



Wisconsin Apprenticeship Manual

**A Compilation of the Policies and Procedures
under which the
Wisconsin Apprenticeship Program Functions**

Revised January, 2008

WISCONSIN APPRENTICESHIP MANUAL

Compiled by the
Department of Workforce Development
Bureau of Apprenticeship Standards

In Cooperation with the
Wisconsin Apprenticeship Advisory Council
Wisconsin Technical College System
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Division of Employment and Training
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Chapter I. General Information about Apprenticeship Programs in Wisconsin

A. The Apprenticeship Law

The Wisconsin Apprenticeship Law (ss 106.01) was first enacted in June, 1911. It has been amended several times with the last amendment passed in 1959. In 1913, the Wisconsin Minimum Wage Law (ss 104.08) was amended to extend apprenticeship law coverage to workers employed within certain “trade industries”.

These laws were introduced and supported by industry, labor and citizen’s groups to fulfill three major purposes; 1) to provide the State’s industries with a continual supply of highly skilled workers, 2) to provide an additional career opportunity for many of the youth of the State and, 3) to serve as a protective measure for the people who enter skilled trades training.

Wisconsin has deliberately shaped its apprenticeship laws to become part of the educational machinery of the State.

Wisconsin’s apprenticeship law (ss 106) provides the legal framework for the Apprenticeship program and is further supported by administrative rule (DWD 295 & 296), which provides the legal basis for this Apprenticeship Manual.

B. The Plan

A fundamental part of the Wisconsin Apprenticeship System is the Apprentice Contract between the sponsor and the apprentice that must be approved by the Bureau of Apprenticeship Standards (BAS). Such approval establishes the State’s responsibility to oversee the contract and to ascertain that the parties involved meet all of the provisions of the Contract.

In order for such a program to work effectively for the many types of skilled trades, occupations, and crafts, the system incorporates the cooperation of management organizations, labor organizations, trade associations, the Wisconsin Technical College System, and many other groups and agencies.

The involvement of the skilled journeyworker in the training of apprentices is vital. They also play an important role helping employers administer sound programs and by serving on apprenticeship committees advising both BAS and the Wisconsin Technical College System.

C. Apprenticeship Advisory Council

The Wisconsin Apprenticeship Advisory Council is made up of twenty (20) members representative of apprentice training industries. Nine (9) members are employer representatives, nine (9) employee representatives, one (1) from the Department of Public Instruction and one (1) from the Wisconsin Technical College System (WTCS). The Director of the Bureau of Apprenticeship Standards serves as the Secretary and has no vote. The committee elects co-chairpersons, one representative of management and one employee representative. Members serve three year terms and are designated by the Labor and Industry Review Commission. Members are nominated by statewide trade

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associations, employer groups, and the state labor organization. Only designated members of the Council are authorized to vote. The Council meets three or four times a year, or more often as needed. The State Director of the Wisconsin Technical College System and a representative of the US/DOL Office of Apprenticeship are represented on the Council as consultants. The Council's mission is to provide advice to the Department on matters involving the Wisconsin Apprenticeship System, including the enactment of Laws, Rules, and Standards.

D. Three Basic Requirements for Any Apprenticeship

The most basic requirement for any apprenticeship is the employment opportunity. Without the job there is no "on-the-job training." Such training represents approximately 90% of the program.

The second basic requirement is related instruction. This instruction, theoretical and technical, is usually provided by the Wisconsin Technical College System. Related instruction is a key part of each apprenticeship and is required by the Apprenticeship Law.

The third basic requirement is the approval and monitoring of the program by the Bureau of Apprenticeship Standards. When employers or sponsors desire to start or modify an apprentice program, they are provided technical assistance by the BAS. The BAS also monitors each program regularly. These requirements serve to assure the overall success and quality of the specific programs.

An Apprentice Contract must be prepared for each apprentice. The Apprentice Contract is an agreement between the state of Wisconsin, the apprentice, and the sponsor that outlines the training program. The contract consists of two parts, which includes the contract face page and the trade information (Exhibit A). The signatures on the Apprentice Contract are collected electronically. If the Bureau is unable to collect an electronic signature, the signature will be collected on a paper copy of Apprentice Contract. The official, electronic copy reflects the date the paper copy of the Contract was signed.

The paperwork required to start and operate an apprenticeship program is held to a minimum, but because apprenticeship programs are long-term, well planned programs to produce key skilled workers, some record keeping is necessary to track the apprentice's progress.

E. General Apprenticeable Occupation Criteria (See Wisconsin. Adm. Code DWD 295.15)

No Apprentice Contract can be approved for apprenticeship unless the occupation involved has been approved by the BAS as an apprenticeable occupation.

In order for a new occupation to be approved by the BAS as apprenticeable, the occupation must involve manual, mechanical or technical skills; must customarily be learned in a practical way by on-the-job training; must require that there be related instruction to supplement the on-the-job training; is clearly identified and recognized throughout an industry; and is not part of an occupation already recognized as apprenticeable unless it is practiced and recognized industry wide as a separate identifiable trade.

In order for the BAS to determine whether or not an occupation meets the criteria, it surveys similar industries, trade associations, consults with advisory committees, and with the Wisconsin Apprenticeship Advisory Council.

The Bureau of Apprenticeship Standards will recognize and approve apprenticeship programs registered with the U.S. Department of Labor or a recognized State Apprenticeship Agency, that are in conformance with Wisconsin Rules and Regulations.

F. State and Local Standards (See Chapter II)--Construction

Most of the apprenticeship programs in the construction industry in Wisconsin operate their programs under both state and local standards. These standards are adopted after considerable consultation with representatives of the specific industry. They are reviewed periodically to ascertain whether or not the standards are still in line with the industry's practices. All Apprentice Contracts must meet the requirements contained in the state standards for the trade, once they have been approved.

G. Sole Sponsor Programs (See Chapter III)--Industrial and Service

The Sole Sponsor programs make up the bulk of those in Wisconsin's Apprenticeship System. Included are literally hundreds of occupations in the industrial and service trades areas. An individual program may be operated jointly by an internal "in plant" labor-management committee, established by a collective bargaining agreement or singularly by an employer when the bargaining agreement does not apply or does not exist. In addition, a program can be operated by a union who would then place the apprentices with signatory employers.

Sole sponsor programs will operate under a set of approved standards which may or may not be covered by statewide standards. The BAS uses industry guidelines and practices, as well as its own discretion in approving such programs.

When implementing a Sole Sponsor apprenticeship program where there is a bargaining agreement and the union elects not to participate in an apprenticeship program with the employer, the union will be furnished a copy of the application for registration and the program standards. The union will be given a reasonable time period of not less than 30 days nor more than 60 days to comment.

H. Apprentices Must Be Registered

In order to assure that the training given to people in apprenticeable occupations is in the best interest of the public, the industry, and the apprentice, Wisconsin has shaped its laws to require registration of apprentices, wherever applicable.

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1. Wisconsin Apprenticeship Law (ss 106.01) defines the term “apprentice” as meaning “any person, 16 years of age or over, who shall enter any contract of service, expressed or implied, whereby training is to be received from or through an employer, in consideration for services.” The Law continues to state that “every contract or agreement entered into by apprentices with their employers shall be known as an indenture.”

Thus, it is clear that the intent of the Law is that persons who are employed in apprenticeship situations be registered. The Law itself excludes short-term training situations of less than one year. Administrative Rules DWD 295 and 296 further define the applicability of the Law.

2. Wisconsin State Minimum Wage Law (ss 104.08) empowers the Department to designate occupations as “trades” and businesses and industries as “trade industries.” Once a trade or trade industry has been so designated, any person employed at less than the journeyworker level must be registered as an apprentice. The Department also has the right to make exemptions when circumstances warrant it.
3. Carpentry Law (ss 106.02) directs that anyone who is employed to learn to be a carpenter must be registered as an apprentice. Thus, programs for learners, improvers, trainees, etc. are specifically prohibited.
4. State Licensing Laws (six statewide licensing laws) require that an apprentice be registered prior to employment and also require that the apprenticeship requirements be completed before the apprentice may take the license examination. The trades covered by these statewide license laws are: Barbering/Cosmetology, Electrical (WI Act 63; effective five years after publication: March 2013), Plumbing, Sprinkler fitting, Funeral Directing, and Elevator Constructors.

All of these laws require that the apprentices register with the appropriate licensing agency and abide by the License Laws, as well as the Apprenticeship Laws.

I. Local License Laws and Ordinances

Many communities have enacted local ordinances that require workers to show evidence of either being an apprentice or having completed an apprenticeship in order to be employed at certain work. Electrical ordinances with these requirements are fairly common throughout the State.

J. High School Students

It is permissible for a high school student to start an apprenticeship. The employer and student must make arrangements that are acceptable to the school and meet the applicable apprenticeship regulations. Apprenticeship programs for high school students must meet the following criteria:

1. Applicants must be high school students and only required to attend school on a part-time basis.
2. Applicants must have a letter from their school authority indicating that apprenticeship will not adversely affect the applicants’ graduation.

3. The applicants must meet the apprenticeship qualification requirements (high school graduation has been assured in I.1.b., above.)
4. Contracts must be approved by the BAS before starting.
5. The usual work hour records must be established and kept up-to-date.
6. Apprentices must maintain status as a high school student until graduation, and then the apprenticeship must be full time.
7. Applicants must meet applicable existing laws and standards. Child Labor and OSHA Laws, for example, may limit apprentices' ability to be assigned certain tasks.

