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§381.  Purposes

The purposes of this Chapter are:

(1)  To open to people the opportunity to obtain training that will equip them for profitable employment and citizenship;

(2)  To set up, as a means to this end, a program of voluntary apprenticeship, under approved apprentice agreements, providing facilities for their training and guidance in the arts and crafts of industry and trade, with parallel instruction in related supplementary education;

(3)  To promote employment opportunities for young people under conditions providing adequate training and reasonable earning;

(4)  To relate the supply of skilled workers to employment demands;

(5)  To establish standards for apprentice training;

(6)  To establish an apprenticeship council to assist in effectuating the purposes of this Chapter;

(7)  To provide for a director of apprenticeship within the Louisiana Workforce Commission;

(8)  To provide for reports to the legislature and to the public regarding the status of apprentice training in the state;

(9)  To establish a procedure for the determination of apprentice agreement controversies; and

(10)  To accomplish related ends.

Acts 1987, No. 623, §1; Acts 1989, No. 512, §1, eff. Jan. 1, 1990; Acts 1992, No. 447, §1, eff. June 20, 1992; Acts 2008, No. 743, §7, eff. July 1, 2008; Acts 2010, No. 791, §1.

§382.  Apprenticeship council

A.  The executive director shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations respectively, and of two representatives of the general public.  The three employer representatives shall be selected from lists supplied by employer organizations which are participating in bona fide apprenticeship programs.  The three employee representatives may be representatives of labor organizations, who have been nominated by state labor federations.  The state official in charge of trade and industrial education shall, ex officio, be a member of the said council.   Each member shall be appointed for a term of three years.  Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of the said term.  Each member of the council not otherwise compensated by public monies, shall be reimbursed for transportation and shall be paid thirty-five dollars per day for each day spent in attendance at meetings of the apprenticeship council.

B. The apprenticeship council shall meet at the call of the executive director or the director of apprenticeship and shall aid in formulating policies for the effective administration of this Chapter. Subject to the approval of the executive director, the apprenticeship council may recommend standards and procedures for registration and de-registration of apprenticeship programs in conformity with established programs approved by the United States Department of Labor, Office of Apprenticeship, and for approval of apprenticeship agreements which in no case shall be lower than those prescribed by this Chapter and by the United States Department of Labor, Office of Apprenticeship, or lower than approved national standards; shall issue such rules and regulations as may be necessary to carry out the intent and purposes thereof; and shall perform such other functions as the executive director may direct. Not less than once a year the apprenticeship council shall make a report, through the executive director, of its activities and findings to the legislature and to the public.

Amended by Acts 1974, No. 529, §1; Acts 1986, No. 741, §1; Acts 1987, No. 623, §1; Acts 2008, No. 743, §7, eff. July 1, 2008; Acts 2010, No. 791, §1; Acts 2014, No. 740, §1, eff. June 19, 2014.

§383.  Director of apprenticeship

The executive director or his designee shall appoint a director of apprenticeship.  The executive director is further authorized to appoint and employ such clerical, technical, and professional help as shall be necessary to effectuate the purposes of this Chapter.

Acts 2010, No. 791, §1.

§384.  Powers and duties of director

A.  The director, under the supervision of the executive director and with the advice and guidance of the apprenticeship council, is authorized to administer the provisions of this Chapter. The director shall, in cooperation with the apprenticeship council, set up conditions and training standards for apprentice agreements, which shall in no case be lower than those prescribed by this Chapter and by the United States Department of Labor, Office of Apprenticeship, or lower than approved national standards.

B.  The director of apprenticeship is authorized:

(1)  To act as secretary of the apprenticeship council;

(2)  To approve, if it is in the best interest of the apprentice, any apprenticeship agreement which meets the standards established under this Chapter;

(3)  To terminate or cancel any apprenticeship agreement in accordance with the provisions of such agreement;

(4)  To keep a record of apprenticeship agreements and their disposition;

(5)  To issue certificates of completion of apprenticeship; and

(6)  To perform such other duties as are necessary to carry out the intent of this Chapter.

C.  The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of local programs, acting under guidelines established by the United States Department of Labor, Office of Apprenticeship.

Acts 1987, No. 623, §1; Acts 2008, No. 743, §7, eff. July 1, 2008; Acts 2010, No. 791, §1; Acts 2014, No. 740, §1, eff. June 19, 2014.

§385.  Apprenticeship programs; registration and function

A.  An apprenticeship program is defined as a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices that includes such matters as the requirement for a written apprenticeship agreement.

 B. An apprenticeship program shall be registered in any trade or group of trades in accordance with this Chapter and with the standards of United States Department of Labor, Office of Apprenticeship.  An apprenticeship program shall cooperate with educational authorities in regard to the education of apprentices; shall establish a schedule of operations; shall establish wage rates and working conditions for apprentices; shall specify the ratio of apprentices to journey workers employed in any trade in accordance with this Chapter and the United States Department of Labor, Office of Apprenticeship; and shall adjust apprenticeship disputes.

