

New York State Consolidated Laws

Labor

ARTICLE 23

APPRENTICESHIP TRAINING

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§ 810. Statement of public policy. Skilled manpower constitutes a great resource in this state. Apprenticeship programs, through supervised training and education, develop skilled craftsmen and help meet the increasing needs for such workers in the state's labor force. The continuing development of skilled manpower is essential for individual self-realization and for an expanding industrial economy. To these ends, it is the declared public policy of the state of New York to develop sound apprenticeship training standards and to encourage industry and labor to institute training programs.

§ 811. Powers and duties of industrial commissioner; personnel. 1. The industrial commissioner shall have the following powers and duties:

(a) to encourage and promote the making of apprenticeship agreements conforming to the standards established by or pursuant to this article;

(b) to establish suggested standards for apprenticeship agreements in conformity with the provisions of this article;

(c) to supervise the execution of apprenticeship agreements and maintenance of standards;

(d) to register approved apprenticeship agreements, and upon performance thereof, to issue certificates of completion of apprenticeship;

(e) to settle differences arising out of apprenticeship agreements, when such differences cannot be adjusted locally or in accordance with established trade procedure;

(f) to terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements;

(g) to encourage and promote the hiring by any trade or group of trades of persons who are on parole, in order to aid in the

rehabilitation of such persons;

(h) to study and disseminate information on apprenticeship training, trends of employment opportunities in various trades, the impact of technological change on skill levels and requirements, the supply of and needs for skilled manpower, and related matters;

(i) to cooperate with the federal government, the state education department, the state department of commerce and other agencies, public and private, in the state;

(j) to adopt such rules and regulations as may be necessary for the effective administration of the purposes and provisions of this article;

(k) to perform such other duties as may be necessary to give full effect to the policies of the state and the provisions of this article.

2. The industrial commissioner shall appoint a person who shall be in charge of apprentice training in the department of labor, and who shall act as secretary of the state apprenticeship and training council and of state joint apprenticeship committees. The industrial commissioner is further authorized to appoint such clerical, technical, and professional assistants as shall be necessary to effectuate the purposes of this article. The personnel appointed under this article shall receive an annual compensation to be fixed by the industrial commissioner within the amount provided by appropriation.

§ 812. Related and supplemental instruction. Related and supplemental instruction for apprentices, coordination of instruction with job experience, and the selection of teachers and coordinators for such instruction shall be the responsibility of state and local boards responsible for career education.

As provided by other statutes, the department of education shall be responsible for and provide related training as required by apprenticeship programs set up under this article.

§ 813. State apprenticeship and training council. 1. The governor shall appoint a state apprenticeship and training council, composed of three representatives from employer organizations and three from employee organizations and one representative of the general public, who shall be the chairman. The council by majority vote may designate one of its members, other than the chairman, as vice-chairman to act in the absence or inability of the chairman. Each member shall be appointed for a term of three years. Each member shall hold office until his or her successor is appointed and has qualified, and any vacancy shall be filled by appointment for the unexpired portion of the term. The present members of the council shall continue to hold office until the expiration of their present terms or their earlier terminations by resignation or inability to act. The commissioner of education, the commissioner of labor and the commissioner of economic development shall ex officio be members of such council without vote. The members of the council shall not receive a salary or other compensation, but shall be reimbursed for transportation and other expenses actually and necessarily incurred in the performance of their duties under this article.

2. The council: (a) shall advise the commissioner of labor on apprentice training matters, including the matters of related and supplemental instruction; (b) may recommend suggested standards for apprenticeship agreements; (c) shall maintain a close and effective liaison with governmental and nongovernmental agencies which are concerned with skilled manpower development and problems; and (d) may recommend research projects on facts and trends relating to

apprenticeship training and the supply of and needs for skilled manpower.

§ 814. Local, regional and state joint apprenticeship committees. Local and state joint apprenticeship committees may be approved, in any trade or group of trades, in cities, regions of the state or trade areas, by the industrial commissioner, whenever the apprentice training needs of such trade or group of trades or such regions justify such establishment. Such local, regional or state joint apprenticeship committees shall be composed of an equal number of employer and employee representatives chosen from names submitted by the respective local or state employer and employee organizations in such trade or group of trades; also such additional members representing local boards of education or other educational agencies as may be deemed advisable. In a trade or group of trades in which there is no bona fide employer or employee organization, the joint committee shall be composed of persons known to represent the interests of employers and of employees respectively or a state joint apprenticeship committee may be approved as, or the state apprenticeship council may act itself as, the joint committee in such trade or group of trades. Subject to the review of the industrial commissioner and in accordance with the standards established by the industrial commissioner, such committees may devise standards for apprenticeship agreements and give such aid as may be necessary in their operation, in their respective trades and localities.

§ 815. Suggested standards for apprenticeship agreements. Suggested standards for apprenticeship agreements are as follows:

1. A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall be not less than four thousand hours of reasonably continuous employment.

2. A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

3. A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction which instruction shall be not less than one hundred forty-four hours per year when available, such availability to be determined by the commissioner of education.

