

☞ **09hr_SC-LEUA_sb0586_pt01**



Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Elections, and Urban Affairs (SC-LEUA)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Labor, Elections and Urban Affairs

Senate Bill 586

Relating to: apprentice contracts, the appointment and composition of the Wisconsin Apprenticeship Council, requiring the exercise of rule-making authority, and providing a penalty.

By Senator Coggs; cosponsored by Representatives Toles, Sheridan and Sinicki.

March 02, 2010 Referred to Committee on Labor, Elections and Urban Affairs.

March 16, 2010 **PUBLIC HEARING HELD**

Present: (5) Senators Coggs, Wirsch, Lehman, A. Lasee and Grothman.

Absent: (0) None.

Appearances For

- Andy Feldman — Department of Workforce Development
- Howard Bernstein — Department of Workforce Development
- Scott Hamilton — Plumbers Local 75
- Terry Hayden — Wisconsin Apprenticeship Advisory Council
- Robert Riberich — ABC of Wisconsin & Wisconsin Apprenticeship Advisory Council
- Wayne Belanger — ABC of Wisconsin

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Spencer Coggs — Senator
- Tim Elverman — Heat & Frost Insulators Local 19
- Kelly Tourdot — ABC of Wisconsin
- John Mielke — ABC of Wisconsin
- Chris Ignatowski — UA Local 434
- Mark Reihl — Wisconsin State Council of Carpenters
- Joanne Ricca — Wisconsin State AFL-CIO

Registrations Against

- None.

Registrations for Information Only

- None.

April 8, 2010

EXECUTIVE SESSION HELD

Present: (5) Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

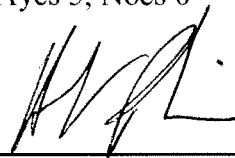
Absent: (0) None.

Moved by Senator Lehman, seconded by Senator Wirch that **Senate Bill 586** be recommended for passage.

Ayes: (5) Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0



Adam Plotkin
Committee Clerk

Vote Record

Committee on Labor, Elections and Urban Affairs

Date: Thursday, April 8, 2010

Moved by: LEHMAN Seconded by: WIRCH

AB _____ SB 586 _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Spencer Coggs, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator John Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Alan Lasee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried

Motion Failed

Plotkin, Adam

From: Feldman, Andrew - DWD [Andrew.Feldman@dwd.wisconsin.gov]
Sent: Thursday, March 11, 2010 11:28 AM
To: Plotkin, Adam
Subject: RE: SB 586 (Apprenticeship) Testimony

Thanks Adam. It will be me and legal council Howard Bernstein, testifying together. I'll do opening / big pic and then he'll do the rest.

Sound good?

From: Plotkin, Adam [mailto:Adam.Plotkin@legis.wisconsin.gov]
Sent: Tuesday, March 09, 2010 5:11 PM
To: Feldman, Andrew - DWD
Subject: SB 586 (Apprenticeship) Testimony

Andy,

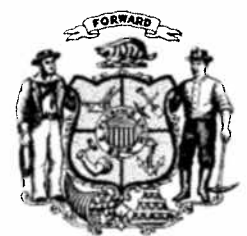
Just wondering who from DWD or Apprenticeship will be testifying next Tuesday on SB 586. I'd like to have it set up in the same manner as we will take testimony on Worker's Comp tomorrow.

Thank you,
Adam

*Adam Plotkin
Clerk, Committee on Labor, Elections, and Urban Affairs
Office of Senator Spencer Coggs
phone, 608-266-2500
fax, 608-282-3546*

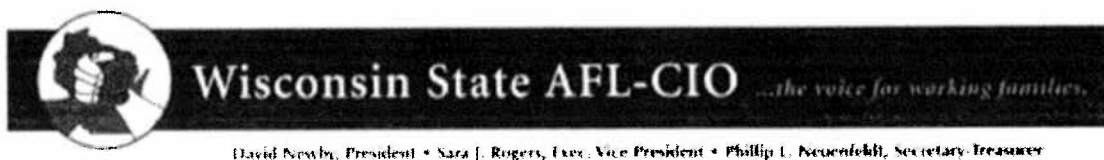


WISCONSIN STATE LEGISLATURE



Plotkin, Adam

From: Phil Neuenfeldt [pneuenfeldt@wisafcio.org]
Sent: Monday, March 15, 2010 1:55 PM
Subject: Support for SB 586
Attachments: image001.jpg



To: Senate Labor, Elections & Urban Affairs Committee Members
From: David Newby, President
Date: March 15, 2010

Re: Support for Senate Bill 586 Apprenticeship

The Wisconsin State AFL-CIO supports SB 586 which has received careful review by the State Apprenticeship Trade Committees as well as the Wisconsin Apprenticeship Council.