C.  An apprenticeship committee is defined as those persons designated by the sponsor to administer the program.  A committee may be joint or nonjoint, as follows:

(1)  A joint committee is composed of an equal number of representatives of the employer or employers and of the employees represented by a bona fide collective bargaining agent or agents.

(2)  A nonjoint committee, which may also be known as a unilateral or group nonjoint committee, has employer representatives and may include employees, but does not have a bona fide collective bargaining agent as a participant.

Acts 1987, No. 623, §1; Acts 2010, No. 791, §1; Acts 2014, No. 740, §1, eff. June 19, 2014.

§386.  Apprentice defined

The term "apprentice" as used in this Chapter is defined as a worker at least sixteen years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation pursuant to the standards of apprenticeship as provided for in the Louisiana Administrative Code, Title 40, Part 9, §317 in order to fulfill the requirements of the Louisiana Administrative Code, Title 40, Part 9, §301, and who has entered into a written apprentice agreement with an employer, an association of employers, or an organization of employees, providing for not less than two thousand hours of reasonably continuous employment, and for participation in an approved program of training through employment and through education in related and supplemental subjects.

Amended by Acts 1978, No. 602, §1; Acts 2010, No. 791, §1; Acts 2014, No. 740, §1, eff. June 19, 2014.

§387.  Contents of apprenticeship agreements

Every apprenticeship agreement entered into under this Chapter shall contain all of the following:

(1)  Names and signatures of the contracting parties, including the apprentice and the program sponsor or employer, and the signature of a parent or legal guardian, if the apprentice is a minor.

(2)  The date of birth and, on a voluntary basis, the social security number of the apprentice.

(3)  Contact information of the program sponsor and the registration agency.

(4)  A statement of the occupation in which the apprentice is to be trained, the beginning date, and the term or duration of the apprenticeship.

(5)  A statement setting forth all of the following:

(a)  The number of hours to be spent by the apprentice in work on the job in a time-based program, or a description of the skill sets to be attained by completion of a competency-based program, including the on-the-job learning component, or the minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid program.

(b)  The number of hours to be spent in related instruction in technical subjects related to the occupation, which shall not be less than one hundred forty-four hours per year.

(6)  A statement setting forth a schedule of work processes in the occupation or industry division in which the apprentice is to be trained and the approximate time to be spent at each process.

(7)  A statement of the graduated scale of wages to be paid to the apprentice and whether or not the required related instruction is compensated.

(8)  Statements providing all of the following:

(a)  For a specific period of probation during which the apprenticeship agreement may be cancelled by either party to the agreement upon written notice to the registration agency, without adverse impact on the sponsor.

(b)  That, after the probationary period, either of the following may occur regarding the agreement:

(i)  It may be cancelled at the request of the apprentice.

(ii)  It may be suspended or cancelled by the sponsor, for good cause only, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and to the registration agency of the final action taken.

(9) Such additional terms and conditions as may be prescribed or approved by the director, not inconsistent with the provisions of this Chapter and those established by the United States Department of Labor, Office of Apprenticeship.

Amended by Acts 1976, No. 624, §2, eff. Aug. 4, 1976; Acts 1987, No. 623, §1; Acts 2010, No. 791, §1; Acts 2014, No. 740, §1, eff. June 19, 2014.

§388.  Approval of apprenticeship agreements; signature

A. Every apprenticeship agreement under this Chapter shall be approved and the apprentice registered by the director of apprenticeship within fifteen days of being properly submitted and found to be in conformity with 29 C.F.R. Part 30, the federal guidelines for equal opportunity in apprenticeship and training; or the applicant, employer, and sponsor shall be notified immediately in writing as to the reason for the agreement not being approved.

B. Every apprenticeship agreement shall include the names and signatures of the contracting parties, as provided in R.S. 23:389, and if the apprentice is a minor, the name and signature of a parent or legal guardian.

C. When a minor enters into an apprenticeship agreement under this Chapter for a period of training extending into his majority, the apprenticeship agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

Acts 1987, No. 623, §1; Acts 2010, No. 791, §1; Acts 2014, No. 740, §1, eff. June 19, 2014.

§389.  Rotation of employment

For the purpose of providing greater diversity of training or continuity of employment, any apprenticeship agreement made under this Chapter may be signed by a joint or non-joint committee instead of by an individual employer. In such a case, apprenticeship program standards shall expressly provide that the  apprenticeship committee does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for the apprentice with one or more employers who will accept full responsibility for all the terms and conditions of employment and training set forth in the agreement between the apprentice and the apprenticeship committee during the period of each employment.

Acts 2010, No. 791, §1; Acts 2014, No. 740, §1, eff. June 19, 2014.

§390.  Settlement of controversies or complaints

A. The provisions of this Chapter shall not be applicable to resolving any disputes regarding any category of prohibited discrimination provided for in Chapter 3-A of this Title, the Louisiana Employment Discrimination Law.  Any cause of action related to prohibited discrimination shall be filed in the manner set forth in 29 C.F.R. Part 30 or applicable provisions of a State Plan for Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 C.F.R. Part 30 and approved by the United States Department of Labor.

