

ARKANSAS REGISTER

Transmittal Sheet

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Career Education

Department Office of Skills Development/Apprenticeship

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Statutory Authority for Promulgating Rules A.C.A. 25-30-102

Rule Title: Rules and Regulations for Plumbing Apprenticeship Programs

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

09/21/2017

10/20/2017

01/16/2018

11/14/2017

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

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01/17/2018

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

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Phone Number

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Director

Title

01/17/2018

Date

RULES AND REGULATIONS

FOR

PLUMBING APPRENTICESHIP PROGRAMS

Pursuant to ACT 412 of 1991 & ACT 140 of 2015 & ACT 971 of 2017

September 15, 2017

RULES AND REGULATIONS

FOR

PLUMBING APPRENTICESHIP PROGRAMS

Pursuant to Act 412 of 1991 & ACT 140 of 2015 & ACT 971 of 2017

SECTION I. AUTHORITY

The following regulations are duly adopted and promulgated by the Career Education and Workforce Development Board pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 200 of 1951 as amended, Act 96 of 1913 as amended, and Act 412 of 1991 as amended. The Arkansas Department of Career Education may exercise such powers as are reasonably necessary to carry out the provisions of Act 200 of 1951 as amended Act 96 of 1913 as amended, Act 768 of 1987, Act 412 of 1991 and ACT 140 of 2015 and ACT 971 of 2017 as amended.

SECTION II. PURPOSE

The purpose of these rules and regulations is to transfer the authority of the apprentice plumber program from the Arkansas Department of Health to the Arkansas Department of Career Education. The content of these rules and regulations are basically the same as those rules and regulations pursuant to Act 768 of 1987.

SECTION III DEFINITIONS

- (a) The Board means the Career Education and Workforce Development Board.
- (b) The Department means the Arkansas Department of Career Education.
- (c) Arkansas State Committee of Plumbing Examiners means people designated by the Board of Health to determine the eligibility of applications for various types of plumbing and gas licenses in accordance with Act 200 of 1951 as amended.
- (d) Employer means any master plumber representing himself or a company that performs plumbing work in the state of Arkansas.
- (e) Apprentice plumber means a person other than a master or journeyman plumber as provided in these regulations of apprenticeship at least sixteen (16) years of age and covered by the required apprenticeship agreements.
- (f) Apprenticeship agreement means a written agreement as provided by USDOL/OA and the Department of Health/Plumbing and Natural Gas section signed by the apprentice and (if the apprentice is a minor) the parent or guardian, the local apprenticeship committee and the participating company.
- (g) USDOL/OA means the United States Department of Labor, Office of Apprenticeship.
- (h) State Plumbing Apprenticeship Committee means people designated by the Board to assist in carrying out the provisions of Act 412 of 1991 as amended.
- (i) Local apprenticeship committee means a group composed of master and/or journeyman plumbers who are licensed as prescribed by law to carry out the provision of Act 412 of 1991 as amended.

- (j) Master plumber means any person licensed as prescribed by law skilled in the planning, superintending, and the practical installation of plumbing, and who is familiar with Act 412 Of 1991 and Act 200 of 1951 as amended.
- (k) Journeyman plumber means any person licensed as prescribed by law, other than a master or apprentice plumber, who is engaged in the practical installation of plumbing.
- (l) Local plumbing inspector means the individual authorized by the Department of Health to enforce the provisions of Act 200 of 1951 as amended and Act 412 of 1991 as amended.
- (m) Laborer means any person engaged in trenching, transporting supplies, demolition, etc., whose primary function is physical in nature.
- (n) Credit time means previous out of state work experience under the supervision of a master plumber in the plumbing trade equivalent to the educational requirements set forth by these regulations or in-state work after 1984 while registered with the Department of Health and USDOL/OA as required by Act 412 Of 1991 as amended.
- (o) Final year of apprenticeship" means when an apprentice plumber has obtained four hundred eighty (480) hours or more of classroom instruction and completed six thousand (6,000) or more hours of on-the-job work in an approved United States Department of Labor apprenticeship program.

SECTION IV. QUALIFICATIONS

The Local Apprenticeship Committee must adhere to their USDOL/OA Standards of Apprenticeship in the selection of apprentices.

SECTION V. APPLICATIONS AND TERMS OF APPRENTICESHIP REGISTRATION

- (A) No person shall engage in work as an apprentice plumber as defined in Act 412 of 1991 as amended unless first registered to do so by the Department of Health, Plumbing and Natural Gas Section and USDOL/OA.
- (b) Information for apprentice plumber registration shall be on an application form supplied by the Department of Health and the application form shall be filled out completely before consideration by the local apprenticeship committee.
- (c) To establish a record of apprenticeship, every apprentice plumber shall within thirty (30) days after employment be registered with the local apprenticeship committee, the Department of Health, and USDOL/OA. It is the responsibility of the master plumber to require apprentices to register with the local apprenticeship committee. The Arkansas State Committee of Plumbing Examiners may take action against a master plumber for working an apprentice for over thirty (30) days without being so registered. In the absence of an established local apprenticeship committee, an apprentice shall register directly with the State Plumbing Apprenticeship Committee, USDOL/OA, and the Department of Health.
- (d) All holders of an apprentice license issued under the provisions of this regulation may apply for renewal annually within thirty (30) days after the expiration date of the license. The Department of Health may not renew a license after the thirty (30) day period providing there is sufficient reason for not renewing such license in the time specified and upon payment of penalties as prescribed by regulations.
- (e) **EXPERIENCE CREDIT:** The applicant must submit a request for experience credit within a sixty