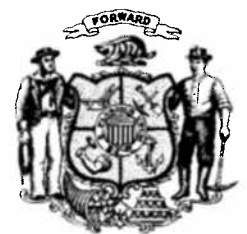
The bill makes minimal changes to our apprenticeship law—but if not passed this session, we will lose our state-directed apprenticeship system (one of the best in the nation) and the federal government will step in and run a system without our input.

We urge your support.

PN/JR/ls:opeiu#9,afl-cio



WISCONSIN STATE LEGISLATURE



Senate Committee on Labor, Elections and Urban Affairs
Chairman Senator Coggs
Tuesday March 16, 2010
Testimony in Support of Senate Bill 586
Wayne T. Belanger, ABC of Wisconsin Director of Education and
member of the State Apprenticeship Advisory Council

I would like to thank Chairman Coggs and the members of the Senate Committee on Labor for the opportunity to speak to you today. My name is Wayne Belanger.

I am the Director of Education for Associated Builders and Contractors of Wisconsin. I have been in this position nearly 25 years. I am also an employer member of the Wisconsin Apprenticeship Advisory Council. The Council advises the Department of Workforce Development's Bureau of Apprenticeship Standards on matters related to the State of Wisconsin's apprenticeship programs.

The US Department of Labor issued a final rule modernizing the National Apprenticeship System in 2008. This rule required all states, including Wisconsin to make certain changes to state law in order to maintain federal recognition. The task of identifying those changes was assigned to a sub-committee of the Wisconsin Apprenticeship Council. Sub-committee members worked for several months to update Wisconsin's apprenticeship laws to comply with the various changes made to federal apprenticeship law in 2008.

The sub-committee presented their recommendations to the Apprenticeship Advisory Council and on January 7, 2010 the council unanimously endorsed the proposal.

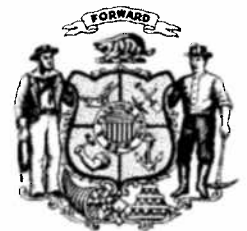
Those changes have now become Senate Bill 586.

These changes reconcile state and federal apprenticeship law. Wisconsin's apprenticeship law was enacted in 1911, predating federal law by 25 years. As this nationally recognized program nears its 100th anniversary, the changes contained in SB 586 will move Wisconsin's apprenticeship program forward into the 21st century. On behalf of ABC of Wisconsin and the Wisconsin Apprenticeship Advisory Council I ask you to support SB 586.

Thank you.



WISCONSIN STATE LEGISLATURE





RIBERICH, INC.
MECHANICAL CONTRACTORS

Senate Committee on Labor, Elections and Urban Affairs

Chairman Senator Coggs

Tuesday March 16, 2010

Testimony in Support of Senate Bill 586

Robert Riberich, Employer Co-chair State Apprenticeship Advisory Council

I would like to thank Chairman Coggs and the members of the Senate Committee on Labor for the opportunity to speak to you today. My name is Bob Riberich.

By way of background I have a long history with apprenticeship. Beginning with my plumbing apprenticeship in January of 1975 and continuing today as a mechanical contractor whose company has been training apprentices in plumbing for more than 45 years. Currently I serve as the Employer Co-Chair of the Wisconsin Apprenticeship Advisory Council.

The Apprenticeship Advisory Council provides advice to the Bureau of Apprenticeship Standards regarding Wisconsin's apprenticeship programs and is comprised of employer organizations, labor unions, industry groups and educators.

In late 2008 the US Department of Labor issued a final rule modernizing the National Apprenticeship System. This rule required Wisconsin to make certain changes to state law in order to maintain federal recognition. The task of identifying those changes was assigned to a sub-committee of the Wisconsin Apprenticeship Council. Sub-committee members worked for many months to update Wisconsin's apprenticeship laws so that they will be in conformity with changes made to federal law.

The sub-committee presented their recommendations to the Apprenticeship Advisory Council and on January 7, 2010 the council unanimously endorsed the proposal.

Those changes have now become Senate Bill 586.

