. Time spent in related and supplemental instruction for any apprentice shall not be included in the maximum number of hours of work per workweek.

Subd. 2. **Overtime.** An apprentice may be allowed to work overtime provided that the overtime work does not conflict with related instruction course attendance. All time in excess of the number of hours of work per week as specified in the apprenticeship agreement shall be considered overtime. For overtime, the apprentice's rate of pay shall be increased by the same percentage as the journeyworker's rate of pay for overtime is increased in the same industry or establishment.

Subd. 3. **Journeyworker wage rate.** If the apprentice is not covered by a collective bargaining agreement, the journeyworker wage rate upon which the apprenticeship agreement graduated schedule of wages is calculated shall be:

(1) the most current Minnesota state prevailing wage rate determination for the same trade or occupation in the county in which the apprentice's employer is located. If an apprenticeship agreement ~~entered into after January 1, 2015,~~ does not specify fringe benefits, the journeyworker wage rate upon which the apprentice wage rate is calculated must be the total rate listed in the wage determination; or

(2) if there is no Minnesota prevailing wage rate determination for the same trade or occupation in the county in which the apprentice's employer is located, the journeyworker wage may be determined by the sponsor with the approval of the division.

History: 2014 c 305 s 8

178.05 [Repealed, 2014 c 305 s 32]

178.06 [Repealed, 2014 c 305 s 32]

178.07 REGISTERED APPRENTICESHIP AGREEMENTS.

Subdivision 1. **Approval required.** (a) The division shall approve, if it determines that it is in the best interest of the apprentice, an apprenticeship agreement prepared by the sponsor on a form provided by the commissioner that meets the standards established in this section.

(b) ~~All terminations, cancellations, and transfers of apprenticeship agreements shall be approved by the division in writing.~~ The division must be notified in writing by the sponsor within 45 days of all terminations,

cancellations, or transfer of apprenticeship agreements.

Subd. 2. **Signatures required.** Apprenticeship agreements shall be signed by the division, the sponsor, and by the apprentice, and if the apprentice is a minor, by a parent or legal guardian. When a minor enters into an apprenticeship agreement under this chapter for a period of learning extending into majority, the apprenticeship agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

Subd. 3. **Contents.** Every apprenticeship agreement entered into under this chapter shall contain:

- (1) the names of the contracting parties, and the signatures required by subdivision 2;
- (2) the date of birth, and information as to the race, ethnicity and sex of the apprentice, and, on a voluntary basis, the apprentice's Social Security number, disability status and veteran status;
- (3) contact information of the sponsor and the division;
- (4) a statement of the trade or occupation which the apprentice is to be taught, the date on which the apprenticeship will begin, and the number of hours to be spent by the apprentice in work and the number of hours to be spent in concurrent, related instruction;
- (5) a statement of the wages to be paid the apprentice under sections 178.036, subdivision 6, and 178.044, as applicable;
- (6) a statement listing any fringe benefits to be provided to the apprentice;
- (7) a statement incorporating as part of the agreement the registered standards of the apprenticeship program on the date of the agreement and as they may be amended during the period of the agreement;
- (8) a statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination due to race, color, creed, religion, national origin, sex, gender identity, sexual orientation, marital status, familial status ~~physical or mental~~ disability, receipt of status with regard to public assistance, or age; and
- (9) such additional terms and conditions as may be prescribed or approved by the commissioner not inconsistent with the provisions of this chapter.

History: (4260-37) 1939 c 363 s 7; 1941 c 85; 1974 c 144 s 7; 1986 c 444; 2012 c 295 art 1 s 7; 2014 c 305 s 9; 2015 c 54 art 4 s 2

178.071 APPRENTICE DATA.

Subdivision 1. Definitions. "Apprentice data" are data on individuals collected, maintained, used, or disseminated because an individual has applied for, or has been submitted for registration as an apprentice with the Division of Apprenticeship, or is currently or has been registered as an apprentice with the Division of Apprenticeship.

Subd. 2. Classification. Apprentice data are private data on individuals.

Subd. 3. Data Sharing. Apprentice data may be shared with a state agency for the purpose of determining compliance with Minnesota Statutes sections 116J.871 or 177.41 to 177.44. The division may provide apprentice data to the United States Department of Labor.

178.08 [Repealed, 2014 c 305 s 32]

178.09 INVESTIGATIONS AND ENFORCEMENT OF APPRENTICESHIP AGREEMENTS.

Subdivision 1. **Complaint.** Upon the complaint of any interested person or upon the division's own initiative, the division may investigate to determine if there has been a violation of the terms of an apprenticeship agreement made under this chapter. Complaints must be made in writing within 60 days of the events giving rise to the complaint and must set forth the specific matters complained of together with relevant facts and circumstances. Copies of pertinent documents and correspondence must accompany the complaint. The division may conduct such proceedings as are necessary for that investigation and determination. All such proceedings shall be on a fair and impartial basis.

