SB358
199615-1
By Senators Scofield and Livingston
RFD: Education Policy
First Read: 30-APR-19
SYNOPSIS: This bill would provide that a person who completes an apprenticeship may be granted an occupational license in that trade if the person also meets other requirements, including completion of any required examination with a passing score, and provides that if a licensing authority requires an examination for a license, the authority may not impose higher testing standards upon that person than it does for any other applicant.

This bill also provides incentives for employers to hire in-school youth apprentices by allowing children from 14 years of age through 17 years of age to participate in apprenticeship programs certified by the Alabama Office of Apprenticeship.
Relating to apprenticeships; to provide that a person who completes an apprenticeship may be granted an occupational license in that trade if the person also meets other requirements, including completion of any required examination with a passing score; to provide that if a licensing authority requires an examination for a license, the authority may not impose higher testing standards upon that person than it does for any other applicant; and to amend Sections 25-8-33, 25-8-35, and 25-8-43, Code of Alabama 1975, to allow in-school youth apprentices to work in certain occupations under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

(3) APPRENTICESHIP AGREEMENT. A written agreement between an apprentice and either the apprentice's program sponsor or an apprenticeship committee acting as agent for the program sponsor, which contains the terms and conditions of the employment and training of the apprentice in conformance

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

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

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


(8) EMPLOYER. A person or organization employing an apprentice whether or not the person or organization is a party to an apprenticeship agreement with the apprentice.

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

(10) LICENSING AUTHORITY. An agency, board, commission, or other office with the authority to require
(11) WORK-BASED LEARNING. Sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, first-hand engagement with the tasks required of a given career field, that are aligned to curriculum and instruction.

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

(1) Has successfully completed the 8th grade.

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

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

(4) Is otherwise eligible to receive a license.

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

(2) If a licensing authority does not require an examination, no examination may be required for applicants who complete an apprenticeship.
(c) The term of the apprenticeship shall comport with program standards for apprenticeships as outlined in 29 C.F.R. §29.5.

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

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

"§25-8-33.

"(a) No person under 16 years of age shall be employed, except in agricultural service, and except as otherwise provided in this chapter. Any person 14 or 15 years of age may be employed outside school hours and during school vacation periods, so long as the person is not employed in, about, or in connection with, any manufacturing or mechanical establishment, cannery, mill, workshop, warehouse, or machine shop or in any occupation or place of employment otherwise prohibited by law. The presence of any person under 18 years of age in any restricted business establishment or restricted occupation shall be prima facie evidence of his or her employment therein in the business establishment or occupation.

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

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

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

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

§25-8-35.

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

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

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

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

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

"(5) Upon any vessel or boat engaged in navigation
or commerce within the jurisdiction of this state.
"(6) In the manufacture or packing of paints, colors, or white or red lead.

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

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

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

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

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

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

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

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

"(15) In connection with any lumberyard.

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

"(17) Selling of fireworks, unless under the direct supervision of an individual at least 18 years of age.
"(b)(1) This section does not apply to an individual 14 years of age or 15 years of age when both of the following are true:

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

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

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

"§25-8-43.

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

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

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

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

"(4) In any roofing, scaffolding, or sandblasting operations.
(5) Operating or driving any truck or heavy equipment over three tons gross weight.

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

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

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

(9) As firefighters.

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

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

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

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

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

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

(16) Operating any circular saws, band saws, or guillotine shears.
"(17) In or around any distillery where alcoholic beverages are manufactured, bottled, wrapped, or packed.

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

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

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

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

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

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

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

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

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

"(b) This section shall not apply to persons 16 or 17 years of age enrolled in work-study, student-learner, cooperative education, youth registered apprentice programs, youth industry registry apprenticeship programs, or similar
programs in which the employment is and work-based learning are an integral part of the course of study and is are registered by the Bureau of Apprenticeship and Training of the United States Department of Labor Alabama Office of Apprenticeship or to employment procured and supervised through the Alabama Department of Education and approved by the Alabama Department of Labor."

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