These changes not only harmonize state and federal law, but they position Wisconsin's apprenticeship system to meet the challenges of the future. Wisconsin has a long and important history related to apprenticeship training



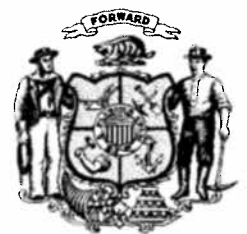
RIBERICH, INC.
MECHANICAL CONTRACTORS

and approving this bill can be the next chapter in that history. On behalf of the Apprenticeship Advisory Council I ask you to support SB 586.

Thank you.



WISCONSIN STATE LEGISLATURE



Date?

Good morning. My name is Andy Feldman and I am the Executive Assistant at the Wisconsin Department of Workforce Development.

Seated next to me is Howard Bernstein, the DWD's Legal Counsel, and also in the room is Ron Danowski, Administrator of the Division of Employment and Training, and Karen Morgan, Director of the Bureau of Apprenticeship Standards.

On behalf of Secretary Gassman, I'd like to thank Chairman Coggs and the entire committee for allowing us to testify today in favor of SB586.

To provide some brief background, apprenticeship in the United States was an unregulated system until 1911, when the Wisconsin Legislature passed the country's first apprenticeship law. With its safeguards for both the apprentice and the employer, Wisconsin's law became a model for other states, and for the federal government, in developing their own systems. Today in Wisconsin, about 10,000 adults participate in the apprenticeship program each year, earning a pay check while learning skills in their trades.

Turning to SB586, the bill updates Wisconsin's apprenticeship law to conform to the regulations of the U.S. Department of Labor. Wisconsin has until December 2010 to make these updates in order to continue federal recognition of Wisconsin's apprenticeship program.

In terms of the process of how the bill was written, the rewrite of Wisconsin's apprenticeship statute was done by the Informational Sub-Committee of the State Apprenticeship Advisory Council. The committee is balanced between representatives of merit shop employers, union employers, the AFL/CIO, the technical college system, and State government.¹

The Sub-Committee brought the final draft before the Apprenticeship Advisory Council where it was unanimously approved on Jan. 7, 2010. The organizations represented on the Council include:

- o The WI AFL-CIO
- o Wisconsin Manufacturers & Commerce
- o Associated General Constructors-Milwaukee
- o Associated Builders & Contractors
- o United Association Local 434

¹ Specifically, the Sub-Committee includes 3 members of the Council representing the WI Technical College System, Associated Builders & Contractors of WI (ABC), and the Madison Mechanical Contractors Assn.; 5 non-Council members representing ABC, the Wis. AFL/CIO, and the Milwaukee Plumbers JAC, SE WI Carpentry JAC, and Bureau of Apprenticeship staff and legal counsel from DWD.

- International Brotherhood of Electrical Workers
- National Association of Electrical Contractors
- Madison Area Plumbing, and
- Mechanical and Sheet Metal Contractors.

To briefly summarize the bill, it makes changes in three areas. First, it updates apprenticeship procedures on the formation, assignment, and reassignment of apprentice contracts so that Wisconsin's statute conforms with the new federal apprenticeship regulations.

Second, the bill modernizes terminology to conform with the new federal apprenticeship regulations. For example, the bill replaces the term "indenture" with the term "apprentice contract" and provides definitions for other terms.

Third, the bill updates the composition and appointment of the Apprenticeship Council. In particular, it provides that the Council is appointed by the DWD Secretary rather than the Labor, Industry, and Review Commission or LIRC. This is a technical change that DWD and LIRC support. This change was overlooked when LIRC was no longer the administrative head of labor programs and the Department of Industry, Labor and Human Relations was formed.

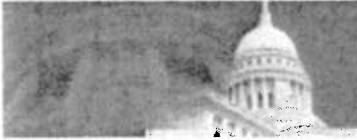
Also, to conform to the new federal apprenticeship regulations, the bill specifies that the Council will consist of nine representatives of employers, nine representatives of employees, one representative each from the Technical College System and the Department of Public Instruction, two members who represent the public interest, and one permanent DWD representative to serve as the nonvoting chairperson. The current composition of the Council is similar to this new structure in many ways, including having nine employer representatives and nine employee representatives, so the bill does not represent a major shift in that structure.

Again, thank you for allowing us to testify today. I will turn it over to DWD's Legal Counsel, Howard Bernstein, who will make some additional comments about the bill.

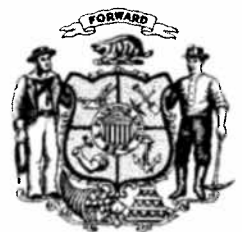
SB - 586

Date?