K. The Exhibit "A" (Trade Information)

Every Apprentice Contract must contain an approved Exhibit "A" which must include, at minimum, provisions 1-7 from the following list:

1. Extent of Period of Apprenticeship

The "term" of each apprenticeable trade has been determined by the Bureau of Apprenticeship Standards after consultation with representatives of the industry.

In most individually sponsored programs, the practice is to specify the term as a total number of hours. In the construction industry the usual practice is to state the term in years, with a minimum number of hours. The term of apprenticeship may be expressed in years, in hours, in competencies or a combination thereof.

In some trades, such as service trades, it is customary to work and be paid by the week and in these cases it may be preferable to state the term in months or years.

2. Probationary Period (DWD 295.07(4))

A Probationary Period is required in each apprenticeship. The standard practice is to include the Probationary Period statement in the Term of Apprenticeship paragraph. The Probationary Period can be stated in hours, or months, but cannot exceed 25% of the term of the apprenticeship, but in no case shall exceed twelve calendar months.

The Probationary Period provides an opportunity for both the employer and the apprentice to adjust to each other and the program. Should either party wish to cancel the contract during the Probationary Period, they do so by requesting cancellation of the contract to the BAS in writing.

3. School Attendance (Also See Chapter IV)

Related instruction is an important required part of every apprenticeship. A minimum of 400 hours is required if the term is longer than two years, or 144 per year, if the term is two years or

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less. State Law requires that apprentices be paid their regular salary while receiving this instruction.

Wisconsin has WTCS facilities located throughout the state that can usually provide related instruction for most trades in a manner desired by the industry.

When a District WTCS School is not used, the BAS must approve the arrangements and periodically review, to assure that the apprentice is receiving the best material available.

The requirements for paid and unpaid related instruction are based on hours. When an apprentice completes the course work in less than the established hours, a sponsor (employer or committee) should apply the full course hours to meet the requirements of the Apprentice Contract. This policy in no way proposes to take precedence over the apprentice satisfying the approved minimum attendance requirements of a sponsor or licensing requirements for a specific occupation or trade. The sponsor shall apply this policy consistently in their program.

4. Schedule of Processes to be Worked

This schedule outlines the basic phases or facets of the trade and the approximate time the apprentice will spend on each. The Bureau of Apprenticeship Standards, with the help of many industries, has developed schedules for all recognized apprenticeable occupations. They are available to help the employer start a program or revise a current program.

The schedule must be completed enough to reflect the employers' intent to offer the apprentice an opportunity to learn the whole trade. It is understood that to do this, the schedule need not be followed in the sequence outlined or that any one process be completed at one time.

5. Apprentice Wages (DWD 295.04)

DWD 295.04 provides the guidelines for proper administration of apprentice wages. The apprentice wage scale must average 60% of the skilled wage rate over the term of the apprenticeship. In addition, there must be a progressive schedule for wage increases over the term of the Contract. No apprentice can be paid less than the applicable State or Federal Minimum Wage. When the apprentice wage is governed by bargaining agreement, then that agreement governs and supersedes the Apprentice Contract. Generally, the apprentice wage is guided by the skilled wage paid in the same trade.

The most common method used is to state the wage schedule as a percentage of the skilled wage. This provides an easy way to provide for adjustment when the skilled wage changes.

6. Skilled Wage Rate

Wisconsin Statute 106.01 (5) (f) states that each Apprentice Contract must contain a statement of the compensation to be paid the apprentice. DWD 295.04 further discusses the establishment of the skilled wage rate, when a bargaining agreement does not apply. The Bureau uses wage information collected by the Equal Rights Division as the basis for the Skilled Wage Rate. The information collected is averaged (median) based on the geographical area of the local committee.

Because the joint apprenticeship committees and the Associated Builders and Contractors local committees have different geographical areas, the wages for the same trades may be different. The Skilled Wage Rate is reviewed annually and necessary adjustments are made.

DWD 295.04 also addresses wages for a sole sponsor apprenticeship program. In that case, the skilled rate is that rate specified in the bargaining agreement. When a bargaining rate does not apply, the skilled rate is the rate paid to the greatest number of competent journey workers in that establishment.

7. Special Provisions

The Special Provisions section is often used to describe extra requirements not contained elsewhere in the Apprentice Contract. For example, additional nonpaid instructional hours that the apprentice is required to take on his/her own time is one common item specified in this section. Related Instruction is often used to fill in additional technical subjects not covered in the regular curriculum. However, such an agreement cannot be implemented until the availability of the required paid hours of related instruction is assured.

Some other common types of items included in the Special Provisions are tool purchase commitments on the part of either party, bonuses paid apprentices upon successful completion, and mandated BAS courses.

8. Overtime Pay

There are several references in Wisconsin's laws and rules that address the question of apprentices and overtime. WI Stat. 106.01 addresses overtime work in two sections. S. 106.01 (5) (d) states that the total number of hours of instruction and work for an apprentice shall not exceed 55 per week. S. 106.01 (7) addresses the apprentice's rate of pay while working overtime. It requires that an apprentice's overtime rate of pay shall be increased by the same percentage as the journey worker's rate for overtime.

For example, if a journey worker's rate for overtime is time and one half or double time, then an apprentice's rate must be the same. DWD 274.04 (6) also addresses the overtime issue and states that time spent in related instruction need not be counted as work time for the purpose of computing overtime, unless required by bargaining agreement. However, the question of good training must be addressed when allowing an apprentice to work overtime. The answers to the questions, "is good training being maintained" or "is the apprentices program being adversely affected", should determine the extent the apprentice participates in overtime work.

9. Fringe Benefits (See Chapter II)

Although S. 106.01 does not address the payment of fringe benefits to apprentices, it has always been the policy of the Bureau of Apprenticeship Standards that any fringe benefits paid to employees of the employer in the same job occupation as the apprentice, must also be paid to the apprentice. This policy does not mean the same level of benefits must be paid, but the same type of benefits.

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10. Credit Provisions

Apprentices may be eligible for credit. Care should be taken in evaluating credit requests to be sure that credit is properly applied.

- a. Previously Registered Time Credit: All credit earned under a Wisconsin Apprentice Contract at the trade (work and related instruction) must be given to apprentices with such experience, unless extenuating circumstances are explained in writing and the credit is not approved by the Bureau. Such requests must be made in writing and approved by the BAS.

This credit (unless not approved) must be applied at the beginning of the Contract.

If application of the credit advances the apprentice to a higher wage, then that wage must apply.

- b. Credit for Previous Experience: Apprentices may be granted credit for previous work or school experience. Such credit should only reflect actual work time, trade or school time relating directly to the trade related instruction. Credit may be given for related work or school up to but not including the final year of the term of apprenticeship. Credit should be granted prior to the end of the probationary period, or at least as soon as a proper evaluation can be made of the credit request.

If application of the credit advances the apprentice to a higher wage, then that wage must apply.

- c. All credit must be in writing and approved by the Bureau.

L. Hours of Labor

Apprentices are to be employed the same number of hours that the skilled workers in the trade are employed. Successful completion of an apprenticeship requires a major commitment from both the apprentice and the employer. With this in mind, the BAS will not approve any apprenticeship for less than full time, except high school/apprenticeship linkages or significantly extenuating circumstances. See Section J of this Chapter.

M. Record Keeping

The employer/sponsor and the apprentices shall maintain a record of the apprentices' progress. The records should include hours by category, paid and unpaid related instruction hours, and progress at both school and on-the-job. Use of state-approved job books is strongly encouraged.

N. Ratio of Apprentices to Journeyworkers or Skilled Workers

The BAS will approve contracts only where there is a proper ratio to assure thorough and safe training. There must be skilled workers available to provide on-going training to apprentices in the

beginning of the apprenticeship and to oversee their work later in the apprenticeship or the BAS will not approve or will withdraw prior approval of an apprenticeship.

Terms of a collective bargaining agreement may dictate specific ratios providing they do not disagree with this section. If a bargaining unit negotiates a ratio lower than a state minimum, then the bargained ratio may be applied to other programs training in that trade.

O. Labor Disputes

1. It is the BAS policy that no apprenticeship actions can be taken with an employer with an existing labor agreement who is engaged in a labor dispute.
 - a. A labor dispute is defined as a work stoppage, strike, or other dispute that disrupts the training of apprentices as determined by the BAS.
 - b. An apprentice action is cancellation, reassignment, completion or other change in an existing Contract as well as approval of a new Contract.
2. In cases where all parties agree, this policy may be waived by the BAS.
3. Only apprentices and apprentice applicants in trades affected by the dispute are covered by this policy.
4. In instances where a vote is in progress to determine if a bargaining agent will represent the employees, the involved labor organization is advised of pending apprentice actions by the BAS.

P. Apprentice Related Instruction During Layoff

1. The Bureau of Apprenticeship Standards, under the authority of Chapter 106.01 of the State Law, will act to unassign the apprenticeship of any apprentice who is out of work in excess of thirty days. This sets the Apprentice Contract aside until such time as the apprentice is recalled to the job and reassigned.
 - a. In line with this, the apprentice must attend school during the thirty day period following the layoff.
 - b. School attendance during this 30 day period shall be paid for by the most recent employer, as an obligation originally assumed by the employer.
2. After the apprentice has been unassigned (the first thirty days following lay-off), the obligation of the employer to pay the apprentice for school attendance is waived.
3. It is common practice with most trades to permit apprentices who have been laid off, to complete the current semester.

