

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1694

By: Paulk

AS INTRODUCED

An Act relating to schools; enacting the Oklahoma
Apprentice Act; providing short title; defining
terms; enabling the establishment of an
apprenticeship and training system of adult
education to train skilled workers; providing for
the allocation of certain funds; requiring certain
contracts; providing for management and
participation in apprentice programs; authorizing
the charging of tuition and fees; providing for
certain funding; specifying duties of the
apprenticeship program sponsors; creating the
Apprenticeship Funding Advisory Committee;
providing for appointments, qualifications, terms
vacancies and appointment of nonvoting advisory
members; specifying duties of the Committee;
requiring funding providers to provide certain
information and cooperation to the Committee;
requiring reporting procedures to be included in
certain plan; requiring notice be provided
concerning certain funds; specifying such notice;
requiring certain audit trail; specifying such
audits; prohibiting the commingling of certain
funds; requiring the State Auditor and Inspector to
perform certain audits; specifying that components

of the audit trail be public records; specifying the appropriation and distribution of certain funds under certain conditions, and providing procedures related thereto; requiring the promulgation and adoption of certain rules; providing procedures relating to certain recommendations; providing for applicability of act; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Apprentice Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Apprentice Act:

1. "Apprenticeship training program" means a training program that provides on-the-job training with related instruction in an occupation that has been certified as an apprenticeable occupation by the Bureau of Apprenticeship and Training, United States Department of Labor, with approved training standards registered with the Bureau of Apprenticeship and Training, United States Department of Labor;

2. "Supplementary instruction" or "journeyman upgrade training" means a course of instruction for persons employed as journeymen

craftsmen in an apprenticeable occupation that is designed to provide new skills or upgrade current skills;

3. "Funding Advisory Committee" means the Apprenticeship Funding Advisory Committee to the State Board of Vocational and Technical Education and the Governor;

4. "BAT" means the Bureau of Apprenticeship and Training, United States Department of Labor;

5. "Program sponsor" shall mean any employer, group of employers, or joint management/labor committee, or organization operating an apprenticeship program and in whose name the program is registered with the Bureau of Apprenticeship and Training; and

6. "Funding provider" shall mean the State Department of Vocational and Technical Education, public school districts, a state post-secondary institution, an area vo-tech or a two-year community college or state higher education institution.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the provisions of the Oklahoma Apprentice Act, the funding provider shall allocate state funds for the support of apprenticeship and journeyman skill upgrade training programs that meet the criteria set forth in this act.

B. An apprenticeship training program sponsor shall enter into a written agreement with a funding provider.

C. An apprenticeable training program shall be under the direction of an apprenticeship coordinator, or director, appointed by the program sponsor who shall perform the duties set forth in Section 4 of this act.

D. Each apprentice participating in this program shall sign, and be provided a copy of, a written apprenticeship agreement by the apprenticeship program sponsor stating the terms and conditions of

employment and training. (Apprenticeship agreements furnished and apprenticeship program standards approved by BAT).

E. An apprentice or journeyman may not be charged tuition or fees by a funding provider but may be required by the program sponsor to furnish books and special equipment.

F. Funding for supplementary or related instruction portions of the program, in addition to any other money available, shall be provided to the apprenticeship program sponsor pursuant to the terms of the agreement referred to in subsection B of this section. The program sponsor may charge an apprentice or journeyman tuition and fees to cover administrative costs incurred while the apprentice is registered with the program sponsor, or while the journeyman is in upgrade training. Fees charged to program sponsors by funding providers shall be limited to actual cost incurred for administration of program support.

G. To qualify for funding, pursuant to the terms of the contract referred to in subsection B of this section, adequate facilities, personnel, and resources to effectively administer the apprenticeship or journeyman upgrade training program in a manner consistent with the public's need for marketable skills in apprenticeable occupations, as defined by BAT, shall be provided.

H. A program shall be registered with the BAT and recognized by the Apprenticeship Funding Advisory Committee for funding.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.4 of Title 70, unless there is created a duplication in numbering, reads as follows:

The apprenticeship program sponsor of each apprenticeship training program shall:

1. Establish standards and goals for supplementary instruction and related instruction for apprentices and journeymen in the program;

2. Establish rules governing the on-the-job training and other instruction for apprentices in the program;

3. Plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices in the program;

4. Determine and select qualified instructors for the program;

5. Monitor and evaluate the performance and progress of each apprentice in the program and the program as a whole;

6. Interview and select all applicants for entrance into the program;

7. Provide for the maintenance of records of on-the-job training and progress of each apprentice;

8. Require instructors to upgrade qualifications as necessary to meet industry needs; and

9. Perform any other duties which promote the goals of apprentices and of the program as a whole.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.5 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Apprenticeship Funding Advisory Committee. The Governor shall appoint the Apprenticeship Funding Advisory Committee composed of members with the following qualifications:

1. Three (3) persons representing employers who employ and train persons in registered apprenticeship programs;

2. Three (3) persons representing bargaining agents for members of registered apprenticeship programs;

3. Three (3) persons employed as training directors or program administrators by apprenticeship committees;

4. Three (3) persons employed by public schools or state post-secondary institutions who teach or immediately supervise supplementary instruction or related instruction courses.

B. Members of the Funding Advisory Committee shall serve terms of four (4) years, except that the Governor shall designate one member from each of the groups referred to in paragraphs 1, 2, 3 and 4 of subsection A of this section to serve an initial term of two (2) years. Thereafter all members shall serve four-year terms.

