

Chapter Ind 85

APPRENTICESHIP

Ind 85.01	Standards	Ind 85.17	Existing list of eligibles and public notice
Ind 85.02	Joint committees	Ind 85.18	Records
Ind 85.03	Application forms	Ind 85.19	Compliance reviews
Ind 85.04	Apprentice wages	Ind 85.20	Noncompliance with federal and state equal opportunity requirements
Ind 85.05	Procedure in processing indentures where there are local or area joint apprenticeship committees	Ind 85.21	Complaint procedure
Ind 85.06	Effect of bargaining agreements	Ind 85.22	Adjustments in schedule for compliance review or complaint processing
Ind 85.08	The indenture	Ind 85.23	Sanctions
Ind 85.09	Manual	Ind 85.24	Reinstatement of program registration
Ind 85.10	Forms	Ind 85.25	Intimidatory or retaliatory acts
Ind 85.11	Scope and purpose	Ind 85.26	Nondiscrimination
Ind 85.12	Definitions	Ind 85.27	Exemptions
Ind 85.13	Authority to adopt state plan	Ind 85.28	Masonry
Ind 85.14	Equal opportunity standards		
Ind 85.15	Affirmative action plans		
Ind 85.16	Selection of apprentices		

Ind 85.01 Standards. (1) The industrial commission may, in its discretion, adopt state-wide or area apprenticeship standards covering minimum training requirements, procedure in processing indentures, qualification of applicant employers and apprentices, functions of joint apprenticeship committees, and such other matters as constitute an apprenticeship program in a particular trade.

(2) The commission may, in its discretion, recognize but will not be a party to agreements as to apprenticeship standards or similar understandings when such standards in their entirety are part of a bargaining agreement between the management and its employees.

(3) In trades for which no uniform apprenticeship courses or schedules of training have been adopted by the industrial commission, the employer may execute a special agreement with the apprentice, subject to the approval of the industrial commission. A segment of a trade will not be recognized as apprenticeable.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.02 Joint committees. (1) The function of joint apprenticeship committees is to act in an advisory capacity to the industrial commission and to be parties to indentures as provided in section 106.01 (5i) (a), Wis. Stats. Equal employer-employee representation is a requirement. Candidates for membership are nominated by the organizations which the members are to represent. To be recognized as a joint apprenticeship committee advisory to the industrial commission, each individual member shall be officially so designated by the chairman of the commission. The geographical jurisdictional area of each such joint apprenticeship committee shall be determined by the industrial commission.

(2) This rule does not apply to shop or plant sponsored apprenticeship programs or to joint apprenticeship committees created under the

Register, February, 1978, No. 266
Apprenticeship

terms of a bargaining agreement between the management and its employees.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.03 Application forms. Where the industrial commission requires application forms to be filled out by applicant employers and apprentices, the forms shall be such as are approved by the industrial commission. The original application, when completed as required in this rule, shall be filed with the industrial commission.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.04 Apprentice wages. (1) An apprentice wage scale is deemed adequate when, during the term of training, it averages 50 to 60% of the current journeyman rate. The indenture should provide for a graduated scale progressing in periods as approved by the commission.

(2) In determining the journeyman or skilled wage rate, the following formula governs: In trades in which it is common practice to bargain collectively on a community-wide or area-wide basis, the prevailing journeyman wage is that rate received by a greater number of journeymen in the same trade and community than any other rate. The commission will not normally approve a skilled rate for apprenticeship purposes more than 20% below the journeyman rate prevailing in the area. In controversial cases, growing out of the fact that the committee's jurisdictional area is so great as to extend into communities in which application of this policy proves impracticable, the commission reserves the right to make exceptions.