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4. If apprentices are on layoff when a new semester is beginning, the apprentices may be allowed to begin school providing their recall to work is imminent.

Q. Apprentice Unassignments

An unassignment of an apprentice is a temporary interruption of the apprenticeship program, normally for more than 30 days. Unassigned status is used for the purpose of stopping the time counting toward the apprenticeship and starting it again without the need for the apprentice to go through the application process.

Apprentices are normally placed on unassignment for one of the following reasons;

1. Lack of work (layoff)—After 30 days of unemployment,
2. Illness or injury—If the apprentice is on unassignment because of illness or injury, a doctor's release is required prior to assignment to a job site,
3. Return to school,
4. Temporarily removed from the program—personal reasons,
5. Military –The Contract will be automatically extended without penalty to the apprentice,
6. Discipline—In some cases, the apprentice may be placed on unassignment for disciplinary reasons. This unassignment may result in one or all of the following:
 - a. Not eligible for work, no wages;
 - b. May not be eligible for unemployment benefits;
 - c. May extend the length of the Apprentice Contract.; apprentice may not be able to complete the apprenticeship early or in some cases on time.

The initial unassignment will not exceed one year. However, it may be extended for good cause, when approved.

R. Completions

The recommendation for completion of an apprenticeship program is generally the responsibility of the Apprenticeship Sponsor; either the sole sponsor or the local committee. The local WTCS school or other related instruction school provides verification that an apprentice has satisfactorily completed the related instruction. All related instruction must be reported to BAS, both paid and unpaid. If the technical college does not provide the instruction, the sponsor is required to provide that information to BAS.

Early completion of an apprenticeship program is considered on an individual basis when the sponsor and the apprentice file a written request that provides a justification for such action.



Chapter II. Policies and Procedures for State and Local Apprenticeship Committee Programs

A. History

Construction Trade Joint Apprenticeship Committees have been active and advisory to the Department since 1918. During the 1920s a large number of local committees were organized by the local vocational schools, so they could advise the schools on apprentice related instruction needs. By the late 1930s, the local apprenticeship committees were functioning much as they do today. They were made up of representatives of local employer groups and local employee organizations, with a jurisdictional area covering several counties.

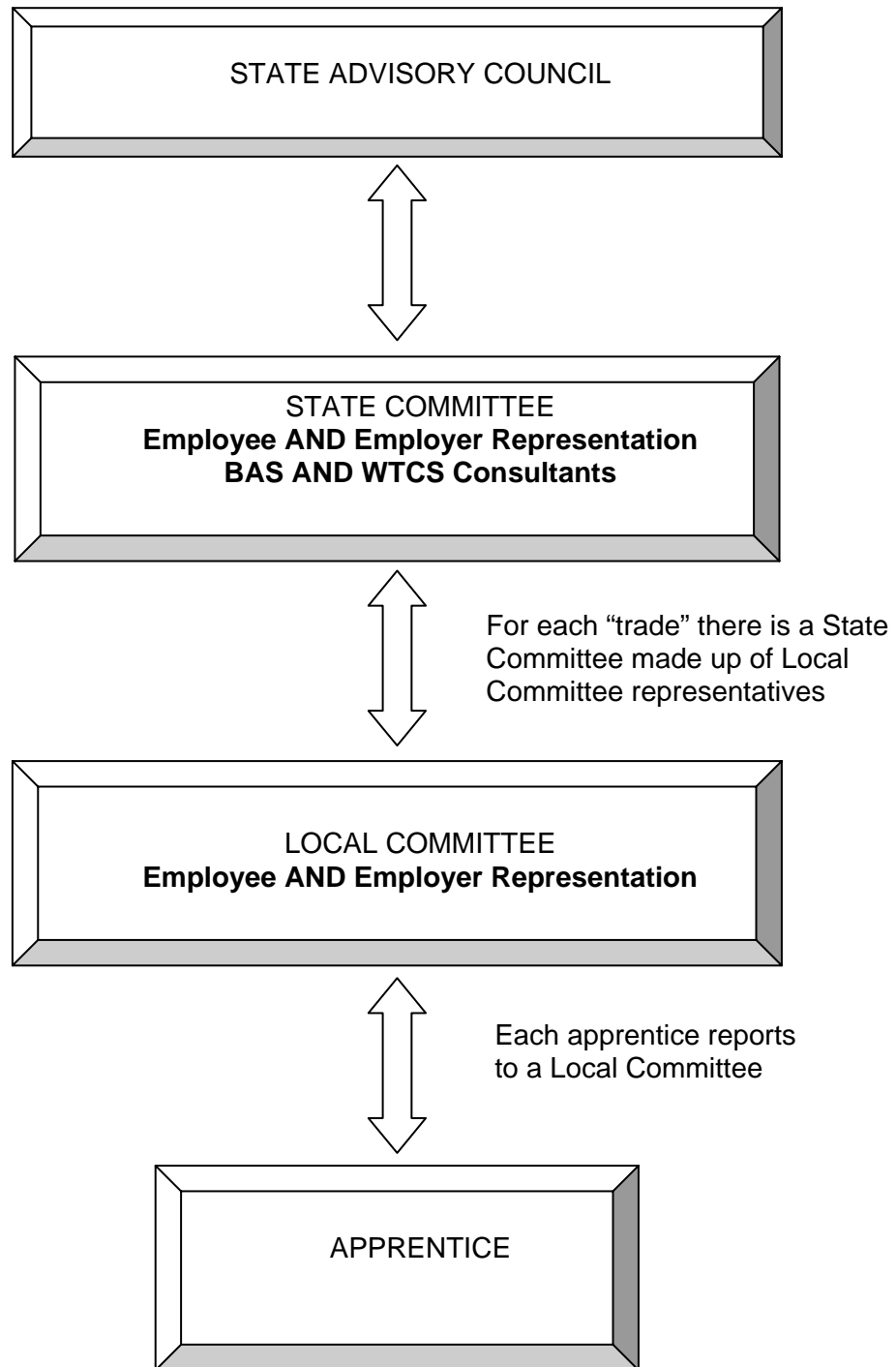
State joint apprenticeship committees were formed in the 1930s by statewide employer associations and the statewide labor organizations and functioned much the same as they do today.

This structure of using industry advisory committees is important to Wisconsin's registered apprenticeship program for a number of reasons:

1. Ensure consistency throughout the apprenticeship community by implementing policies and procedures to insure that journeyworkers who have been trained through the state registered apprenticeship system have attained specific competencies in the trade;
2. Set a structure that could be used to expand the apprenticeship program to encourage accessibility by all employers and citizens, foster growth within the existing and emerging industries and occupations; allow easy expansion of existing programs to new employers, and to be able to respond to changing workplace needs;
3. Provide a vehicle for communication up and down the organization. The goal is to ensure that concerns at the local level have a method of surfacing at a higher level so appropriate action can be taken. The structure will also ensure that decisions and policy changes have a method of being passed down so they can be implemented at the local level.

The chart on the following page reflects this structure.

WISCONSIN APPRENTICESHIP MODEL



B. Authority of Committees

There is no law which gives state or local apprenticeship committees administrative authority, nor can the BAS legally delegate such authority. No mention is made of committees in the apprenticeship law. They are purely advisory.

The committees' usefulness is in no way impaired merely because it has no authority to approve or cancel Apprentice Contracts or to issue Apprentice Completion Certificates. Far more important than this authority is the job of seeing that apprentices are properly registered and that the training, including related instruction, is what the industry requires.

Local committees usually have the delegated authority to select and place apprentice applicants as long as they follow the procedures approved by the Bureau of Apprenticeship Standards (BAS). In this capacity, they function much as a personnel office for their industry group; recruiting, screening and assigning qualified and approved applicants to employers.

C. The Need for State and/or Local Joint Apprenticeship Committees

The construction industry is made up of a great number of employers who generally have much in common. That is, that they employ skilled journeymen in one or more of the construction trades. Some of the employers are only involved with one trade and others with several. The firms are located all over the state, and are highly mobile in their operation because they must go to the construction site. The size of an employer's crew is often governed by the size of the job to be done. Employees move from job to job often changing employers. All of these characteristics complicate the training of apprentices in the building and construction industry.

State trade committees develop standards for the trade classifications within their industry. When these standards have been adopted by the State Committee and approved by the Bureau of Apprenticeship Standards, all local committee standards must meet the minimums of the State standards. The purpose of uniform trade standards is to insure that apprentices receive uniform training, in so far as possible, and that graduating apprentices receive comparable skills.

Local committees may adopt the industry's State Standards or develop local standards that exceed the minimums outlined by the State standards. All standards developed by the local committees are submitted to the BAS for review and approval.

D. State Apprenticeship Trade Advisory Committees

The State Trade Advisory Committees are a very important part of the structure that advises BAS in the administration of the apprenticeship program and in communicating with all the partners in the apprenticeship program. Just as the Advisory Council handles overall apprenticeship policy, the State trade committees handle policy relating to their trade.

Chapter II. Policy & Procedures for Committees

When a need for a State Apprenticeship Trade Committee is seen by the BAS, or a request is made of the BAS to establish such, the BAS's first step is to determine what organizations exist that actually represent the responsible segment of both employers and employees in that trade or industry in the state. Employers and employees who make their living in a given industry, naturally are better qualified than anyone else to advise what is best in the way of apprenticeship practices for the particular trade or industry, and so the BAS goes to them for practical information and advice.

