

SENATE No. 794

The Commonwealth of Massachusetts

SENATE, October 22, 1941.

The committee on Ways and Means, to whom was referred the House Bill to establish within the Department of Labor and Industries a division of apprentice training, and to establish the duties of said division (House, No. 2821), report that the same ought to pass with an amendment substituting a new draft entitled "An Act establishing within the Department of Labor and Industries a division of apprentice training under a director of apprenticeship and an apprenticeship council, and defining the powers and duties of such director and council" (Senate, No. 794).

For the committee,

LAURENCE CURTIS.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-One.

AN ACT ESTABLISHING WITHIN THE DEPARTMENT OF LABOR AND INDUSTRIES A DIVISION OF APPRENTICE TRAINING UNDER A DIRECTOR OF APPRENTICESHIP AND AN APPRENTICESHIP COUNCIL, AND DEFINING THE POWERS AND DUTIES OF SUCH DIRECTOR AND COUNCIL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section four of chapter twenty-three
2 of the General Laws, as most recently amended by
3 section sixteen of chapter five hundred and ninety-
4 six of the acts of nineteen hundred and forty-one,
5 is hereby further amended by striking out the two
6 sentences inserted thereby and inserting in place
7 thereof the two following sentences: — The commis-
8 sioner, assistant commissioner and associate commis-
9 sioners may, with the approval of the governor and
10 council, appoint not more than six directors and may,
11 with like approval, remove them. One of them, to
12 be known as the director of standards and neces-
13 saries of life, shall have charge of the division on the
14 necessities of life, and each of the others shall be
15 assigned to take charge of a division, other than the
16 division of unemployment compensation or its suc-
17 cessor.

1 SECTION 2. Said chapter twenty-three is hereby
2 further amended by inserting after section eleven D,
3 inserted by chapter four hundred and twenty-seven
4 of the acts of nineteen hundred and thirty-seven,
5 the following eight new sections, under the follow-
6 ing caption: —

7 DIVISION OF APPRENTICE TRAINING.

8 *Section 11E.* There shall be in the department
9 an apprenticeship council, to consist of eight mem-
10 bers, of whom six shall be appointed by the commis-
11 sioner, with the approval of the governor and council,
12 one shall be the assistant director of the division of
13 unemployment compensation, or its successor, in
14 charge of the bureau of employment, ex officio, and
15 one shall be the director of the division of vocational
16 education in the department of education, ex officio.
17 Of the appointive members three shall always be
18 persons who, on account of previous vocation, em-
19 ployment, occupation or affiliation, can be classed
20 as employers, and three shall always be persons who,
21 on account of previous vocation, employment, occu-
22 pation or affiliation, can be classed as employees.
23 The terms of office of the representatives of em-
24 ployers and employees initially appointed hereunder
25 shall expire as designated by the commissioner at
26 the time of making the appointments, one repre-
27 sentative each of employers and employees being
28 appointed for a term of one year, one representative
29 each of employers and employees being appointed
30 for a term of two years, and one representative each
31 of employers and employees for a term of three
32 years. Thereafter, each member representing em-
33 ployers and employees shall be appointed for a term

34 of three years. Any member appointed to fill a
35 vacancy occurring prior to the expiration of the term
36 of his predecessor shall be appointed for the re-
37 mainder of said term. Each member of the council
38 not otherwise compensated by the commonwealth
39 shall be reimbursed for transportation and other
40 necessary expenses, and shall be paid not more than
41 ten dollars per day for each day spent in attendance
42 at meetings of the apprenticeship council. Said
43 council shall not meet more than fifteen days in
44 any year.

45 Said council shall meet at the call of the commis-
46 sioner and shall aid him in formulating policies for
47 the effective administration of sections eleven E to
48 eleven L, inclusive. Said council shall suggest to
49 the commissioner standards for apprentice agree-
50 ments, which in no case shall be lower than those
51 prescribed by said sections, and such rules and regu-
52 lations as, in its opinion, are necessary to carry out
53 the intent and purposes of said sections, and shall
54 perform such other functions as the commissioner
55 may direct.

56 *Section 11F.* The commissioner, subject to ap-
57 proval by the governor and council, shall appoint
58 a director of apprenticeship. The commissioner may
59 also appoint and employ such clerical, technical and
60 professional assistance as shall be necessary to ef-
61 fectuate the purposes of said sections eleven E to
62 eleven L, inclusive, and may utilize any federal
63 funds available to aid in the administration of said
64 sections.

65 *Section 11G.* The director, under the supervision
66 of the commissioner and with the advice and guid-
67 ance of the apprenticeship council, shall administer

68 sections eleven E to eleven L, inclusive; may, with
69 the approval of the apprenticeship council, set up
70 local and state joint apprenticeship committees; may
71 set up and establish conditions and training stand-
72 ards for apprentice agreements, which conditions or
73 standards shall in no case be lower than those pre-
74 scribed by said sections; may act as secretary of
75 the apprenticeship council and of each state joint
76 apprenticeship committee; may approve, if in his
77 opinion approval is for the best interest of the ap-
78 prentice, any apprentice agreement which meets the
79 standards established under said sections; may ter-
80 minate or cancel any apprentice agreement in ac-
81 cordance with any provision of any such agreement;
82 may keep a record of apprentice agreements and
83 their disposition; may issue certificates of comple-
84 tion of apprenticeship; may co-operate with the
85 state department of education and the local school
86 authorities in regard to the education of apprentices
87 in accordance with the standards established by the
88 director for the same trade or group of trades; may
89 act in an advisory capacity with employers and em-
90 ployees in matters regarding schedule of operations,
91 application of wage rates, and working conditions
92 for apprentices and may suggest the number of ap-
93 prentices to be employed locally in the trade under
94 apprentice agreements under said sections; and may
95 perform such other duties as are necessary to carry
96 out the intent of said sections.