(3) In other trades or trade groups in which collective bargaining is on the basis of an individual plan or establishment, the skilled rate is that rate specified in the bargaining agreement. In establishments not covered by bargaining agreement, the skilled rate is that rate paid the greatest number of competent journeyman mechanics in like establishments in the community, or such other rate as may be deemed adequate by the industrial commission.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.05 Procedure in processing indentures where there are local or area joint apprenticeship committees. In trades and communities having active local or area joint apprenticeship committees recognized by the industrial commission, a copy of the application for approval of indentures will be referred to such committees by the industrial commission for recommendation. The commission will expect applicants to appear personally before committees if and when requested to do so by the committee. If no recommendation is received by the commission from the committee within 40 days after receipt of application by the committee, the commission will act on the application without committee recommendation. This time limit may be extended by the industrial commission on showing of good cause. Joint apprenticeship committee recommendations on individual applications shall be subject to review and revision by the commission in the event applicants are dissatisfied with committee action.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.06 Effect of bargaining agreements. Where conditions of employment of apprentices are stipulated by collective bargaining

Register, February, 1978, No. 266
Apprenticeship

agreement, the industrial commission will be guided by the terms of such agreement provided such terms are not in conflict with the apprenticeship law or industrial commission apprenticeship rules.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.07 Watchmaking. **History:** Cr. Register, March, 1957, No. 15, eff. 4-1-57; Register, February, 1978, No. 266, eff. 3-1-78.

Ind 85.08 The indenture. (1) All apprenticeship indentures shall be made upon the blank forms provided by the industrial commission.

(2) No indenture shall be considered in force unless it has had the approval of the industrial commission.

(3) Proof of age must be furnished the industrial commission in all cases involving minors between the ages of 16 and 18 years before approval of indenture will be given.

(4) The indenture shall state the extent of the probationary period in hours if possible but in no case shall it exceed 6 calendar months. The probationary period shall constitute part of the apprenticeship period. During the probationary period apprenticeship agreements are voidable by either party upon written notice to the industrial commission.

(5) The industrial commission may give such time credit on the term of apprenticeship as the character of previous practical experience may warrant, which time credit shall be stated in the indenture or an amendment thereto.

(6) Upon the completion, interruption or proposed termination of any apprenticeship indenture the employer shall notify the industrial commission immediately stating the reasons therefor.

(7) Minors indentured under provisions of chapter 106, Wis. Stats., shall not be subject to the law relating to prohibited employments for minors, insofar as such minors at the time of injury, are performing service within the provisions of contracts of apprentice indenture approved by the industrial commission.

(8) The terms of an existing indenture may be modified with the consent of the parties or upon showing of good cause by either party and approval of the industrial commission.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.09 Manual. The apprenticeship division of the industrial commission shall keep on record and make available to all interested persons the apprenticeship manual as approved by the industrial commission on July 17, 1956, or as thereafter amended.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57.

Ind 85.10 Forms. The following form is listed in accordance with s. 227.013, Wis. Stats., and may be obtained by writing the Industrial Commission, Madison, Wisconsin.

(1) D-1 Apprentice Indenture.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

Register, February, 1978, No. 266
Apprenticeship

Ind 85.11 Scope and purpose. (1) This plan sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the state apprenticeship agency. These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship and the procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs.

(2) The purpose of this plan is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex in apprenticeship programs by requiring affirmative action to provide equal opportunity in such apprenticeship programs and by coordinating this part with other equal opportunity programs.

History: Cr. Register, July, 1967, No. 139, eff. 8-1-67; r. and recr. Register, August, 1972, No. 200, eff. 9-1-72.

Ind 85.12 Definitions. (1) "Agency" means the department of industry, labor and human relations, division of apprenticeship and training.

(2) "Department" means the U. S. department of labor.

(3) "Employer" means any person or organization employing an apprentice whether or not the apprentice is enrolled with such person or organization or with some other person or organization.

(4) "Apprenticeship program" means a program operated in accordance with chapter 106, Wis. Stats.

(5) "Sponsor" means any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.

(6) "Commission" means the Wisconsin department of industry, labor and human relations' commissioners or any person specifically designated by them.