Contact is made with those organizations for the purpose of seeing if it is the desire of each organization to sit down jointly with the other and cooperatively work out statewide apprenticeship standards for their trade or industry. This is essential because without the willing cooperation of such organizations, no committees can exist nor can statewide standards be developed.

If the organizations are interested, they are asked to recommend the names of several people to represent them on the committee. The BAS then designates an equal number of employer and employee representatives from those recommended, assuring whenever possible that there is a good geographical representation and that the members are representative of program participants.

The BAS may also designate consultant members to serve without vote as needed.

State committees generally meet at least twice each year and their membership includes equal numbers of employer and employee members who have been nominated by organizations involved at the local committee level. The goal is to have fair representation from local committees on state committees. The BAS is also responsible for ensuring that all areas of the state are properly represented on each state trade committee.

The State Committees operate on a consensus decision-making process. This means that there may be concerns after discussion, but the committee members may consent to the proposal anyway and allow it to be adopted. Therefore, reaching consensus does not assume that everyone must be in complete agreement, but members can live with the decision.

Members serve three-year terms and can be re-nominated for additional terms. Members must be currently and actively participating in the trade and are required to attend at least 75 percent of the meetings over the term of their appointment. Wisconsin Technical College System (WTCS) representatives, industry apprenticeship coordinators, instructors and other interested parties in the apprenticeship program may advise and consult with state committee, but they are not allowed to serve as voting members.

These committees are officially recognized as advisory to the BAS and to the WTCS on their trade programs.

Meeting under the auspices of the Bureau, the committee develops a set of standards for the trade classifications within their industry. During these meetings, the committee also advises the Wisconsin Technical College System on the method and curriculum their industry needs for related instruction. This information is also added to the standards so that the entire plan of an industry's statewide apprenticeship program is contained in one package.

E. Function and duties of State Trade Committees include the following:

1. Provide recommendations and advice on their trade's policy and program matters to BAS and the WTCS on all aspects of the apprenticeship program and curriculum.
2. Assist in formulating and revising state apprenticeship standards (and review them every five years) for the trade and make recommendations on changes to the BAS including:
 - a. The period of training
 - b. Minimum of work process requirements
 - c. Related instruction
 - d. Probation
 - e. Employer requirements to serve as a trainer
 - f. Journeyworker/apprentice ratios
 - g. Apprentice reviews
 - h. Apprentice selection process (AA/EEO requirements), —Assist local committees and/or sponsors in developing selection procedures which are bias free and which ensure minorities and women are considered.
3. Recommend curriculum, related instruction, and delivery service requirements for the trade to the Bureau of Apprenticeship Standards and the State Board.
4. Prepare policies for participating trades on proficiency assessment and testing devices (for work experience and course work) to be utilized by local committees in determining credit for previous experience and education.
5. Review and monitor local committee operations and activity levels and recommend changes in operations where appropriate, including Affirmative Action and Equal Employment Opportunity. (AA/EEO)
6. Prepare an apprentice layoff/transfer policy and procedures and assist local committee in its use.
7. Assist local committees to work out programmatic and administrative problems.
8. Assist in the formation and promotion of local committee structures where they currently do not exist.
9. Assume statewide leadership for the purpose of improving conditions and expanding the number of employers using apprentices in the trade.

F. Local Apprenticeship Committees (DWD 295.02)

Chapter DWD 295.02 (1) provides the legal basis for the establishment of apprenticeship local committees. Their purpose is to oversee the training of apprentices and ensure that the conditions of the Apprentice Contract are being satisfied by all parties. They act in an advisory capacity to the

Chapter II. Policy & Procedures for Committees

Department, to the parties of the Apprentice Contract, and to the Wisconsin Technical College System (WTCS) on curriculum matters. Local Apprenticeship Committees, either joint or non-joint, are created much the same as State Trade Committees.

Each local committee has a minimum of four voting members, generally comprised of employer and employee members. Multi-trade local committees are authorized provided that at least one member of the committee is a member of the apprentice's trade that is being reviewed. The Bureau of Apprenticeship Standards requests nominations from associations that have apprenticeship programs, employer/employee organizations, and firms that have an apprenticeship program. Employer members must currently work at the trade or represent those who employ skilled workers of the trade and have trained apprentices in the last five years. Employee members must be active journeyworkers or represent active journeyworkers. Exceptions to these requirements can be made by the BAS in order to expand female and minority participation on the committees.

The Bureau of Apprenticeship Standards may remove a person from the membership on a committee for one or more of the following reasons; 1) failure to attend at least 75% of the committee meetings over the term of appointment, unless excused by the Bureau for good cause, or 2) failure to meet membership requirements. Members must attend at least 75% of the meetings for the term of their appointment, unless excused for good cause. Failure to meet this attendance standard will be cause for removal from the committee.

Members will serve for a term of three years and may be re-nominated for further terms. Nominations will be sought in November of each third year after initial appointment. Terms will be staggered to insure that continuity of the committee is maintained.

When there is no area employer organization, the BAS will request the state-wide employers' organization or state trade apprenticeship committee, to assist it in locating qualified employers to serve.

In order for a Local Apprenticeship Committee to be recognized as advisory to the BAS, each member must be designated by the BAS. After nominations have been submitted, the BAS will finalize the committee membership. Before membership is finalized, the BAS will insure that females and minorities are represented on the committee, where they are employed in the skilled workforce. Membership is finalized with a specific letter from the BAS to each person who is to serve. No person is considered a committee member until they have been so designated.

Each Local Apprenticeship Committee is assigned a geographical area by the BAS. The committee may be expected to advise the BAS and the District School on all apprenticeship matters in the trades covered by the committee. The assignment of the area may be based on several factors such as; the union jurisdiction, WTCS boundaries, population centers, or others.

G. Discontinuation of Local Apprenticeship Committees

Local committees may be discontinued for several reasons.

1. **Merging of Local Committees**—is used when two committees no longer need to operate independently. A common example of when local committees merge is when two local unions merge into one.
2. **Disbanding of Local Committees**—is used when a committee becomes inactive primarily due to lack of apprenticeship opportunities in the committee's geographical area. When conditions change, the committee may become active at a later date.
3. **De-certification of Local Committees**—is used when local committees are not meeting the legal requirements of WI Chapter 106 and DWD 295-296.

In all cases, an official letter must be issued from the BAS approving the change.

H. Functions and Duties of Local Apprenticeship Committees

1. Ensure that employer and apprentice applications are processed in a timely manner.
2. Establish Local Standards.

The local committee, in cases where there are state standards, must use the state standards for their trade as a guide in the operation of the apprenticeship program in their area. Local committees may or may not wish to develop unique local standards, but if they do, the standards can be approved only if they conform to the minimum requirements of the State Standards. If unique local standards are not developed, the local committee must submit a statement stating they have adopted the state standards as their local standards. *Provisions within local collective bargaining agreements must also conform to the minimum requirements of the State Standards.*

3. Develop and implement a selection procedure and an affirmative action plan to meet the requirements of DWD 295 and 296. The committee processes applications for apprenticeship and this method must be spelled out clearly in the selection procedures. The selection procedures must also be available for applicants to review.
4. Ensure that apprentices receive the required range of work process experience and safeguard the training of apprentices on the job.
5. Recommend to the Department under what conditions apprentices may be employed.

This may be the local committee's most important function, because it is at this point that the trade knowledge of those in the industry can help to safeguard the interests of the apprentice and the public. All employer applications for apprentices must be reviewed by the committee. The committee recommends approval or disapproval of each employer's request for an apprentice. This recommendation must be made within 40 days. If approval is recommended, the BAS may proceed with the preparation of the contracts. If, however, the committee recommends denial, the

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employer must be notified in writing of the committee's reasons and a copy of the notice must be given to the BAS. The committee must also inform the employer where to appeal if they do not agree with the recommendation.

All such appeals must be investigated by the BAS and will be reviewed with the committee before the BAS makes final disposition of the application.

6. Approve employers for apprenticeship training purposes in accordance with State Standards.
7. Maintain records of each apprentice in the committee's program.

Each committee must have files that contain records of applications, active apprentices, apprentice progress records, affirmative action efforts, transfers, etc.

A committee must have a system of receiving progress records from each apprentice. These records must be received regularly. In addition, the committee should get regular reports on each apprentice's grades and attendance from the school. Review and make sure that adequate classroom and on-the-job records are kept for apprentice. All reviews must be in writing.

8. Review the status and progress of apprentices prior to the end of their probationary period.

Even though the BAS continually reviews each program, one of the most important duties of a committee is to maintain an on-going review procedure for their apprentices. Apprentices should be interviewed in person by the committee at least twice during their apprenticeship, with one prior to the end of their probationary period so their progress at work and at school can be discussed with them. Employers and foremen should also be interviewed, so that all viewpoints are available to the committee.

9. Encourage parties to Apprentice Contracts to bring their complaints before the committee. If either employer or apprentice has a grievance about their program, it is much better to bring this matter before the committee first, rather than make an official complaint directly to the BAS.

If the committee does not make a satisfactory adjustment, then the complainant must be told that they can appeal in writing to the BAS.