97 *Section 11H.* The term "apprentice", as used in
98 sections eleven E to eleven L, inclusive, shall mean
99 a person at least sixteen years of age who has en-
100 tered into a written agreement, in said sections called
101 an apprentice agreement, with an employer, or an

102 association of employers, or an organization of em-
103 ployees acting as the employee's agent, which ap-
104 prentice agreement provides for not less than four
105 thousand hours of reasonably continuous employment
106 for such person and for his participation in an ap-
107 proved schedule of work experience through employ-
108 ment and for approximately one hundred and fifty
109 hours per year of related supplemental instruc-
110 tion.

111 *Section 11I.* Every apprentice agreement entered
112 into under section eleven E to eleven L, inclusive,
113 shall substantially conform to the following basic
114 standards:—

115 (1) A provision that not less than four thousand
116 hours of employment as an apprentice in the occu-
117 pation therein referred to shall be required in order
118 to learn such occupation shall be included therein;

119 (2) A schedule of the work processes to be learned
120 in the occupation shall be set forth therein;

121 (3) A progressively increasing scale of wages for
122 the apprentice, during the period of his apprentice-
123 ship, averaging approximately one-half of the rate
124 of pay of a journeyman over a similar period, shall
125 be set forth therein;

126 (4) A provision for approximately one hundred
127 and fifty hours per year of related classroom in-
128 struction for the apprentice during said period of
129 apprenticeship shall be included therein;

130 (5) A concise and accurate statement of the terms
131 and conditions of the employment and training of
132 the apprentice shall be set forth therein, and also a
133 statement that such apprenticeship agreement shall,
134 as soon as may be after its execution, be filed with
135 the apprenticeship council; and

136 (6) A statement that such agreement may be ter-
137 minated, within six months of its execution, by either
138 the employer or the apprentice involved, for any
139 reason, shall be included therein.

140 *Section 11J.* No apprentice agreement entered
141 into under sections eleven E to eleven L, inclusive,
142 shall be effective until approved by the director.
143 Every such apprentice agreement shall be signed by
144 the employer, or by an association of employers or
145 an organization of employees, and by the apprentice,
146 and, if the apprentice is a minor, by the minor's
147 father; provided, that, if the father be dead or
148 legally incapable of giving consent or has abandoned
149 his family, then such agreement shall be signed by
150 the minor's mother; and provided, further, that, if
151 both father and mother be dead or legally incapable
152 of giving consent, then such agreement shall be
153 signed by the guardian of the minor. When a minor
154 enters into an apprentice agreement under said sec-
155 tions for a period of training extending beyond the
156 date upon which he shall attain his majority, the
157 apprentice agreement, if so approved, shall be bind-
158 ing for the entire period therein referred to, includ-
159 ing so much thereof as may extend beyond the date
160 upon which he attained his majority.

161 *Section 11K.* The director upon the complaint of
162 any interested person or upon his own initiative,
163 may investigate, and may determine, whether there
164 has been a violation of the terms of any apprentice
165 agreement entered into and approved under said
166 sections, and he may hold hearings, inquiries and
167 other proceedings necessary to such investigations
168 and determination. The parties to such agreement
169 shall be given a fair and impartial hearing, after

170 reasonable notice thereof. All such hearings, inves-
171 tigations and determinations shall be made under
172 authority of reasonable rules and procedure pre-
173 scribed by the apprenticeship council, subject to the
174 approval of the commissioner. The determination
175 of the director shall be filed with the commissioner,
176 and notice of such determination shall at the same
177 time be mailed, postpaid, to each person known by
178 the director to be an interested person, at his last
179 address as shown by the records of the director. If
180 no appeal therefrom is filed with the commissioner
181 within ten days after the date of such filing and
182 notice, as herein provided, such determination shall
183 thereupon become the decision of the commissioner.
184 Any person aggrieved by any determination or ac-
185 tion of the director may, within the time hereinbe-
186 fore limited, appeal therefrom to the commissioner,
187 who shall hold a hearing thereon after due notice
188 to all interested parties. The decision of the com-
189 missioner as to the facts shall be conclusive if sup-
190 ported by the evidence, and all orders and decisions
191 of the commissioner shall be prima facie lawful and
192 reasonable. Any party to an apprentice agreement
193 aggrieved by an order or decision of the commis-
194 sioner may appeal to the superior court on questions
195 of law; provided, that such order or decision shall
196 be conclusive if such appeal therefrom shall not be
197 filed within thirty days after the date of such order
198 or decision.

199 No person shall institute any action for the en-
200 forcement of any apprentice agreement entered into
201 and approved under said sections unless he shall first
202 have exhausted all administrative remedies provided
203 by this section.

204 *Section 11L.* Nothing in sections eleven E to
205 eleven L, inclusive, or in any apprentice agreement
206 entered into and approved under said sections shall
207 operate to invalidate any apprenticeship provision in
208 any collective agreement between employers and em-
209 ployees, setting up higher apprenticeship standards.

1 SECTION 3. If any provision of this act, or the
2 application thereof to any person or circumstances,
3 is held invalid, the remainder of the act, and the
4 application of such provision to any other person
5 and circumstances, shall not be affected thereby.

SENATE, October 22, 1941.

Passed to be engrossed.

Sent down for concurrence.

IRVING N. HAYDEN,
Clerk.

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