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## PETITION FOR CHANGES AND ADDITIONAL LANGUAGE TO BE INCLUDED IN

## Montana Administrative Register Notice 24-21-378

**October 12, 2021 PUBLIC HEARING**

We the undersigned, as members of the Montana electrical, plumbing and construction industries and public believe that it is necessary for the safety and quality of training for apprentices and the ensured security of the existing journeyman/licensed workforce and safety of the public to include the proposed changes, attached to this petition, to the language proposed by the State of Montana in the Montana Administrative Register Notice 24-21-378. **Without this additional language and changes, we don't support the changes proposed by the State of Montana.**

[illegible]

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**PETITION FOR CHANGES, DELETIONS AND ADDITIONAL LANGUAGE TO BE INCLUDED IN  
Montana Administrative Register Notice 24-21-378  
October 12, 2021 Public Hearing**

**~~24.21.415 — RATIO WAIVER PROCESS~~**

~~(1) The registration agency may consider waiver of ratio standards only if the registered apprenticeship sponsor is in full compliance with registered standards and there are no outstanding complaints directly related to the specific registered apprenticeship program. The registration agency may waive ratio standards for a registered apprenticeship sponsor who demonstrates the need for a waiver by documented proof of all of the following:~~

- ~~(a) the registered apprenticeship sponsor's existing apprentices are current with the required related instruction, including apprentices that have been granted credit;~~
- ~~(b) the registered apprenticeship sponsor's existing apprentices have a documented 80 percent or higher accumulated grade average in related instruction;~~
- ~~(c) the registered apprenticeship sponsor must notify and document attempts to seek qualified journeymen from internal trade associations, area employers in like occupations, or by posting a confidential job order through the local job service office that is nearest to the shop where the apprentice is to be employed; and~~
- ~~(d) the registered apprenticeship sponsor must have an established completion rate that is at least 60 percent, based on the total number of all past and current apprentices. That number does not include:
  - ~~(i) apprentices who have rolled over to other programs registered with the sponsor; and~~
  - ~~(ii) cancellations by apprentices, either through noncompliance or cancellations that have occurred during the probation period stated in the registered apprenticeship sponsor's registered standards.~~~~

**24.21.1002 SUPERVISION REQUIRED**

(3) Sponsors employing apprentices in occupations that require a residential focus may work an apprentice in areas of experience on residential projects with limited supervision based on prior performance and a demonstration of competency after they have completed no less than 50% of the apprentice's required term.  
(6) As journeyman supervision is required in the training of an apprentice, in no instance shall an apprentice supervise another apprentice.

**24.21.1003 APPRENTICE-TO-JOURNEYMAN RATIO** (1) For apprentice-to-journey worker occupations, as defined in ARM 24.21.102(3), the ~~The~~ apprentice-to-journeyman ratio may not exceed the following criteria:

- (a) ~~The first~~ One journeyman employed by a sponsor may supervise one apprentice for the first three apprentices at a ratio of one apprentice to one journeyman (1:1).
  - (b) ~~Two additional journeymen employed by the sponsor are required to supervise each additional apprentice.~~
- (2) For all other occupations, the apprentice-to-journeyman ratio shall be one-to-one, unless industry standards determine a different ratio for that occupation.
- ~~(2) (3) An apprentice that has completed 60 70 percent or more of the on-the-job training hours and 60 70 percent or more of the related instruction in an apprenticeship program is not counted for purposes of the apprentice-to-journeyman ratio provided for in (1).~~
- (3) remains the same ~~but is renumbered (4).~~

~~(4)(5)~~ (4) In order to prevent abuse of the apprentice-to-journeyman ratio, the department will monitor the progress toward completion of all apprentices ~~who have reached the 60 70 percent completion criteria provided for in (2) (3).~~

(a) and (b) remain the same.

(c) As a general practice, the apprentice-to-journeyman ratio may not ~~ordinarily~~ be more than one apprentice to one journeyman, ~~notwithstanding the provisions of (2) (3).~~ A ratio of more than one-to-one may be allowed ~~in the special case of a shop with a single working master with no journeyman employees, or~~ in the event of a separation from employment by a journeyman employee that temporarily creates a more than one-to-one ratio, but this shall not be allowed for more than 60 days. Regarding the ratio of the firm or sponsor, the job site ratio shall not be more than 1 apprentice to 1 journeyman unless there is a temporary absence of a journeyman for job or personal reasons.

(d) remains the same.

(5) Journeymen not employed by the sponsor do not count towards the ratio. This means journeymen not on all the following: payroll, tax payments, workers compensation and unemployment insurance of the sponsor do not count towards the ratio.

### NEW RULE III PROGRAM RECOGNITION AND APPRENTICESHIP ARTICULATION AGREEMENT

(2) (c) the sponsor employer may employ one pre-apprentice, who shall not be counted towards the traditional apprentice ratio under ARM 24.21.1003, for a period of not more than 100 days from January 1 through December 31 of a single calendar year. ~~A sponsor employer may ask the department for an extension of employment of the pre-apprentice of no more than 30 days without having the pre-apprentice count under ARM 24.21.1003.~~ The pre-apprentice wage rate shall comply with MCA 39-6-108.

(d) The sponsor employer must have an established completion rate that is at least 60 percent, based on the total number of all past and current apprentices. The number does not include:

- (i) apprentices who have rolled over to other programs registered with the sponsor; and
- (ii) cancellations by apprentices, either through noncompliance or cancellations that have occurred during the probations period stated in the registered apprenticeship sponsor's registered standards.

(e) The Department shall issue a pre-apprenticeship card to each pre-apprentice that shall state the employer they are sponsored to and the start and end dates of the pre-apprenticeship. If there is a cost for the card, it shall be borne by the sponsor.

These proposed changes will require personal responsibility of both sponsors and apprentices to ensure we are reaching our goal to train more qualified journey workers to meet the state of Montana's workforce needs. The purpose of the ratio waiver was to allow proven sponsors to train more apprentices and by adopting a lower apprentice to journey worker ratio there is no longer a need to have the ratio waiver process. By adopting a lower ratio and keeping the ratio waiver would allow a ratio of lower than 1:1 and we will only be diluting the quality of training of these future journey workers.

There is a reasonable necessity to adopt these changes to protect the health and safety of the people of this state from the danger of improperly trained apprentices performing work without journeyman supervision. There is also a reasonable necessity to clarify when apprentices are working alone lower than a 1:1 ratio that they have individual journeyman supervision, and they are not supervising each other.

Training apprentices to become journey workers is an endeavor that should be taken seriously. A properly managed apprenticeship program not only adds to the workforce but also to a career for an individual. Training apprentices needs to be viewed as an enormous personal responsibility and not just an avenue to a cheap labor pool.