10. Implement the state committee apprentice lay-off/transfer policy to assist in the transfer of apprentices. There are occasions when it is necessary to transfer apprentices from one employer to another, as for example, in such cases where the employer goes out of business or has no more work to offer. There are also cases in which the employer is unable to furnish complete all-around training and it becomes necessary to transfer the apprentice to another employer. In all such transfers, the committee should determine what is best for the training of the apprentice. The committee must assure that transfer forms are properly signed by all parties and forwarded to the BAS promptly.

A committee should also have a written procedure for handling apprentices in their area who are out of work, so that the best possible effort can be made to get them back to work.

11. Recommend to the BAS, credit for previous experience and education in conformity with Council or state trade committee policy and procedures. The local committee may recommend to the BAS, the application of credit to an existing apprenticeship at any time during the apprenticeship. Any party to the Apprentice Contract may forward a request for credit to the committee (apprentice, employer, the BAS or the committee). Third parties may supply supporting information to the committee for consideration in the determination process.

If the BAS approves the committee's recommendation of credit and such credit advances the apprentice to a higher wage, then that wage must apply. All credit recommendations of the committee, approved or denied must be made in writing and forwarded to the BAS.

A committee should not hesitate to recommend credit for an apprentice anytime during the apprenticeship, if the apprentice shows exceptional progress.

Work and school time credit served, under a prior Wisconsin apprentice contract, in the same trade, must be credited at once, unless written reason is presented and approved by the BAS.

12. Recommend completions of apprenticeship to the BAS. The committee should review each apprentice's record and make a recommendation to the BAS on the apprentice's eligibility to be completed.
13. Make reports and recommendations to the BAS and the State Trade Committee. In order for the industry to maintain a good statewide program, each area committee must keep the BAS and the State Committee informed of their activities and their suggestions for program improvements.
14. Keep minutes of each committee meeting and submit copies to the BAS. The committee must submit a copy of the minutes of each of its meetings. If this is not done, the BAS may not know if the committee is meeting regularly or conducting its business properly. Failure to submit copies of the minutes could result in the removal of the committee's designation and deregistration of the committee.
15. Advise and inform the public on projected apprentice openings, where applicable.
16. Advise the BAS and technical colleges or provider of related instruction on all matters pertaining to related instruction in the committee area. Assist in securing related instruction with the state and/or area Wisconsin Technical College (WTC) districts.
17. Respond to surveys and questionnaires sent by the BAS regarding information on participating employers, apprentices, meetings held, and AA/EEO progress.
18. Meet in conformity with state open meeting regulations.
19. Take part in statewide trade or industry marketing and apprenticeship promotion.
20. Recommend modifications to ratios in state standards to help meet area workforce needs in conformity with bargaining agreements, where applicable.

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I. Local Committee Officers and Conduct of Meetings.

1. The committee elects its own officers. There shall be two officers (one employer and one employee) so that in the event of one's absence the meetings can still proceed.
2. The committee is responsible for recording the committee's proceedings.
3. All meetings must be called and conducted in accordance with Wisconsin's Open Meeting Law.
4. Notice of all meetings of the committee must be provided to all committee members, the Bureau Representative, and the WTCS School Representative, when appropriate.
5. A meeting may be called by either a committee member, the Bureau Representative or the WTCS Representative.
6. Consultants, guests, Bureau Representatives and WTCS Representatives are not permitted to vote; only designated members are permitted to vote.
7. Meet at least two times each year or as prescribed by the State Trade Committees.
8. Local Committees—
 - a. Joint Apprenticeship Committees--A meeting quorum exists when at least one employer and one employee representative is present. In the case of unequal representation, the members shall vote for those absent from their group;
 - b. Unilateral or Non-Joint Committees—A meeting quorum exists when at least two members are in attendance.
 - c. When holding meetings, it is suggested that committees follow a formal procedure similar to the following:
 1. Call to order by presiding officer. This meeting is called to order in accordance with Wisconsin's Open Meetings Law.
 2. Roll Call of Committee members.
 3. Review and approval of minutes from last meeting.
 4. Reports.
 5. Old Business.
 6. New business.
 7. Affirmative Action report.
 8. Communications and miscellaneous matters.
 9. Next meeting date.
 10. Discussion.
 11. Closed meeting portion (motion to close the meeting must be made in accordance with the Wisconsin Opening Meetings Law). Include time.
 12. Adjournment.

J. Liability of Local Committees

Should the committee or any member be subject to any legal action as a result of recommendations made in the conduct of Local Apprenticeship Committee business, the BAS will, if it has concurred with the recommendations, assume the responsibility of representing the committee or committee member.

The committee or member must have clearly indicated in writing to all affected parties that the recommendation was appealable to the BAS. Failure to do this may abrogate BAS's responsibility.

K. Family Owned Business

DWD 295.10 Family –owned construction business allows an owner of a construction business, which is owned or a majority of stock which is owned by one person or jointly by 2 persons who are related by blood or marriage to select any of his sons or daughters. The construction business must meet the qualification standards for training the type of apprentice involved and the son or daughter must meet the qualification standards for the trade. Once that occurs, the son or daughter may be registered as an apprentice, without regard to a ranked list or other selection procedures. This does not include sons-in-law or daughters-in-law. The rule also states that this section must not be used to replace an apprentice already registered to the business and the action must not conflict with stipulations of a collective bargaining agreement affecting the business.

L. Home Schooled Applicants

Under Wisconsin Statute 118.15 (4), a parent or guardian has the right to select a home-based private educational program for her or his child or children, in order to comply with the compulsory school attendance law. This option is commonly referred to as home schooling. Wisconsin statutes related to home-based private educational programs do not require any form of testing of students enrolled in such programs. In addition, a home-based private educational program does not lead to a traditional Wisconsin high school diploma because in Wisconsin, high school diplomas are issued by public and private schools.

The Statute also lists the criteria that a home-based program must follow. Home-Based Private Education programs are required to complete Form PI-1206 Home-Based Private Education Program Registration form. However, the law as written does not provide specific statutory authority to the Department of Public Instruction (DPI) or local school districts to monitor or regulate home-based private educational programs. Therefore, there is no formal structure in place to report grades, attendance, etc. Local committees may ask for a copy of the home-school calendar verifying a minimum of 875 hours of instruction and course outlines verifying that there exists a sequentially progressive curriculum of fundamental instruction is maintained in the home and a copy of Form PI-1206 for each year the apprentice applicant was home schooled. That is the extent of documentation that the committee may request. If the applicant is unable to provide this documentation, that individual is treated as other applicant who is unable to provide documentation of a high school diploma or GED.



Chapter III. Policies and Procedures for Individually Sponsored Apprenticeship Programs

A. Definition

Individually sponsored programs are defined generally as a program where the training is conducted in one plant or firm. In Wisconsin, all programs outside of the building and construction trades are considered individually sponsored programs.

B. Standards

Individually sponsored programs are required to have apprenticeship standards that are reviewed and approved by the Bureau of Apprenticeship Standards (BAS) to assure their conformance with this Manual, as well as the Apprenticeship Laws and Rules. State apprenticeable trade advisory committees have been formed for several of the occupations/trades for individually sponsored programs. The purpose of the committees is to develop standards for the trade classifications within their industry. When these standards have been adopted by the State Committee and approved by the BAS, all individually sponsored apprenticeship programs must meet the minimums of the State Standards. The purpose of standards is to insure that apprentices receive uniform training, in so far as possible, and that graduating apprentices receive comparable skills.

C. In House Apprenticeship Committee

These committees are “in house” because they are involved with the individual sponsor’s program only. They do not have state or area wide responsibilities like local committees in the construction industry. Most firms that have more than two or three apprentices use an “in house” committee. The purpose of the “in-house” committee is to oversee the training of apprentices and to ensure that the conditions of the Apprentice Contract are being satisfied by all parties. Each in-house committee should have a minimum of four voting members, two employer representatives and two from the skilled trades/occupations. An exception may be made to this requirement for employers who have less than five apprentices. Multi-trade committees are authorized provided that at least one member of the committee is a member of the apprentice’s trade that is being reviewed. If an employer has more than one location, it is recommended that an in-house committee is established at each location.

When a firm has a bargaining agreement that establishes an “in-house” committee, the sponsor will follow the terms of that agreement, providing the terms of the agreement are not in conflict with state statutes or apprenticeship rules. Firms that do not have a bargaining agreement may establish internal procedures to form the “in-house” committee which are not in conflict with state statutes or apprenticeship rules. BAS will assist in the formation of the committee, if necessary.

D. In House Committee Operations

An in-house committee must meet at least twice each year with minutes kept for all meetings. The committee must ensure that apprentices are properly registered in conformance with WI apprenticeship regulations, the terms of the contract are being fulfilled and the apprenticeship program is bias free.

