

1 HB570
2 200562-2
3 By Representative Collins
4 RFD: Education Policy
5 First Read: 07-MAY-19

1
2 ENROLLED, An Act,

3 Relating to apprenticeships; to provide that an
4 individual who completes an apprenticeship may be granted an
5 occupational license in that trade if the individual also
6 meets other requirements, including completion of any required
7 examination with a passing score; to provide that if a
8 licensing authority requires an examination for a license, the
9 authority may not impose higher testing standards upon that
10 individual than it does for any other applicant; and to amend
11 Sections 25-8-33, 25-8-35, and 25-8-43, Code of Alabama 1975,
12 to allow in-school youth apprentices to work in certain
13 occupations under certain conditions.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act may be known and shall be cited
16 as the Eliminating Legal Barriers to Apprenticeships (ELBA)
17 Act.

18 Section 2. As used in this act, the following terms
19 shall have the following meanings:

20 (1) APPRENTICE. A worker at least 14 years of age,
21 except where a higher minimum age standard is otherwise fixed
22 by law, who is employed to learn an apprenticeable occupation.

23 (2) APPRENTICEABLE OCCUPATION. As defined in 29
24 C.F.R. §29.4.

1 (3) APPRENTICESHIP AGREEMENT. A written agreement
 2 between an apprentice and either the apprentice's program
 3 sponsor or an apprenticeship committee acting as agent for the
 4 program sponsor, which contains the terms and conditions of
 5 the employment and training of the apprentice in conformance
 6 with 29 C.F.R. §29.4. and Section 40-18-421, Code of Alabama
 7 1975.

8 (4) APPRENTICESHIP PROGRAM. A plan containing all
 9 terms and conditions for the qualification, recruitment,
 10 selection, employment, and training of apprentices, as
 11 required under the federal guidelines in CFR Title 29,
 12 Subtitle A, Parts 29 and 30, 29 U.S.C. §50, and the rules and
 13 regulations adopted by the Alabama Office of Apprenticeship.

14 (5) CERTIFICATION or CERTIFICATE. The written
 15 approval by the Alabama Office of Apprenticeship of a set of
 16 apprenticeship standards, of an individual for employment as
 17 an apprentice or probationary apprentice in a registered
 18 apprenticeship program, or of an individual who has
 19 successfully met the requirements to receive an interim
 20 credential.

21 (6) DIRECTOR. The Director of the Alabama Office of
 22 Apprenticeship.

23 (7) ELIGIBLE EMPLOYER. As defined in Section
 24 40-18-421, Code of Alabama 1975.

1 (8) EMPLOYER. An individual or organization
2 employing an apprentice whether or not the individual or
3 organization is a party to an apprenticeship agreement with
4 the apprentice.

5 (9) FISCAL YEAR. An annually recurring period of
6 time that begins on October 1 and concludes on September 30.

7 (10) LICENSING AUTHORITY. An agency, board,
8 commission, or other office with the authority to require
9 occupational fees or issue licensing requirements for practice
10 of an apprenticeable occupation.

11 (11) WORK-BASED LEARNING. Sustained interactions
12 with industry or community professionals in real workplace
13 settings, to the extent practicable, or simulated environments
14 at an educational institution that foster in-depth, first-hand
15 engagement with the tasks required of a given career field,
16 that are aligned to curriculum and instruction.

17 Section 3. (a) A licensing authority shall grant an
18 occupational license to any applicant who meets all of the
19 following requirements:

20 (1) Has successfully completed the 8th grade.

21 (2) Has successfully completed an apprenticeship
22 subject to a valid apprenticeship agreement and under the
23 supervision of an eligible employer.

24 (3) Has made a passing score on any examination
25 deemed to be necessary for licensing by a licensing authority.

1 (4) Is otherwise eligible to receive a license.

2 (b) (1) A licensing authority may not set a higher
3 required minimum passing score for applicants who satisfy the
4 requirements of subsection (a) than that which is required for
5 any other test taker.