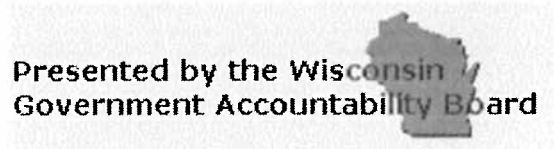
- Good ^{AFTERNOON}~~morning~~ Senator Coggs and Senate Committee Members.
- My name is Terry Hayden, I am Business Manager of Plumbers and Steamfitters Local 434 and serve as Labor Co-chair of the Wisconsin Apprenticeship Advisory Council.
- As one of the Council Chairs, I am here this ^{AFTERNOON}~~morning~~ to speak in support of SB-586
- SB-586 modifies Wisconsin's Apprenticeship Law in order to conform with changes made by the US Department of Labor to CFR-29.29, in an effort to "modernize" the National Apprenticeship System.
- SB-586 amends Wisconsin's statutory provisions on the formation, assignment, and re-assignment of apprentice contracts to be in conformity with these new Federal apprenticeship regulations.
- SB-586 also "modernizes" many apprenticeship terms such as changing the word "indenture" to "apprentice contract" and provides definitions for the terms "apprentice contract", apprenticeship program", "joint apprenticeship committee, and "sponsor".
- Finally, SB-586 amends the Wisconsin statute to provide specifically that the council "shall" consist of 9-representatives from employers, 9-representatives from employees, 1-representative from the WI Technical College System, 1-representative from the Department of Public Instruction, 2-members who represent the public interest, and 1-permanent DWD employee to serve as a non-voting chairperson. SB-586 also amends the statute to provide that all of these members are appointed by the Secretary of the Department of Workforce Development.
- On January 7, 2010, all of these changes were reviewed and endorsed by the Wisconsin Apprenticeship Advisory Council in an unanimous vote of its members.
- ^{ON MARCH 5, 2010 THE WI PIPE TRADES EXECUTIVE COMMITTEE ENDORSED SB-586}
- In closing, I would like to thank each and everyone of you for your time and consideration.



WISCONSIN STATE LEGISLATURE



- ▶ Home
- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Thursday, March 11, 2010

2009-2010 legislative session
Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

Senate Bill 586

apprentice contracts, the appointment and composition of the Wisconsin Apprenticeship Council, requiring the exercise of rule-making authority, and providing a penalty

TEXT sponsors LRB analysis	STATUS committee actions and votes text of amendments	COST & HOURS of lobbying efforts directed at this proposal
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Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments, click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
●	●	Plumbers Local 75	3/4/2010	↑	

Select a legislative proposal and click "go"

House

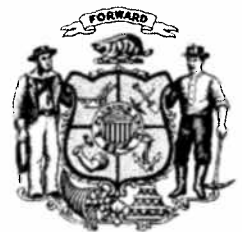
Proposal Type

Proposal Number (enter proposal number)

Legislative Session ▼



WISCONSIN STATE LEGISLATURE



LEVA Exec + Hearing

Tue. Mar. 16, 2010

EXEC

SB 586

AB 560
AB 567
SB 522 } nothing

SB 479 - Grothman explains amendment
Rus explains more
SC asks ?'s

SB 540 - Rus describes both amendments

HEARING

SB 585

SC & Rep. Van Arman

- SC reads written testimony
- IVA brief remarks
- GS 2 on preemption
 - Rus answers that it's hard to predict
- Danny McGowan
 - no written testimony
- John Metcalf & Jonathan Swain
 - missed most of Swain's verbal testimony

①

SB545 cont.

- BW? on balance of fairness in speech
 - doesn't matter what we think, it's Congress' decision
- SC? on state law interaction w/ federal law
 - Runs - hard to say what might happen
- BW? - we're not constitutional experts, we're here to address concerns in our districts
- GG? - any employee ever won on this?
 - most recent case he could find was from '60's
- Fred Begare
 - no written testimony
 - responds to Jonathan Swain comments
 - SC story on machinist job he had
- Tom Brickland
 - has written testimony + 2 guys w/ stories on organizing
 - Chad Peters
 - story on organizing
 - Kelly Maloney
 - story on organizing
 - Charles?
- Tom Karack - brings people
 - Jim Dillon
 - Paul Brzezinski - "captive audience meetings"
 - Patrick Puffer
- Tom Mollanzi - brings guy
 - Ron Falkowski

5/5/85 cont.