B.(1)  Except for matters described in Subsection A of this Section, any disagreement arising under an apprenticeship agreement which cannot be adjusted locally and which is not covered by a collective bargaining agreement, may be submitted by an apprentice, or by the apprentice's authorized representative, within sixty days of the final local decision, to the Director of Apprenticeship, Louisiana Workforce Commission-Apprenticeship Division.

(2)  Matters covered by a collective bargaining agreement are not to be reviewed pursuant to this Section.  Complaint procedures for the settlement of complaints shall be conducted in accordance with the Louisiana Administrative Code, Title 40, Part 9, §309.

C. Upon the complaint of any interested person or upon his own initiative, the director of apprenticeship may investigate to determine if there has been a violation of the terms of an apprenticeship agreement made under this Chapter and hold hearings, inquiries, and other proceedings necessary to such investigations and determination. The director shall investigate programs only as necessary to establish compliance, and then only upon proper notice. The parties to such agreement shall be given a fair and impartial hearing, after reasonable notice thereof. All hearings, investigations, and determinations shall be made under authority of reasonable rules and procedure prescribed by the apprenticeship council, subject to the approval of the executive director.

D. The determination of the director of apprenticeship shall be filed with the executive director. If no appeal therefrom is filed with the executive director within twenty days after the date thereof, such determination shall become the order of the executive director. Any person aggrieved by any determination or action of the director may appeal therefrom to the executive director who shall hold a hearing thereon, after due notice to the interested parties. Orders and decisions of the executive director shall be prima facie lawful and reasonable if supported by reasonable and competent evidence. Any party to an apprenticeship agreement aggrieved by an order or decision of the executive director may appeal to the courts on questions of law. The decision of the executive director shall be conclusive if no appeal therefrom is filed within thirty days after the date of the order or decision.

E. No person shall institute any action for the enforcement of any  apprenticeship agreement, or for damages for the breach thereof, unless all the administrative remedies provided in this Section have first been exhausted.

F.  The provisions of this Section shall not be construed to preclude an apprentice from pursuing any remedy to address prohibited discrimination in employment which is otherwise available in any other Chapter of this Title, in any other Title of the Louisiana Revised Statutes of 1950, in federal law, or in any local ordinance.

Acts 1987, No. 623, §1; Acts 2010, No. 791, §1; Acts 2014, No. 740, §1, eff. June 19, 2014.

§391. Limitation

            Nothing in this Chapter or in any apprenticeship agreement approved pursuant to the provisions of this Chapter shall operate to invalidate any of the following:

            (1) An apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards.

            (2) Any prohibition of employment discrimination contained in any Chapter of this Title, in any other Title of the Louisiana Revised Statutes of 1950, in federal law, or in any local ordinance.

            (3) Any special provision affecting veterans, minorities, or women which is not otherwise prohibited by law, executive order, or authorized regulation, contained in the apprenticeship program standards, apprentice qualifications, the operation procedure for the program, or the apprenticeship agreement.

            Acts 2014, No. 740, §1, eff. June 19, 2014; Acts 2016, No. 597, §1, eff. June 17, 2016.

§392.  Civil penalties

A.(1)  Any person, including but not limited to any apprenticeship program sponsor or employer of a registered apprentice, shall be subject to a civil penalty of up to five hundred dollars for a violation of the provisions of any of the following:

(a)  This Chapter.

(b)  Approved program standards.

(c)  An approved apprenticeship agreement.

(d)  Any rules or regulations governing apprenticeship adopted pursuant to the authority contained in this Chapter.

(2)  Reasonable litigation expenses may be awarded to the prevailing party of the adjudicatory hearing.  "Reasonable litigation expenses" means any expenses, not exceeding seven thousand five hundred dollars, reasonably incurred in prosecuting, opposing, or contesting an agency action, including but not limited to attorney fees, stenographer fees, investigative fees and expenses, witness fees and expenses, and administrative costs.

B.  Civil penalties may be imposed only by a ruling of the director of the office of workforce development pursuant to an adjudicatory hearing held in accordance with the Administrative Procedure Act.

C.  Out of the civil penalties collected  for violations of this Chapter, expenses incurred in enforcing the provisions of this Chapter may be paid by the commission.

D.  The director of the office of workforce development may institute civil proceedings in the appropriate district court for the principal place of business of the employer to enforce his rulings or seek injunctive relief to restrain and prevent violations of the provisions of this Chapter or of the rules and regulations adopted under the provisions of this Chapter.  The court shall award attorney fees and court costs to the prevailing party. In the event judgment is rendered in said court affirming the civil penalties assessed, the court shall also award to the office of workforce development judicial interest on said penalties from the date of such judgment until paid.

Acts 1988, No. 854, §1, eff. July 18, 1988; Acts 1993, No. 611, §1, eff. June 15, 1993; Acts 1997, No. 1114, §1, eff. July 14, 1997; Acts 1997, No. 1172, §4, eff. June 30, 1997; Acts 2007, No. 113, §3; Acts 2010, No. 791, §1.