E. Functions and Duties of In House Committees.

1. Ensure that apprentices receive the required range of work process experience and safeguard the training of apprentices on the job.
2. Review the status and progress of every apprentice prior to the end of the probationary period and recommend any appropriate action to the employer.
3. Review and make sure that adequate classroom and on-the-job training (OJT) records are kept for apprentices. All reviews must be in writing.
4. Review and evaluate classroom and on-the-job performance on a regular basis and before recommending completion to BAS.
5. Recommend credit for previous experience/education to BAS in conformity with BAS policies and procedures.
6. Advise BAS and the local technical colleges on all matters pertaining to related instruction in the employer's area. Assist in securing related instruction with the state, or local technical college, or other provider of related instruction.
7. Respond to surveys and questionnaires sent by BAS regarding information on participating employers, apprentices, meetings held and Affirmative Action/Equal Opportunity Standards for the apprenticeship program.
8. Conform to the state committee written meeting procedure requirements, if any.
9. Encourage parties to a contract to bring issues before the in-house committee. If not resolved, provide recommendations to BAS.
10. Take part in statewide trade or industry marketing and apprenticeship promotion.
11. Recommend modifications to ratios in state standards to help meet area workforce needs in conformity with bargaining agreements, where applicable.
12. Keep minutes and make available to the local Apprenticeship Training Representative of the BAS, if necessary.
13. Recommend completion of the apprentice to the BAS.

Chapter III. Policies and Procedures for Individually Sponsored Apprenticeship Programs

F. Equal Employment Opportunity Efforts

Individual sponsors must file with the BAS, on the firm's letterhead, the following E E O Pledge: "The Apprenticeship Sponsor is committed to equal opportunity for all applicants. The recruitment, selection, employment and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin and sex, age, creed, handicap, marital status, ancestry, sexual orientation, arrest record, conviction record or membership in the military forces of the United States or this state. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30, the Wisconsin Fair Employment Law, and all other applicable state laws."

Additionally, firms that have five or more apprentices must file Affirmative Action Plans. These requirements are spelled out in DWD 296.

G. Selection of Apprentices

The selection of apprentices is the responsibility of the employer. This may be done with the assistance of an in house committee. In either case, the selection method must conform to DWD 296. Most employers require applicants to have a minimum of a high school equivalency, meet the minimums of the state standards, have a general aptitude for the trade, and must be physically able to perform the work of the trade or occupation. Additional qualifications may be required, but they must meet state standards, DWD 296 and be approved by BAS.

H. Record Keeping

All apprentices and/or employers must maintain a record of the training to ensure apprentices are trained and for the purpose of complaint resolution. The absence of such a record may make it impossible for the BAS to satisfactorily resolve complaints.

In addition, Training Guidelines or Job Books have been developed to identify skills required for various occupations and their related training programs. The Training Guidelines are intended to be used by the apprentice and employers as a "blueprint" for training in conjunction with the Apprentice Contract. These Training Guidelines have been written to describe how well an apprentice must perform each skill in order to become competent and complete his/her apprenticeship. It is highly recommended that employers use these guidelines to record apprentices' progress through their training.

I. Completion of an Apprentice

The employer must notify the BAS Apprentice Training Representative, in writing, when an apprentice has completed all terms of the apprentice contract (on-the-job-training, paid related instruction, and Special Provisions). Included in the letter must be the proposed completion date, apprentice name, trade, and the current address of the apprentice. Once approved, a Certificate of Completion will be issued by the BAS.

J. Cancellation of an Apprentice Contract

No employer or apprentice need fear that the BAS will force completion of a contract “under any circumstances” after the lapse of the probationary period. On the face of every contract is the statement: “The Department of Workforce Development may annul this contract upon application of either party after a satisfactory showing of good cause.”

1. After the expiration of the probationary period, the consent of the BAS must be secured before the contract can be cancelled.
2. The BAS may investigate and hold hearings prior to ruling on the termination of any contract (DWD 295.20).
 - a. Such consent will be given when it is clear that the continuance of the contract will cause a hardship on either party. The contract remains in force, however, until the BAS has approved the cancellation.
 - b. A contract may be cancelled on the written mutual request of the apprentice and the employer.
 - c. The BAS may also cancel a contract on its own motion if the terms of the contract are not being met. Such a cancellation may involve the application of fines and penalties.

K. Laying Off Apprentices

Most employers attempt to protect their apprentices but economic circumstances sometimes force apprentices into layoff situations. Generally speaking, apprentices should be kept employed as long as possible. When an apprentice must be laid off, use the following procedures:

1. When it becomes necessary to lay off apprentices, they should be laid off according to their seniority in the program by trade. Their recall to the program should be in the same manner;*
2. Should a layoff be for more than 30 days duration, the employer must notify the BAS in writing, stating the reasons for the layoff;
3. Layoffs of short duration do not abrogate the apprentice’s obligation under the contract and the apprentice is expected to return to work upon recall notice;
4. Should the layoff be indefinite or of a frequency that exceeds a total of 30 days in a calendar year, the apprentices would be entitled to have their contracts registered, if they were able to find another qualified employer who is willing to assume the contract.
5. In any event, laid off apprentices must be given the opportunity to return to work before any new journeyworker or apprentice is hired in that trade.*

Chapter III. Policies and Procedures for Individually Sponsored Apprenticeship Programs

*In industries where apprentice layoffs and recalls are governed by bargaining agreements, the terms of the agreement govern.

L. Supervision of Apprentices

It is necessary that specific responsibility for the apprentice's training be placed on someone who is qualified and in a position to direct the apprentice's training. This person may be the foreman, a journeyworker or the owner, but the arrangement must be known to the apprentice and the person with the responsibility. The employer must ensure that apprentices are trained in the core work processes identified for the occupation and employ a full time journey worker, qualified supervisor or other individual to supervise. The qualifications of the "qualified individual" above will be determined on a case-by-case basis for a new employer only.

M. School Attendance and Progress

It is the employers' responsibility to see that the apprentices are released from work to attend the required school. Failure to do this is a violation of the contract.

1. The employer should receive prompt notice of a school absence by an apprentice and caution such apprentice that absence from school may lead to termination of the apprenticeship. (DWD 295.20).
2. The employer should receive prompt reports on each apprentice's progress in school and when deficiencies appear, notify the apprentice in writing that discipline or termination may occur, if not corrected.

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Chapter IV. Policies and Procedures for Apprenticeship Related Instruction

A. History

When the Wisconsin Apprenticeship Law was passed in 1911, the Legislature also passed the Industrial Education Act authorizing the establishment of continuation and trade schools, to provide related instruction to apprentices. The Apprenticeship Law, WI Statutes 106.01 (10) states that “It shall be the duty of all school officers and public school teachers to cooperate with the department and employers of apprentices to furnish, in public school or any school supported in whole or in part by public moneys, any instruction that may be required to be given apprentices.

Likewise, the statute defines the mission of the Wisconsin Technical College System which is to provide apprentice related instruction.

WI Stats 38.001 (2) (a) states the principal purposes of the technical college system are to:

- (a) Provide occupational education and training and retraining programs, including the training of apprentices that enable residents to obtain at a technical, paraprofessional, skilled or semiskilled occupation.

B. Apprentices’ Related Instruction (Chapter 106.01 (5) d & (6))

1. Apprentices Paid Related Instruction

The Law requires that each Apprentice Contract must contain provisions for paid related instruction. The related instruction may be delivered for four (4) hours per week, one day per week, one day every other week, or in a “block” of time. However, it must be equivalent to 144 hours per year or more depending on the length of the apprenticeship term.

- a. If the apprenticeship is for 2 years or less, 144 hours of paid related instruction is required per year.
- b. If the apprenticeship is for more than 2 years, then the provision must be for no less than 400 hours during the term of apprenticeship.
- c. Many trades/professions whose term of apprenticeship is greater than 2 years require more than 400 hours of paid related instruction.

2. Apprentices’ Unpaid Related Instruction

Apprentices may be required to take additional instruction on their own time in excess of the number of paid hours required by the apprenticeship law. This requirement is generally outlined in the Special Provisions’ section of the Apprentice Contract.

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C. Overtime Exemption

Apprentices are paid “straight time” rate for paid school hours. An employer is not required to pay overtime (time and one-half) to apprentices while receiving paid related instruction, unless such requirements are contained in an applicable collective bargaining agreement.

There are several references in Wisconsin’s laws and rules that address the question of apprentices and overtime. WI Stat. 106.01 addresses overtime work in two sections. S. 106.01 (5) (d) states that the total number of hours of instruction and work for an apprentice shall not exceed 55 per week. S. 106.01 (7) addresses the apprentice’s rate of pay while working overtime. It requires that an apprentice’s overtime rate of pay shall be increased by the same percentage as the journeyworker’s rate for overtime. For example, if a journeyworker’s rate for overtime is time and one half or double time, then an apprentice’s rate must be the same. DWD 274.04 (6) also addresses the overtime issue and states that time spent in related instruction need not be counted as work time for the purpose of computing overtime, unless required by bargaining agreement. However, the question of good training must be addressed when allowing an apprentice to work overtime. The answers to the questions, “is good training being maintained” or “is the apprentices program being adversely affected”, should determine the extent the apprentice participates in overtime work.

D. Sources of Related Instruction

In Wisconsin, the primary source used for apprenticeship paid related instruction is the Wisconsin Technical College System (WTCS). However, other educational sources may be used after approval by the Bureau of Apprenticeship Standards (BAS).

The BAS will utilize the following guidelines in approving paid related instruction outside the technical college system:

1. Sponsor Owned Training Center

The Sponsor must provide advanced notice, as soon as possible, to the BAS but no later than 60 days in advance requesting instruction outside of the technical college system facilities. The training center must be available to all apprentices registered to the program sponsor.

a. Facilities

The site must maintain neutrality while classes are in session; no union or employer association activities at the training center. This includes an entrance separate from union and/or employer association offices and a lack of union or employer association materials in the training center.