Subd. 2. **Determination; appeal.** Within 90 days after the receipt of a complaint, the division must issue a determination. The determination of the division shall be filed with the commissioner and written notice shall be served on all parties affected by it. Any person aggrieved by any determination or action of the director may appeal to the commissioner. If no appeal is filed with the commissioner within ~~ten~~ 15 days of

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the date of service, the division's determination shall become the final order of the commissioner. If an appeal is filed, the commissioner shall appoint and convene a hearing board to be composed of three members of the Apprenticeship Advisory Board appointed under section 178.02, one member being a representative of an employer organization, one representative being a member of an employee organization, and one member representing the general public. The board shall hold a hearing on the appeal after due notice to the interested parties and shall submit to the commissioner findings of fact and a recommended decision accompanied by a memorandum of the reasons for it. Within 30 days after submission, the commissioner may adopt the recommended decision of the board, or disregard the recommended decision of the board and prepare a decision based on the findings of fact and accompanied by a memorandum of reasons for that decision. Written notice of the commissioner's determination and order shall be served on all parties affected by it. Any person aggrieved by the commissioner's determination and order under this section is entitled to judicial review under sections 14.63 to 14.68 in the same manner that a person aggrieved by a final decision in a contested case is entitled to judicial review. The commissioner's determination and order under this section shall be a final decision and order of the department for purposes of sections 14.63 to 14.68.

Subd. 3. Service. Service under this chapter may be by certified first class mail, personal service, or in accordance with any consent to service filed with the commissioner. Service by mail shall be accomplished in the manner provided in Minnesota Rules, part 1400.5550, subpart 2. Personal service shall be accomplished in the manner provided in Minnesota Rules, part 1400.5550, subpart 3.

History: (4260-39) 1939 c 363 s 9; Ex1967 c 1 s 6; 1974 c 144 s 9; 1983 c 247 s 76; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 2012 c 295 art 1 s 9,10; 2014 c 305 s 10

178.091 INVESTIGATIONS AND ENFORCEMENT; APPRENTICESHIP PROGRAMS AND STANDARDS.

Subdivision 1. Investigations. In order to carry out the purposes of this chapter, the commissioner may investigate registered apprenticeship programs and applicants for program registration to determine whether there are any grounds for deregistration of a registered program or for the denial of an application. Persons requested by the commissioner to provide information or produce documents shall respond within 30 days of the commissioner's service of the request.

Subd. 2. Grounds. (a) The commissioner may deregister a registered apprenticeship program or deny an application for registration if:

(1) the program does not comply with any requirement of Code of Federal Regulations, title 29, part 29 or ~~32~~ 30, this chapter, or any rule adopted pursuant to section 178.041;

(2) the program does not have at least one registered apprentice in each trade or occupation, except for the following specified periods of time:

(i) within the first ~~30~~ (TBD) days after the date a program is registered; or

(ii) within one year of the date that a program graduates an apprentice in a trade or occupation and the date of registration for the next apprentice in that trade or occupation; or

(3) the program is not conducted, operated, or administered in accordance with the program's registered standards or with the requirements of this chapter, including but not limited to:

(i) failure to provide on-the-job learning;

(ii) failure to provide related instruction;

1 (iii) failure of an employer to pay the apprentice a progressively increasing schedule of wages consistent
2 with the apprentice's skills acquired; or

3 (iv) persistent and significant failure to perform successfully.

4 (b) The commissioner may deregister an apprenticeship program at the written request of the sponsor
5 in a manner consistent with the provisions of Code of Federal Regulations, title 29, part 29, section 29.8(a).

6 Subd. 3. **Reinstatement.** If the commissioner deregisters a registered apprenticeship program, the sponsor
7 may request reinstatement not before one year after the effective date of the deregistration. The commissioner
8 may, as a condition of reinstatement, require the sponsor to comply with reasonable conditions the
9 commissioner considers necessary to effectuate the purposes of this chapter.

10 Subd. 4. ~~**Corrective Action Orders; hearings related to orders.**~~ (a) If the commissioner determines
11 that a registered apprenticeship program should be deregistered or that an application for registration
12 should be denied, the commissioner shall issue to and serve on the sponsor a notice to correct containing
13 the following: an order deregistering the program's registration or denying the application for registration.

14 (b) ~~An order issued under this subdivision must specify:~~

15 (1) the deficiency and the required remedy or corrective action;

16 (2) the time period to effectuate the required remedy or corrective action, which shall be no less than
17 30 days and no more than 90 60 days; and

18 (3) any other requirement consistent with Code of Federal Regulations, title 29, part 29, section 29.8(b).

