

CHAPTER 106.

MASTER AND APPRENTICE.

- 106.01 Designation of "indenture" and "apprentice."
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106.01 Designation of "indenture" and "apprentice." (1) The term "apprentice" shall mean any person, 16 years of age or over, who shall enter into any contract of service, express or implied, whereby he is to receive from or through his employer, in consideration for his services in whole or in part, instruction in any trade, craft or business.

(2) Every contract or agreement entered into by an apprentice with his employer shall be known as an indenture; such indenture shall be in writing and shall be executed in triplicate, one copy of which shall be delivered to the apprentice, one to be retained by the employer and one to be filed with the industrial commission of Wisconsin at Madison.

(3) Any minor, 16 years of age or over, or any adult, may, by the execution of an indenture, bind himself as hereinafter provided for a term of service not less than one year.

(4) Every indenture shall be signed:

- (a) By the apprentice.
- (b) If the apprentice is a minor, also by the father; and if the father be dead or legally incapable of giving consent or has abandoned his family, then
- (c) By the mother; and if both the father and mother be dead or legally incapable of giving consent, then
- (d) By the guardian of the minor, if any.
- (e) If there be no parent or guardian with authority to sign, then by two justices of the peace of the county of the residence of the minor, or by a member of the industrial commission of Wisconsin or a deputy thereof.
- (f) By the employer.

(5) Every indenture shall contain:

- (a) The names of the parties.
- (b) The date of the birth of the person indentured.
- (c) A statement of the trade, craft or business which the apprentice is to be taught, and the time at which the apprenticeship shall begin and end.
- (d) An agreement stating the number of hours to be spent in work, and the number of hours to be spent in instruction. During the first two years of his apprenticeship, his period of instruction shall be not less than four hours per week or the equivalent. If the apprenticeship is for a longer period than two years, the total hours of instruction shall be not less than four hundred hours. The total number of hours of instruction and service shall not exceed fifty-five per week; provided, that nothing in this paragraph shall be construed to forbid overtime work as provided in subsection (7) of this section.
- (e) An agreement as to the processes, methods or plans to be taught, and the approximate time to be spent at each process, method or plan.
- (f) A statement of the compensation to be paid the apprentice.
- (g) An agreement that a certificate shall be given the apprentice at the conclusion of his indenture, stating the terms of indenture.

(5i) (a) The proper persons described in paragraphs (a), (b), (c), (d) and (e) of subsection (4) of this section may enter into such an indenture with any organization of employes, association of employers or other similar responsible agency in this state. Such organization, association or other agency shall thereupon, with the written consent of the other parties to the indenture, and the written acceptance thereof by the proposed employer, assign the indenture to the employer, and he and the apprentice named in the indenture shall be bound by the terms thereof. Such consent and acceptance shall be executed in triplicate and one copy of each shall be delivered, respectively to the commission, to the employer and to the apprentice and in each case shall be attached to the proper indenture. The approval of the industrial commission shall first be had in each transaction. Such organization, association or other agency shall have the exclusive right to assign the indenture and the apprentice shall not be permitted to enter into any other indenture. The period transpiring before assignment to an employer shall not be credited toward the period of apprenticeship.

(b) Any employer may assign his indenture, with the approval of the industrial commission and the written consent of the other parties thereto, to any association of employers, organization of employes or any other similar responsible agency in this state. The period of time in which such association, organization or other agency shall be such assignee shall not be credited as time served by the apprentice. After such assignment the association, organization or other agency shall, with the approval of the industrial commission and the written consent of the apprentice, assign the indenture to an employer but the apprentice shall not be bound by the assignment unless the employer accepts, by his signed instruments, the terms of the indenture and that he will complete the employer's unperformed obligations thereunder; each such consent and acceptance shall be executed in triplicate and one of each, respectively, shall be delivered to the industrial commission, to the assignee employer and to the apprentice and in each case shall be attached to the proper indenture. Upon acceptance the employer shall for all purposes be deemed a party to the indenture.