The site must have adequate training facilities based on the number of apprentices attending related instruction at the site. Adequate facilities include classroom space, equipment, and lab availability.

The site must meet American Disabilities Act (ADA) requirements and provide proof of liability insurance.

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b. Apprenticeship Instruction

1. WTCS Provided Instructor at Sponsor-Owned Training Center

The instructor must have access to equipment and supplies provided by the training center.

It is expected that a Partnership Agreement will be prepared, agreed to and signed by the sponsor and technical college prior to the beginning of the related instruction. Included in the Agreement are record keeping responsibilities, lines of communication, user fees and any other items deemed necessary by both the sponsor and local technical college.

This Agreement will be reviewed by the BAS prior to implementation.

2. Related Instruction Independent of the WTCS

When a change in status occurs, notice must be given to the Bureau of Apprenticeship Standards and the local technical college district's Apprenticeship Coordinator by March 1 for the following school year.

The curriculum used in the training center must be approved by the Bureau of Apprenticeship Standards and the State Trade Advisory Committee, where appropriate, prior to beginning classroom instruction.

The instructors teaching related instruction must be certified or certifiable by the Wisconsin Technical Collage System's Certification Officer based on occupational background. If not certified by the WTCS, the Bureau will review for initial certifiability based on occupational experience.

The training center must make provisions for short term and long term record keeping. This includes attendance, grades, transcripts and other records needed for related instruction.

2. In House Training

In some cases, sponsors provide related instruction in-house, at their workplace. As in the case of sponsor owned training centers, the sponsor must receive approval from the BAS prior to beginning the instruction. The location must be inspected to insure the classroom facilities are adequate, the instructor is certified or certifiable by the WTCS's Certification Officer or the BAS and that appropriate related instruction records are maintained by the sponsor.

E. Format for Paid Related Instruction

1. There are several formats for providing paid related instruction to apprentices. The method is determined by the facility's advisory committee that will be the provider and is subject to the approval of the BAS. One Day Weekly Method: Apprentices receive paid related instruction in

Chapter IV. Policies and Procedures for Apprenticeship Related Instruction

the daytime for a specified number of hours, usually eight (8) or four (4) during a normal school year.

2. **One Day Biweekly Method:** Apprentices receive paid related instruction in the daytime for eight (8) hours during a normal school year.
3. **Block Method:** Apprentices receive paid related instruction in clusters of two days or more usually five (5). Classes are not necessarily held during the normal school year and one or more clusters may be scheduled per year.
4. **Isolated Method:** Method used to provide paid related instruction to apprentices where there are insufficient numbers to warrant the establishment of a class. Often involves a combination of other methods, including stacking of existing WTCS courses, when appropriate.
5. **Correspondence Method:** Apprentices receive their paid related instruction by mail and either is given work time to study or are paid to study at home.
6. In some instances, alternative delivery methods may be used to provide apprentice paid related instruction, when approved by the Bureau. Some examples are; distance learning, night time paid school, employer sponsored schools, vendor's schools, etc.

F. Curriculum Development, Maintenance, and Classroom Delivery

Each industry that employs apprentices has an obligation to be sure that the related instruction is technically current with occupation practices. Whenever possible an industry advisory committee will be created by the BAS and the school. These may include local construction committees. Currently, there are two types of curriculum in use for apprentices; sponsor owned and state owned. State owned curriculum in the Wisconsin Technical College System is designed around a performance-based model using the Worldwide Instructional Design System (WIDS) software. If the curriculum is owned by the sponsor, it is to be delivered as designed. Any changes, additions, or deletions must be approved by the sponsor and the BAS.

1. State-owned/WTCS Developed curriculum

Strictly speaking, curriculum is the broad based course of study, competencies or list of courses that make up an educational program. Just as state standards specify the work processes for a trade, WTCS statewide curriculum aims to specify program outcomes and core competencies that will be consistent regardless of location, instructor or type of program or sponsor. To promote currency, uniform training and statewide transferability, state trade advisory committees review curricula on either a regularly scheduled or as needed basis to ensure these objectives are met. Formal approval of all WTCS curricula and courses is the responsibility of the WTCS Education Director for Apprenticeship and is subject to review and approval by the Bureau of Apprenticeship Standards.

Chapter IV. Policies and Procedures for Apprenticeship Related Instruction

Apprenticeship related instruction focuses on the theoretical and knowledge based aspects of the trade with demonstration and lab work used to reinforce the theoretical learning. Facilities, institutional policies, and instructional contract language varies among the 16 colleges in the WTCS. Teaching and assessment techniques, classroom resources and learning plans may vary by instructor, as long as the instructional program outcomes and competencies are achieved. Clear communication is fostered through the active involvement of apprenticeship partners on local and state trade advisory committees.

2. Sponsor Owned (Proprietary) Curriculum

All apprenticeship curriculum is subject to review and approval by the Bureau of Apprenticeship Standards; including proprietary curricula. Where provided by direction of the State Advisory Committee or sole sponsor, proprietary curricula will be delivered in a manner consistent with its design and format. Any changes, additions, or deletions must be approved by the program sponsor prior to implementation. Instructors/Apprenticeship Coordinators must provide the program sponsor notice in writing, to the official mailing address, no later than thirty (30) days and prior to any recommended, suggested, or necessary changes to the apprenticeship curriculum. Areas of concern to be addressed would be class size, stacked classes, instructor change, classroom location change, classroom equipment change, curriculum and instructional methodology change.

All proprietary materials, including text and workbooks, handouts, and exams shall remain the property of the sponsor. Directions as to the disposition of these materials will be provided to the school by the sponsor. Every effort will be employed to comply with the wishes of the sponsor.

G. Related Instruction Records

The provider of related instruction must maintain registration, attendance, progress and grade records on each apprentice, as certified by the instructor in charge.

1. Each apprentice's record must be available to the BAS and the signatories of the apprentice's contract. The apprentice's signature authorizes the assigned provider of paid and unpaid related instruction to release progress, grades, and attendance reports to the department, sponsor, and employer while the contract is in effect.
2. The BAS, the employer of record, and/or the applicable area local apprenticeship committee must be provided timely reports on attendance, progress, and grades on each apprentice as requested. The technical college apprenticeship coordinator is responsible for providing information when issues occur.

The method of reporting may be mutually agreed on between the school and local committee and/or sponsor.

Chapter IV. Policies and Procedures for Apprenticeship Related Instruction

3. Records of related instruction must be kept five (5) years past the last action. An exception is the transcripts which must be kept indefinitely.

H. Related Instruction Credit Evaluation

The provider of related instruction is expected to cooperate with the sponsor on a timely basis, the Bureau and/or the local committee in evaluating credit requests for related instruction. The local technical college may charge a fee for this evaluation service. The following procedures are to be used to determine advanced standing for apprentices.

1. Paid Related Instruction

If the apprentice sponsor, either the local committee or a sole sponsor, is recommending advanced standing for paid related instruction, the Bureau of Apprenticeship Standards will contact the provider of related instruction for an assessment of the previous school experience. This assessment may be a comparison to the approved related instruction or may use a test for evaluation of the related schooling.

The provider of related instruction will notify the BAS once the assessment is completed. If advanced standing is recommended, BAS will apply the hours to the apprentice's contract. If the application of the credit advances the apprentice to a higher wage, then that wage must apply.

The BAS will notify the provider of related instruction, the apprentice sponsor, and the apprentice whether or not advanced standing is applied to the contract.

2. Unpaid Related Instruction

The apprentice and/or sponsor may also request credit for unpaid related instruction. However, in the case of unpaid related instruction, the sponsor may recommend credit to the BAS. The sponsor may also request assistance from the provider of related instruction to assess the related schooling.

The BAS will notify the provider of related instruction, the apprentice sponsor, and the apprentice whether or not credit is given for unpaid related instruction.

I. Completion of Apprenticeship

Apprentices cannot complete their apprenticeship without satisfactorily completing the approved related instruction program for their trade or occupation.

1. The local WTCS school or other related instruction school provides verification that an apprentice has satisfactorily completed the related instruction. All related instruction must be reported to BAS, both paid and unpaid. If the technical college does not provide the instruction, the sponsor is required to provide that information to BAS.
2. When the approved related instruction program contains a final level of achievement (as opposed to only hours of attendance) then the school's certification shall be made when the final level has been reached.

J. Attendance at Apprenticeship Paid Related Instruction Classes

Under certain circumstances, individuals who are not registered with BAS as apprentices may attend apprenticeship paid related instruction classes. Companies who employ these individuals must, at the time of school registration, submit a plan providing for on the job training which correlates with related classroom instruction and which is consistent with the objectives of the course. BAS will review the training program to determine if the program meets the co-requisite policy.

If the program meets the co-requisite policy, BAS will notify the technical college. The technical college then may proceed to enroll the individual as long as no apprentices are displaced.

If the program does not meet the co-requisite policy, BAS will notify the employer explaining why the program is deficient. The BAS will also notify the technical college of the disapproval. The letters of disapproval will include the reasons and indicate that, if the company wishes, he/she may appeal the decision to BAS.

Chapter IV. Policies and Procedures for Apprenticeship Related Instruction



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APPRENTICE AND EMPLOYMENT PROGRAMS 106.01

CHAPTER 106

APPRENTICE, EMPLOYMENT AND EQUAL RIGHTS PROGRAMS

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Cross Reference: See the definitions in s. 103.001.