19 ~~(e) The sponsor to whom the commissioner issues an order under this subdivision may appeal to a~~
20 ~~hearing board appointed consistent with section 178.09, subdivision 2.~~

21 Subd. 5. Denial of Application. If an applicant for registration does not take the required corrective
22 action within the allotted time, the commissioner may deny the application for registration.

23 Subd. 6. Order of Deregistration. If the registered apprenticeship program does not take the required
24 corrective action within the allotted time, the commissioner may issue an Order of Deregistration
25 containing the following:

26 (a) That certain deficiencies were identified in the notice to correct and the registered
27 apprenticeship program did not take the required corrective action

28 (b) Based on the deficiencies stated in the notice to correct and the failure of the registered
29 apprentice program to remedy those deficiencies, a determination has been made that there is
30 reasonable cause to deregister the program

31 (c) That the registered apprenticeship program may appeal this determination within 15 days to the
32 commissioner consistent with section 178.091, subdivision 7.

33 (d) That, if the registered apprenticeship program does not appeal the determination, the order becomes
34 final.

35 Subd. 7. Appeal. Any person aggrieved by an Order of Deregistration may appeal to the commissioner. If
36 no appeal is filed with the commissioner within 15 days of the date of service, the Order of Deregistration
37 shall become the final order of the commissioner. If an appeal is filed, the commissioner shall appoint and
38 convene a hearing board to be composed of three members of the Apprenticeship Advisory Board
39 appointed under section 178.02, one member being a representative of an employer organization, one
40 representative being a member of an employee organization, and one member representing the general
41 public. The board shall hold a hearing on the appeal after due notice to the interested parties and shall
42 submit to the commissioner findings of fact and a recommended decision accompanied by a
43 memorandum of the reasons for it. Within 30 days after submission, the commissioner may adopt the

1 recommended decision of the board, or disregard the recommended decision of the board and prepare a
2 decision based on the findings of fact and accompanied by a memorandum of reasons for that decision.
3 Written notice of the commissioner's determination and order shall be served on all parties affected by it.
4 Any person aggrieved by the commissioner's determination and order under this section is entitled to
5 judicial review under sections 14.63 to 14.68 in the same manner that a person aggrieved by a final
6 decision in a contested case is entitled to judicial review. The commissioner's determination and order
7 under this section shall be a final decision and order of the department for purposes of sections 14.63 to
8 14.68.

9 **History:** 2014 c 305 s 11

10 **178.10 LIMITATION.**

11 (a) The provisions of this chapter shall have no application to those individuals who are apprenticed by
12 the commissioner of corrections pursuant to sections 242.43 and 242.44.

13 (b) Nothing in this chapter or any apprenticeship agreement operates to invalidate:

14 (1) any apprenticeship provision in any collective bargaining agreement between employers and employees
15 establishing higher apprenticeship standards; or

16 (2) any special provision for veterans, ~~minority persons~~ people of color, or women, in the standards,
17 apprentice qualifications, or operation of the program or in the apprenticeship agreement which is not
18 otherwise prohibited by law.

19 **History:** (4260-41) 1939 c 363 s 11; 1965 c 51 s 36; 1973 c 654 s 15; 1975 c 271 s 6; 1983 c 274 s 18;
20 2014 c 305 s 12

21 **178.11 LABOR EDUCATION ADVANCEMENT GRANT PROGRAM.**

22 The commissioner shall establish the labor education advancement grant program for the purpose of
23 facilitating the participation or retention of people of color, Indigenous people, and women in registered
24 apprenticeship programs. The commissioner shall award grants to community-based and nonprofit
25 organizations and Minnesota Tribal governments as defined in section 10.65, serving the targeted populations
26 on a competitive request-for-proposal basis. Interested organizations shall apply for the grants in a form
27 prescribed by the commissioner. As part of the application process, applicants must provide a statement of
28 need for the grant, a description of the targeted population and apprenticeship opportunities, a description
29 of activities to be funded by the grant, evidence supporting the ability to deliver services, information related
30 to coordinating grant activities with other employment and learning programs, identification of matching
31 funds, a budget, and performance objectives. Each submitted application shall be evaluated for completeness
32 and effectiveness of the proposed grant activity.

33 **History:** 1995 c 224 s 72; 2010 c 280 s 7; 2023 c 53 art 1 s 10

34 **178.12** [Repealed, 1Sp2005 c 1 art 4 s 124]

35
36 REPEALER. Minnesota Rules, part 5200.0400 is repealed.
37

38 1. Amend 13.7905.

39
40 Subd. 10. **Apprentice Data.** Apprentice data reported to, maintained by, or collected by the
41 department is governed by Minnesota Statute Section 178.071.
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