C. A vacancy shall be filled for the unexpired portion of a term vacated by a representative of the paragraph 1, 2, 3 or 4 of subsection A of this section in which the vacancy occurs.

D. Nonvoting advisory members of the Funding Advisory Committee shall include the following:

1. One person designated by and representing the State Department of Vocational and Technical Education, Business and Industry Services;

2. One person designated by and representing the State Council on Vocational Education;

3. One person designated by and representing BAT;

4. One person designated by and representing the teachers training division of the University of Central Oklahoma; and

5. One person representing the general public who is familiar with the goals and needs of apprenticeship in Oklahoma, and who is not otherwise eligible for service on the Funding Advisory Committee.

E. The member representing the general public shall be appointed by the State Apprenticeship Funding Advisory Committee for a term of four (4) years. All other nonvoting members of the Funding Advisory Committee shall serve at the pleasure of the chief administrative officer of the agency or institution each respective member represents.

F. The Apprenticeship Funding Advisory Committee as outlined in this section shall become the Oklahoma State Apprenticeship Funding Advisory Committee.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.6 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Funding Advisory Committee shall recommend to the funding provider a statewide plan for the development of a comprehensive program for funding of apprenticeship training which shall include but not be limited to the following:

1. Formulas and administrative procedures to be utilized in requesting appropriations of state funds for apprenticeship and journeyman upgrade training;

2. Forms, formulas, and administrative procedures to be used in distributing available funds to apprenticeship and journeyman skill upgrade training programs; and

3. The content and method of the public notice required by this act.

B. The funding provider shall furnish the Funding Advisory Committee with the current data necessary to develop the plan. All state boards and agencies shall cooperate with the Funding Advisory Committee and shall furnish information and material upon request.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.7 of Title 70, unless there is created a duplication in numbering, reads as follows:

Pursuant to Section 6 of this act, the reporting procedures shall be included in the State Plan for Apprenticeship.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.8 of Title 70, unless there is created a duplication in numbering, reads as follows:

In order to insure that all citizens of Oklahoma have an equal opportunity to benefit from apprenticeship training programs, the funding provider shall provide for statewide publication, in a manner recommended by the Funding Advisory Committee and intended to give actual notice to all potential program sponsors of the amount

of funds that shall be available to support apprenticeship training programs during the current and following fiscal years, the qualifications required of program sponsors and apprenticeship committees, and the procedures to be followed in applying for state funds. This notice may also include other information recommended by the Funding Advisory Committee and approved by the funding provider. The funding provider shall publish any information concerning available funds given to a particular program sponsor in a manner recommended by the Funding Advisory Committee and intended to give actual notice to all potential program sponsors statewide.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.9 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The funding provider shall maintain a clear audit trail of all funds appropriated for the apprenticeship system of adult vocational education. For each course that is funded, the audit trail in the funding provider shall include the following reports:

1. The name of the funding provider, public school district or state post-secondary institution;
2. The names of the instructors;
3. The number of students enrolled;
4. The place and schedules of class meetings; and
5. Certification by the BAT for preparatory and related instruction courses that the students enrolled were registered apprentices.

B. Funding providers, public school districts or state post-secondary institutions receiving funds shall maintain a clear audit trail which shall include records of receipts for all expenditures relating solely to each particular course. Where an expense is shared by two or more courses, the allocation to that expense from the funds for a particular course shall be supported by a formula based on the comparative benefit derived by each course. No charges

for the depreciation of facilities or the retirement of indebtedness shall be allocated to an apprenticeship course.

C. Funds appropriated for the apprenticeship system of adult vocational education shall not be commingled with funds appropriated for other purposes.

D. The State Auditor and Inspector shall perform an annual audit of all state funds appropriated or received pursuant to this act.

E. All records, receipts, working papers, and other components of the audit trail shall be public records.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.10 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. On recommendation of the Funding Advisory Committee the funding provider shall adopt forms, formulas, and administrative procedures for the distribution of available funds to apprenticeship training programs. Distribution formulas shall be uniform in application to all local apprenticeship program sponsors.

B. On recommendation of the Funding Advisory Committee, the funding provider shall reserve until such time as recommended by the Funding Advisory Committee a percentage of the funds appropriated under the line item described in this section to be used solely for adult apprenticeship-related instruction programs. This percentage shall be established by the formulas required by this section. Reserved funds that are not obligated on (date to be worked out) may be used for supplementary instruction programs, related instruction programs, or instructor training programs.

C. No funds shall be distributed to a public school district or state post-secondary institution until the district or institution has filed all reports required by this act and by the funding provider.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.11 of Title 70, unless there is created a duplication in numbering, reads as follows:

The funding provider and the Funding Advisory Committee shall promulgate and adopt rules necessary to implement the provisions of the Oklahoma Apprentice Act.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.12 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Recommendations of the Funding Advisory Committee submitted to the funding provider shall be acted on, and either accepted or rejected.

B. A recommendation which is rejected by the funding provider shall be returned immediately to the Funding Advisory Committee, accompanied by written notice of the reasons for rejecting the recommendation.

C. The Funding Advisory Committee shall be given at least thirty (30) calendar days to revise recommendations, and to submit the revised recommendations to the funding provider for action and/or approval.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-130.13 of Title 70, unless there is created a duplication in numbering, reads as follows:

The provisions of this act apply only to those apprenticeship and journeyman upgrade training programs which receive state funds pursuant to the provisions of Section 3 of this act. A BAT registered apprenticeship program may choose not to participate under the provisions of the Oklahoma Apprentice Act.

SECTION 14. This act shall become effective July 1, 1993.

SECTION 15. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-5480

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