6 (2) If a licensing authority does not require an
7 examination, no examination may be required for applicants who
8 complete an apprenticeship.

9 (c) The term of the apprenticeship shall comport
10 with program standards for apprenticeships as outlined in 29
11 C.F.R. §29.5.

12 (d) Licensing authorities shall adopt necessary
13 rules for the implementation and administration of this
14 section.

15 Section 4. Sections 25-8-33, 25-8-35, and 25-8-43,
16 Code of Alabama 1975, are amended to read as follows:

17 "§25-8-33.

18 "(a) No ~~person~~ individual under 16 years of age
19 shall be employed, except in agricultural service, and except
20 as otherwise provided in this chapter. Any ~~person~~ individual
21 14 or 15 years of age may be employed outside school hours and
22 during school vacation periods, so long as the ~~person~~
23 individual is not employed in, about, or in connection with,
24 any manufacturing or mechanical establishment, cannery, mill,
25 workshop, warehouse, or machine shop or in any occupation or

1 place of employment otherwise prohibited by law. The presence
2 of any ~~person~~ individual under 18 years of age in any
3 restricted business establishment or restricted occupation
4 shall be prima facie evidence of his or her employment ~~therein~~
5 in the business establishment or occupation.

6 "(b) (1) This section does not apply to an individual
7 14 years of age or 15 years of age when both of the following
8 are true:

9 "a. The individual is enrolled in either of a youth
10 pre-apprenticeship program, youth industry-registry
11 apprenticeship program, or similar program in which employment
12 and work-based learning are an integral part of the course of
13 study.

14 "b. The program the individual is enrolled in is
15 registered by the Alabama Office of Apprenticeship.

16 "(2) This section does not apply to employment
17 procured by an individual 14 years of age or 15 years of age
18 when the employment is supervised through the Alabama
19 Department of Education and approved by the Alabama Department
20 of Labor.

21 "§25-8-35.

22 "(a) No ~~person~~ individual under 16 years of age
23 shall be employed, permitted, or suffered to work at any of
24 the following occupations, positions, or places:

1 "(1) Operating or assisting in operating any
2 sandpaper or wood polishing machinery, any washing, grinding,
3 or mixing machinery, or commercial laundry equipment.

4 "(2) Operating or assisting in operating any
5 machines used in picking wool, cotton, hair, or any other
6 material.

7 "(3) In any work in or about a rolling mill, machine
8 shop, or manufacturing establishment which is hazardous or
9 dangerous to health, limb, or life.

10 "(4) In proximity to any hazardous or unguarded
11 gearing.

12 "(5) Upon any vessel or boat engaged in navigation
13 or commerce within the jurisdiction of this state.

14 "(6) In the manufacture or packing of paints,
15 colors, or white or red lead.

16 "(7) In occupations causing dust in injurious
17 quantities.

18 "(8) In soldering, brazing, heat treating, or
19 welding.

20 "(9) In the building trades, except that ~~persons~~
21 individuals 14 or 15 years of age who are members of the
22 immediate family of the contractor may be employed in trades
23 involving nonhazardous duties or occupations.

1 "(10) Repairing, painting, or cleaning buildings or
2 structures while working at the top of ladders, lifts, or
3 scaffolds exceeding a height of six feet.

4 "(11) In connection with a junk or scrap metal yard.

5 "(12) Assorting, manufacturing, or packing tobacco.

6 "(13) Operating any automobile, truck, or motor
7 vehicle, or flagging or directing traffic.

8 "(14) In airport hangars or landing strips or taxi
9 and maintenance aprons.

10 "(15) In connection with any lumberyard.

11 "(16) In any place or occupation which the
12 department declares dangerous to life or limb or injurious to
13 the health or morals of ~~persons~~ individuals under 16 years of
14 age.

15 "(17) Selling of fireworks, unless under the direct
16 supervision of an individual at least 18 years of age.