(7) "Registration" means the approval of an apprenticeship program or indenture by the commission in accordance with Wisconsin statutes.

(8) "Deregistration" means the cancellation of an apprenticeship program or indenture by the commission in accordance with Wisconsin statutes.

(9) "Secretary" means the secretary of labor, the assistant secretary of labor for manpower or any person specifically designated by either of them.

(10) "Minority count" means, for the purpose of determining underutilization, the combinations of race, color, and national origin as used by EEOC identification, of four major minority groups should be used, namely, Negro, American Indian, Oriental and Spanish—

(a) The agency shall notify the sponsor, in writing, that a determination of reasonable cause has been made under section Ind 85.23 (1) and that the apprenticeship program may be deregistered unless, within 15 days of the receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.

(b) If, within 15 days of the receipt of the notice provided for in section Ind. 85.23 (1), the sponsor mails a request for a hearing, the commission shall convene a hearing in accordance with section Ind 85.23 (3).

(c) The commission shall make a final decision on the basis of the record before it, which shall consist of the compliance review file and other evidence presented and, if a hearing was conducted pursuant to section Ind 85.23 (3), the proposed findings and recommended decision of the hearing officer. In its discretion, the commission may allow the sponsor a reasonable time to achieve voluntary corrective action. If the commission's decision is that the apprenticeship program is not operating in accordance with this plan, it will implement action as referred to in subsection (1). In each case in which such action is ordered, the commission shall make public notice of the order and shall notify the sponsor and the complainant, if any, and the department. The agency shall inform any sponsor whose program has been deregistered that it may appeal such deregistration to the department in accordance with procedures of 29 CFR, section 30.15.

(3) **HEARINGS.** Hearings shall be conducted in accordance with the following procedures:

(a) Within 10 days of its receipt of a request for a hearing, the commission shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by registered mail, return receipt requested, to the sponsor. Such notice shall include a reasonable time and place of hearing; a statement of the provisions of this plan pursuant to which the hearing is to be held; and a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his case including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the commission upon the basis of the record before them.

History: Cr. Register, August, 1972, No. 200, eff. 9-1-72.

Ind 85.24 Reinstatement of program registration. Any apprenticeship program deregistered pursuant to this plan may be reinstated upon presentation of adequate evidence to the commission that the apprenticeship program is operating in accordance with this plan.

History: Cr. Register, August, 1972, No. 200, eff. 9-1-72.

Ind. 85.25 Intimidatory or retaliatory acts. Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor against any person for the purpose of interfering with any right or privilege secured by Wisconsin's apprenticeship or fair employment practices laws, title VII of the civil rights act of 1964, executive order 11246 of

Register, February, 1978, No. 266
Apprenticeship

September 24, 1965, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding, or hearing under this plan shall be considered noncompliance with the equal opportunity standards of this plan. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purpose of this plan, including the conduct of any investigation, hearing or judicial proceeding arising therefrom.

History: Cr. Register, August, 1972, No. 200, eff. 9-1-72.

Ind 85.26 Nondiscrimination. The commitments contained in the sponsor's affirmative action program are not intended and shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex.

History: Cr. Register, August, 1972, No. 200, eff. 9-1-72.

Ind 85.27 Exemptions. Requests for exemption from these regulations, or any part thereof, shall be made in writing to the commission and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause. The agency will immediately notify the department of any such exemptions granted affecting a substantial number of employees and the reasons therefor.

History: Cr. Register, August, 1972, No. 200, eff. 9-1-72.

Ind 85.28 Masonry. (1) **MASONRY DECLARED TRADE INDUSTRY.** The department hereby declares masonry a trade industry as provided for in section 104.08, Wisconsin Statutes. Anyone working in this industry at a trade recognized by the department, but at less than the journeyman's level, must be indentured under section 106.01, Wisconsin Statutes.

(2) **EXCEPTIONS.** The department may make exceptions to the operation of subsection (1) where conditions make its application unreasonable.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78.