(c) Any employer, with the written consent, executed in triplicate, of the other parties to the indenture and the approval of the industrial commission, may assign such indenture to another employer whose written acceptance shall be upon the instrument of consent. One copy of such consent and acceptance shall be delivered, respectively, to the apprentice, to the assignee employer and to the industrial commission and shall in each case be attached to the indenture in their respective possessions. After assignment, the new employer shall perform the unperformed obligations of the indenture. The industrial commission shall continue to have jurisdiction over the indenture assigned pursuant to the provisions of this subsection and the parties bound after such assignment.

(5j) The industrial commission may, and it shall have power on its own motion, or on the complaint of any person, after due notice and a hearing had, make findings and issue orders declaring any indenture, contract or agreement at an end if it shall be proved at such hearing that any apprentice, employer or such organization, association or other agency is unable to continue with the obligations under the contract or has breached the same. Upon the termination of the indenture, the apprentice released therefrom shall be free to enter into a new indenture under such conditions and terms as the commission may approve and which are not inconsistent with the provisions of this section.

(5k) The industrial commission shall, upon request, furnish a copy of any instrument required to be filed with it under the provisions of this section, to any party whose name appears on such instrument.

(6) The employer shall pay for the time the apprentice is receiving instruction, at the same rate per hour as for services. Attendance at school shall be certified by the teacher in charge, and failure to attend school shall subject the apprentice to a penalty of loss of compensation for three hours for every hour such apprentice shall be absent without good cause.

(7) An apprentice over eighteen years of age may be allowed to work overtime not to exceed thirty hours in any one month. Overtime shall be considered all time over ten hours in any one day, and in case the hours of labor are limited in the particular craft, industry or business, and as to the particular employer, to less than ten hours, overtime shall be figured as all time in any one day in excess of such limitation. For overtime the apprentice shall receive one and one-half times the rate per hour provided in his contract for regular time.

(8) If either party to an indenture shall fail to perform any of the stipulations thereof, he shall forfeit not less than one dollar nor more than one hundred dollars, such forfeiture to be collected on complaint of the industrial commission of Wisconsin, and paid into the state treasury. Any indenture may be annulled by the industrial commission of Wisconsin upon application of either party and good cause shown.

(9) It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority, to investigate, ascertain, determine and fix such reasonable classifications and to issue rules and regulations, and general or special orders and to hold hearings and make findings and render orders thereon as shall be necessary to carry out the intent and purposes of section 106.01. Such hearings, investigations, classifications, findings and orders shall be made pursuant to the proceeding in sections 101.01 to 101.28, which are hereby made a part hereof, so far as not inconsistent with the provisions of section 106.01; and every order of the said industrial commission shall have the same force and effect as the orders issued pursuant to said sections 101.01 to 101.28 and the penalties therein shall apply to and be imposed for any violations of section 106.01, excepting as to the penalties provided in section 106.01 (8). Said orders shall be subject to review in the manner provided in chapter 227.

(10) It shall be the duty of all school officers and public school teachers to co-operate with the industrial commission of Wisconsin and employers of apprentices to furnish, in

a public school or any school supported in whole or in part by public moneys, such instruction as may be required to be given apprentices.

(11) The provisions of section 106.01 shall not be construed as invalidating any contract of apprenticeship entered into before July 1, 1915. [1937 c. 274; 1943 c. 159; 1943 c. 375 s. 44]

Note: As to residence of apprentice for vocational school purposes, see note to 41.19, citing 31 Atty. Gen. 155.

The industrial commission may not issue a special order requiring that all apprentices in a given trade be indentured exclusively to a joint committee organized in that trade and by such order exclude indentures between apprentices and individual employers. The industrial commission may not delegate authority to approve or disapprove an indenture or to suspend or cancel an indenture to a joint committee organized in the trade. 34 Atty. Gen. 257.

106.02 Carpenters' apprentices. After July 1, 1943, every person, regardless of age, commencing a carpentry apprenticeship, shall be indentured under and be subject to the provisions of section 106.01, except that if the apprentice is 21 years or more of age his signature only shall be necessary to bind him. Such apprenticeship shall be for a period of 4 years, except that the industrial commission may upon the application of the apprentice or the employer, or both, extend such term for not to exceed one year. [1943 c. 154]