17 "(b) (1) This section does not apply to an individual
18 14 years of age or 15 years of age when both of the following
19 are true:

20 "a. The individual is enrolled in either of a youth
21 pre-apprenticeship program, youth industry-registry
22 apprenticeship program, or similar program in which employment
23 and work-based learning are an integral part of the course of
24 study.

1 "b. The program the individual is enrolled in is
2 registered by the Alabama Office of Apprenticeship.

3 "(2) This section does not apply to employment
4 procured by an individual 14 years of age or 15 years of age
5 when the employment is supervised through the Alabama
6 Department of Education and approved by the Alabama Department
7 of Labor.

8 "§25-8-43.

9 "(a) No ~~person~~ individual under 18 years of age
10 shall be employed or permitted or suffered to work at any of
11 the following occupations, positions, or places:

12 "(1) In or about or in connection with any mine,
13 coke breaker, coke oven, or quarry in any capacity.

14 "(2) In wrecking, demolition, and shipbreaking.

15 "(3) In any tunnel or excavation with a depth of
16 four feet or more.

17 "(4) In any roofing, scaffolding, or sandblasting
18 operations.

19 "(5) Operating or driving any truck or heavy
20 equipment over three tons gross weight.

21 "(6) In logging or around any sawmill, lath mill,
22 shingle, or cooperage-stock mill.

23 "(7) Operating any power-driven woodworking, bakery,
24 or paper-products machinery.

1 "(8) Upon any steam, electric, diesel, hydraulic, or
2 other railroad.

3 "(9) As firefighters.

4 "(10) Operating any stamping machines used in sheet
5 metal or tin ware, or in paper or leather manufacturing, or
6 washer or nut factories.

7 "(11) In or around any steam boiler or rolling mill
8 machinery.

9 "(12) Operating any power-driven metal forming,
10 cutting, straightening, drawing, punching, or shearing
11 machines.

12 "(13) Operating or assisting in operating any
13 elevators, open-freight elevators, cranes, derricks, or other
14 power-driven hoisting apparatus, with the exception of an
15 unattended automatic passenger elevator.

16 "(14) Operating any paper cutting, stapling,
17 corrugating, or punching machines.

18 "(15) Assembling, adjusting, cleaning, oiling, or
19 servicing machinery in motion.

20 "(16) Operating any circular saws, band saws, or
21 guillotine shears.

22 "(17) In or around any distillery where alcoholic
23 beverages are manufactured, bottled, wrapped, or packed.

24 "(18) In the manufacture, storage, or transportation
25 of explosive components.

1 "(19) In the manufacturing of brick, tile, or
2 similar products.

3 "(20) In the manufacture or transportation of
4 dangerous or toxic chemicals or compounds.

5 "(21) In, about, or in connection with, poisonous
6 dyes, dangerous or poisonous gases, compositions of lye in
7 dangerous quantities, dangerous or poisonous acids, or
8 pesticides.

9 "(22) In any activity involving exposure to
10 radioactive substances or ionizing radiation.

11 "(23) Around asbestos or any other cancer-causing
12 agents.

13 "(24) Operating or assisting in operating any job,
14 cylinder, or offset printing presses.

15 "(25) In any activity involving slaughtering,
16 butchering, and meat cutting.

17 "(26) In any place or occupation which the
18 department may declare dangerous to life or limb or injurious
19 to the health or morals of ~~persons~~ individuals under 18 years
20 of age.

21 "(b) This section shall not apply to ~~persons~~
22 individuals 16 or 17 years of age enrolled in work-study,
23 student-learner, cooperative education, youth registered
24 apprentice programs, youth industry registry apprenticeship
25 programs, or similar programs in which ~~the~~ employment ~~is~~ and

1 work-based learning are an integral part of the course of
2 study and ~~is~~ are registered by the ~~Bureau of Apprenticeship~~
3 ~~and Training of the United States Department of Labor~~ Alabama
4 Office of Apprenticeship or to employment procured and
5 supervised through the Alabama Department of Education and
6 approved by the Alabama Department of Labor."

7 Section 5. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-MAY-19.

Jeff Woodard
Clerk

Senate

30-MAY-19

Passed