- Wesley Gable - brings two people
 - Debra Christensen
 - Christine Balkowski
- David Boetcher
 - diminishes preemption argument
 - emphasizes trend setting nationwide
 - not regulation on employer free speech, regulation on right of employee to be in room
- John Huebscher
 - affirms right to religious freedom
 - might want language clarifying
- Tom Krutowski
 - south side NKE atty.
 - talking about NLRB preemption
 - bow tie guy
 - we're in the wrong forum, should be national debate
 - management labor lawyer
- Dave Vandenberg
 - Sheet metal Workers Local 18
 - has mostly off the cuff remarks in response to other comments
- Vangie Moreno
 - Among workers in Waldo, WI cheese shop
- Gene Gasey
 - wishes NLRB didn't exist
 - memories of people who have died in labor movement
 - interesting that NLRB didn't show up

SB 586

- Andy Feldman & Howard Bernstein
 - Andy gives background on process (that's written, ~~the way~~)
 - brief overview of bill by Andy
 - Howard provides scant more info
- Scott Hamilton, Plumbers Local 75
 - talks about process
 - background on his involvement
- Terry Hayden, WI Apprenticeship Council
 - ~~2/20/10~~
 - Plumbers Local 344
 - co-chair of Apprenticeship Council
 - overview of changes
 - changes endorsed by council on Jan. 7, 2010
 - WI Pipetraders approved on March 5
- Robert Ribberich, ABC of WI
 - served on council for 13 years
- Wayne Belanger, ABC of WI
 - has written testimony
 -

AB 288

- Glen Schwalbach
 - has written testimony
- GG has 2's
- Martin Hanson
 - has (2 pages) of written testimony
- GG concerned about limiting by education requirements

AB 288 cont.

- Tom Walther
 - has written testimony
- Charles Kaplin
 - no written testimony
 - representing a section at DRL

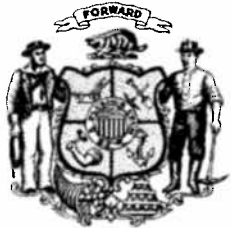
AB 417

Cory Greenfield & Andrew Welhouse (Sen. Hopper)

- some written testimony from Hopper
- Cory tells his story
- SL? - are the other schools willing to do that?



WISCONSIN STATE LEGISLATURE



Technical and Conformity Changes made to the Wisconsin Statutes
on Apprenticeship by LRB 09-3898 →

Found in SB 586
folder

- **Purpose**

- To conform Wisconsin's apprenticeship law to the regulations of the U.S. Department of Labor which establish the National Apprenticeship System. Wisconsin has until December 2010 to submit conforming changes in order to continue federal recognition of Wisconsin's apprenticeship program.
- The bill draft has been reviewed and unanimously approved by the Apprenticeship Council.

- **Wisconsin Apprenticeship Council**

- Currently, the statutes provide for an Apprenticeship Council without specifying the composition of the membership. The current Council has 9 employer representatives, including 2 non-union employers, 9 employee representatives, and 2 educational agency representatives.
- To conform with the terms of the new federal apprenticeship regulations, the bill amends the statute to provide specifically that the Council shall consist of 9 employer representatives, 9 employee representatives, one representative each from the Technical College System and DPI, 2 members who represent the public interest, and one permanent DWD employee to serve as the nonvoting chairperson.
- The bill also amends the statute to provide that the members of the Council are appointed by the Secretary of DWD rather than LIRC. This is a technical and remedial change that LIRC and DWD have been proposing for many years. LIRC supports this change because its responsibilities no longer involve apprenticeship.

- **Definitions**

- To update terminology and conform with the terms of the new federal apprenticeship regulations, the bill replaces the term "indenture" with the term "apprentice contract" and provides definitions for the terms "apprentice contract," "apprenticeship program," "joint apprenticeship committee," and "sponsor" which conform to the federal regulations.

- Example of language from the current statute:

“Any minor or any adult may, by the execution of an indenture, bind himself or herself as provided in this section for a term of service of not less than one year.”

- This language is amended by the bill as follows:

“Any person 16 years of age or over may enter into an apprentice contract binding himself or herself to serve as an apprentice as provided in this section.”

- **Apprenticeship procedures**

- The bill amends the statutory provisions on the formation, assignment and reassignment of apprenticeship contracts so that the language of the amended statute will be in conformity with the new federal apprenticeship regulations. Similar clarifying, updating and conforming amendments are made to the statutory provisions which deal with related instruction, overtime, enforcement of the apprentice contract, termination of the contract, and DWD's authority to conduct administrative hearings and issue decisions.