4. A statement that apprentices shall be not less than sixteen years of age.

5. Provision that apprentices shall be selected on the basis of qualifications alone, as determined by objective criteria which permit review, and without any direct or indirect limitation, specification or discrimination as to race, creed, color, age, sex or national origin.

6. A statement of the progressively increasing scale of wages to be paid the apprentice.

7. Provision for a period of probation during which the industrial commissioner shall be directed to terminate an apprenticeship agreement at the request in writing of any party thereto. After the probationary period the industrial commissioner shall be empowered to terminate the registration of an apprentice upon agreement of the parties.

8. Provision that the services of the industrial commissioner may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

9. Provision that if an employer is unable to fulfill his obligation

under the apprenticeship agreement he may transfer such obligation to another employer.

10. Such additional standards as may be prescribed in accordance with the provisions of this article.

§ 816. Apprenticeship agreements. For the purposes of this article an apprenticeship agreement is:

(1) An individual written agreement between an employer and an apprentice, or (2) a written agreement between an employer or an association of employers, and an organization of employees describing conditions of employment for apprentices or (3) a written statement describing conditions of employment for apprentices in a plant or plants where there is no bona fide employee organization.

§ 816-a. Apprenticeship assistance in all political subdivisions of the state. any political subdivision of the state may provide financial assistance, within the amounts appropriated therefore, for the purpose of promoting non-profit apprentice training programs within such political subdivision to train persons in those skills needed by the political subdivision as an employer, administered by agencies representing municipal employees in particular title or classification or other phases of employment; provided such programs are approved by the department of education as to curriculum, instructors and scope and further provided that such programs are registered and approved pursuant to sections eight hundred fourteen and eight hundred fifteen of this chapter.

§ 816-b. Apprenticeship participation on construction contracts. 1. For purposes of this section:

(a) "governmental entity" shall mean the state, any state agency, as that term is defined in section two-a of the state finance law, municipal corporation, commission appointed pursuant to law, school district, district corporation, board of education, board of cooperative educational services, soil conservation district, and public benefit corporation; and

(b) "construction contract" shall mean any contract to which a governmental entity may be a direct or indirect party which involves the design, construction, reconstruction, improvement, rehabilitation, maintenance, repair, furnishing, equipping of or otherwise providing for any building, facility or physical structure of any kind.

2. Notwithstanding any other provision of this article, of section one hundred three of the general municipal law, of section one hundred thirty-five of the state finance law, of section one hundred fifty-one of the public housing law, or of any other general, special or local law or administrative code, in entering into any construction contract, a governmental entity which is to be a direct or indirect party to such contract may require that any contractors and subcontractors have, prior to entering into such contract, apprenticeship agreements appropriate for the type and scope of work to be performed, that have been registered with, and approved by, the commissioner pursuant to the requirements found in this article. Whenever utilizing this requirement, the governmental entity may, in addition to whatever considerations are required by law, consider the degree to which career opportunities in apprenticeship training programs approved by the commissioner may be provided.

§ 817. Limitation. The provisions of this article shall apply to a

person, firm, corporation or craft only after such person, firm, corporation or craft has voluntarily elected to conform with its provisions.

§ 818. Separability. If any provision of this article or the application thereof to any person or circumstances, is held invalid, the remainder of the article, and the application of such provision to other persons and circumstances, shall not be affected thereby.

§ 819. Training of persons in the repair and reconditioning of slot machines. Possession of a slot machine shall be permitted where such possession is necessary to facilitate the training of persons in the repair and reconditioning of such machines by entities not subject to tribal-state compacts, provided all of the following conditions are met:

1. The entity is registered with the commissioner pursuant to this article;

2. The entity has an approved apprenticeship program in the electrical trades pursuant to title 12, volume C-1, part 601 of the New York state codes, rules and regulations;

3. The entity has submitted to, and received approval from, the superintendent of state police of a security plan with regard to the movement, location and storage of such machines at all times, including but not limited to, a log of all persons having access to such machines, and a video surveillance of such machines;

4. (a) Written notification, made to the commissioner, shall be made for each machine to be received by an approved apprenticeship program. Such notification shall include the manufacturer, model and serial number for each machine and identification number of each program storage device such as EPROM, ROM, flash ROM, DVD or CD-ROM. Such identical information shall be maintained by each approved apprenticeship program in a format required by the commissioner.

(b) Each approved apprenticeship program shall promptly notify the commissioner, in writing, of the return, removal or destruction of a machine or program storage device or of additional program storage devices to be received;

5. The entity possesses a tag issued by the department with an identification number affixed and identifying each machine;

6. Payment to the commissioner of a license fee of five hundred dollars per machine, renewable every six months, and payment to the commissioner of one hundred dollars renewable every six months for each person registered in approved apprenticeship programs. The fee of one hundred dollars per person registered in such programs shall not be collected from the individual apprentices but shall be paid by the entity registered pursuant to this article;

7. Notwithstanding subdivision six of this section, any entity with an approved apprenticeship program as defined in this section shall not be liable to pay the fees provided for in this section if such entity is the state university of New York, the city university of New York, a community college or board of cooperative educational services as those terms are defined in the education law.