SUBCHAPTER I

APPRENTICE PROGRAMS

Cross Reference: See also chs. DWD 295 and 296, Wis. adm. code.

106.001 Definitions. In this subchapter:

(1) "Apprentice" means any person who enters into an indenture with an employer or organization.

(2) "Indenture" means any contract or agreement of service, express or implied, whereby an apprentice is to receive from or through the apprentice's employer, in consideration for the apprentice's services in whole or in part, instruction in any trade, craft or business.

(3) "Organization" means an organization of employees, association of employers or other similar responsible agency in this state.

History: 1999 a. 83.

106.01 Apprenticeship indentures. (2) Every indenture shall be in writing and shall be executed in triplicate. One of the triplicate originals shall be delivered to the apprentice, one shall be retained by the employer and one shall be filed with the department at Madison.

(3) Except as provided in ss. 106.02, 106.025 and 106.03, any minor 16 years of age or over or any adult may, by the execution of an indenture, bind himself or herself as provided in this section for a term of service of not less than one year.

(4) Every indenture shall be signed by the apprentice and the employer. If the apprentice has not reached 18 years of age, the indenture shall be signed also by one of the apprentice's parents. If both parents are dead or legally incapable of giving consent, the indenture shall be signed by the guardian of the minor or, if there is no guardian, by a deputy of the department.

(5) Every indenture shall contain:

(a) The names of the parties.

(b) The date of birth of the apprentice.

(c) A statement of the trade, craft or business that the apprentice is to be taught, and the time at which the apprenticeship will 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 2 years of an apprenticeship, the apprentice's period of instruction shall be not less than 4 hours per week or the equivalent. If the apprenticeship is for a longer period than 2 years, the total hours of instruction shall be not less than 400 hours. The total

number of hours of instruction and work shall not exceed 55 per week, except that nothing in this paragraph shall be construed to forbid overtime work as provided in sub. (7).

(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 the apprentice's indenture, stating the terms of indenture.

(5) (a) The proper persons described in sub. (4) may enter into an indenture with any employer or organization.

(am) 1. Upon entering into an indenture, an organization shall, with the written consent of the other parties to the indenture, and the written acceptance of the indenture by the proposed employer, assign the indenture to the proposed employer, and the proposed employer and the apprentice named in the indenture shall be bound by the terms of the indenture.

2. The consent and acceptance described in subd. 1. shall be executed in triplicate. One of the triplicate original consents and acceptances shall be delivered to the department, one to the employer and one to the apprentice, and in each case shall be attached to the proper indenture. The approval of the department is required in each transaction. An organization that enters into an indenture under par. (a) 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 that has entered into an indenture may, with the approval of the department and the written consent of the other parties to the indenture, assign the indenture to any organization in this state. The period of time in which the organization is the assignee shall not be credited as time served by the apprentice. After the assignment, the organization shall, with the approval of the department and the written consent of the apprentice, reassign the indenture to an employer, but the apprentice shall not be bound by the assignment unless the assignee employer accepts, by signed instruments, the terms of the indenture and agrees to perform the unperformed obligations of the indenture. The consent and acceptance shall be executed in triplicate. One of the triplicate original consents and acceptances shall be delivered to the department, one to the assignee employer and one to the apprentice, and in each case shall be attached to the proper indenture. Upon acceptance of the indenture, the assignee employer shall for all purposes be considered a party to the indenture.

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106.01 APPRENTICE AND EMPLOYMENT PROGRAMS

(c) Any employer that has entered into an indenture may, with the written consent, executed in triplicate, of the other parties to the indenture and the approval of the department, assign the indenture to another employer whose written acceptance shall be executed upon the instrument of consent. One of the triplicate original consents and acceptances shall be delivered to the apprentice, one to the assignee employer and one to the department, and shall in each case be attached to the indenture in each party's possession. After assignment, the assignee employer shall perform the unperformed obligations of the indenture. The department shall continue to have jurisdiction over an indenture assigned under this paragraph and the parties bound after the assignment.

(5j) The department may on its own motion, or on the complaint of any person, after due notice and a hearing, make findings and issue orders declaring any indenture at an end if it is proved at the hearing that any apprentice, employer or organization that is a party to the indenture is unable to continue with the obligations under the indenture or has breached the indenture. Upon the termination of the indenture, the released apprentice shall be free to enter into a new indenture under any terms and conditions approved by the department that are not inconsistent with this section.

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

(6) An employer shall pay for the time an apprentice is receiving related instruction for no fewer hours than specified in sub. (5) (d) at the same rate per hour as for services. This subsection does not prohibit an agreement between the parties requiring the apprentice to take additional instruction on the apprentice's own time in excess of the number of hours required by statute. Attendance at school shall be certified by the teacher in charge.

(7) An apprentice may be allowed to work overtime. All time in excess of the hours of labor as limited to the particular craft, industry, or business and as to the particular employer, shall be considered overtime. For overtime the apprentice's rate of pay shall be increased by the same percentage as the journeyman's rate for overtime is increased in the same industry or establishment.

(8) If either party to an indenture fails to perform any of the stipulations of the indenture, the nonperforming party shall forfeit not less than one dollar nor more than \$100, which is to be collected on complaint of the department, and paid into the state treasury. Any indenture may be annulled by the department upon application of either party and good cause shown.

(9) The department may investigate, fix reasonable classifications, issue rules and general or special orders and, hold hearings, make findings and render orders upon its findings as shall be necessary to carry out the intent and purposes of this section. The investigations, classifications, hearings, findings and orders shall be made as provided in s. 103.005. Except as provided in sub. (8), the penalties specified in s. 103.005 (12) apply to violations of this section. Orders issued under this subsection are subject to review under ch. 227.

(10) It shall be the duty of all school officers and public school teachers to cooperate with the department and employers of apprentices to furnish, in a public school or any school supported in whole or in part by public moneys, any instruction that may be required to be given apprentices.

History: 1971 c. 228 s. 43; 1977 c. 29 s. 1651; 1977 c. 273; 1993 a. 492; 1995 a. 27; 1999 a. 83; 2001 a. 16; 2003 a. 33.

The department was a necessary party to an action by a city employee for an allegedly discriminatory annulment of his apprentice indenture. *Tillman v. City of Milwaukee*, 715 F.2d 354 (1983).

106.02 Carpenters' apprentices. Every person, regardless of age, commencing a carpentry apprenticeship, shall enter into an indenture under and be subject to s. 106.01, except that if the apprentice is 18 years or more of age the apprentice's signature only shall be necessary to bind the apprentice. A carpentry apprenticeship shall be for a period of 4 years, except that the

department may upon the application of the apprentice or the employer, or both, extend that term for up to one additional year.

History: 1971 c. 213 s. 5; 1993 a. 492; 1999 a. 83.

106.025 Plumber apprenticeships. (1) The department may prescribe the conditions under which a person may serve a plumbing apprenticeship, as to preliminary and technical college attendance requirements, and the credit for school attendance in serving the apprenticeship.

(2) Every person commencing a plumbing apprenticeship shall enter into an indenture under s. 106.01. The term of a plumbing apprentice is 5 years, but the department may upon application of the apprentice, the apprentice's employer or both extend the term for up to one additional year.

(3) After the expiration of an apprenticeship term, no apprentice may engage in the business of plumbing either as an apprentice or as a journeyman plumber unless the apprentice secures a journeyman plumber's license. In case of failure to pass the examination for the license, he or she may continue to serve as an apprentice but not beyond the time for reexamination for a journeyman plumber's license, as prescribed by the rules of the department.

(4) In order that the apprentice may qualify at the end of apprenticeship as a skilled mechanic in the art of installing plumbing work, the department may prescribe the level of supervision of an apprentice and the character of plumbing work that the apprentice may do during the 3rd year of the apprenticeship term. An apprentice in the 4th or 5th year of the apprenticeship term may install plumbing under the direction or supervision of a master or journeyman plumber without either the master or journeyman being physically present, provided that the master plumber in charge shall be responsible for the work.

History: 1971 c. 40; 1971 c. 154 s. 79 (2); 1979 c. 221; 1981 c. 60; 1993 a. 399; 1995 a. 286 ss. 1, 2; Stats. 1995 s. 106.025; 1999 a. 83.

106.03 Real estate apprenticeships excluded. This chapter shall not apply to apprenticeships under ch. 452.

SUBCHAPTER II

EMPLOYMENT PROGRAMS

106.09 Public employment offices. (1) The department shall establish and conduct free employment agencies, license and supervise the work of private employment offices, do all in its power to bring together employers seeking employees and working people seeking employment, make known the opportunities for self-employment in this state, aid in procuring employment for the blind adults of the state, aid in inducing minors to undertake promising skilled employments, provide industrial or agricultural training for vagrants and other persons unsuited for ordinary employments, and encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in this state and the remedies therefor in this and other countries, and it shall devise and adopt the most efficient means within its power to avoid unemployment, to provide employment, and to prevent distress from involuntary idleness.

(2) Any county, city, town or village may enter into an agreement with the department for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and it shall be lawful for any county, city, town or village to appropriate and expend the necessary money and to permit the use of public property for the joint establishment and maintenance of such offices as may be agreed upon, or in counties containing 250,000 inhabitants or more in any city, town or village therein to purchase a site and construct necessary buildings. Provided, that in any county, city, village or town therein, wherein there is a citizens' committee on unemployment, such committee may rent, lease, purchase or construct necessary

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