(60) day period of time from the date of application, furnish **notarized** records, affidavits, or bona fide evidence as may be required to substantiate the requested time. Please show all work experience present and past that you wish considered for work experience credit. The work experience must have a start date and end date (to present if current job) so work experience time can be calculated. The description of work experience should be sufficiently detailed to provide a clear understanding of work being performed. This time shall be evaluated by the local apprenticeship committee, if in existence, and approved by the State Plumbing Apprenticeship Committee. In the absence of the local committee, credit time shall be evaluated and may be granted by the State Plumbing Apprenticeship Committee. The applicant may be required to take an examination to determine credit time requested. Experience credit will only be granted for documented out of state work, for in state work while duly registered as required by these rules and regulations, or work done prior to 1984. Experience credit, when approved will be granted for both classroom and on the job hours.

- (f) The term of apprenticeship shall be a minimum of four (4) years or equal consisting of eight (8) periods of one-thousand (1,000) hours of practical work experience and eight (8) periods of 80 hours each running concurrently of related classroom instruction in technical and supplemental subjects related to the trade or as approved by USDOL/OA. When an apprentice successfully completes the required term of apprenticeship, he/she will be eligible to take the state journeyman plumbers examination as administered by the Arkansas Department of Health / Plumbing and Natural Gas Section. The Arkansas Department of Health / Plumbing and Natural Gas Section will notify the State Apprenticeship Office of the test results (pass/fail). The apprentice must pass the state examination before being released from their indenture agreement by the local committee. If the apprentice does not pass the exam by January 1, the apprentice must report to the school to receive license renewal and may be charged a fee from the school.

SECTION VI. RATIO OF APPRENTICES TO MASTER AND JOURNEYMAN

The following maximum ratio amount of master and journeyman plumbers to apprentice plumbers shall be allowed on each and every job. One (1) master plumber or journeyman plumber may supervise up to three (3) apprentice plumbers on a single plumbing job. Apprentices will be under the supervision of a master or journeyman licensed plumber at all times. Compliance with the U S Department of Labor Office of Apprenticeship registered Standards of Apprenticeship must be followed.

SECTION VII. SUPERVISION OF APPRENTICES

- (a) The supervising master or journeyman plumber shall remain within reasonable proximity of the apprentice plumber while work is being done.
- (b) The proximity of the supervising plumber to the apprentice plumber is reasonable if:
- The job site is a single family residence or a project that does not require a contractor's license, and the supervising plumber is within sight of the apprentice plumber, or at the same street address, adjacent to or adjoining street address, or same geographical subdivision at which the apprentice plumber is working.
 - The job site is not a single family residence, requiring a contractor's license, and the supervising plumber is within the line of sight of the apprentice plumber or the supervising plumber is within two hundred fifty (250) yards of the apprentice plumber or the supervising plumber and apprentice plumber are within the property boundaries of the job site.

- An apprentice plumber who is in his or her final year of an apprenticeship may engage in plumbing without the direct supervision of a master plumber or journeyman plumber if he or she is working under the indirect supervision of a master plumber or journeyman plumber.
- As used in this section, "indirect supervision" means that an apprentice plumber is able to contact a master plumber or journeyman plumber for direction or advice, but the master plumber or journeyman plumber does not have to meet the reasonable proximity requirements under subdivision and of this section.
- An apprentice plumber who is in his or her final year of apprenticeship may contact a master plumber or journeyman plumber in person or by telephone call, text message, electronic mail, or other similar form of communication.
- An apprentice plumber who is in his or her final year of apprenticeship shall possess and be capable of providing to an inspector a valid and unexpired identification card issued by the local apprenticeship committee that indicates the apprentice is in his or her final year of apprenticeship.

(c) Compliance with the U S Department of Labor Office of Apprenticeship registered Standards of Apprenticeship must be followed.

SECTION VIII. PROBATIONARY PERIOD

Apprentices shall be subject to a probationary period not to exceed one thousand practical work experience hours (one period). During this probationary period, the local apprenticeship committee or employer may request annulment of the apprenticeship without the formality of a hearing. Credit time will be granted for time served under the probationary period.

SECTION IX HOURS OF WORK AND CONDITIONS AND SAFETY

The hours of work and working conditions for apprentices shall be the same as for journeyman. The employer shall instruct the apprentice in safe and healthful work practices and shall insure that the apprentice is trained in facilities and other environments that are in compliance with either and occupational safety and health standards promulgates by the Secretary of Labor under Public Law 91-596, dated December 29, 1970, or state standards that have been found to be equal or exceeding the federal standards.

SECTION X. RELATED CLASSROOM INSTRUCTION

The apprentice shall enroll and attend classes in related subjects at a school or other shop training facility approved by the State Apprenticeship Office for not less than 160 hours or as approved by USDOL/OA per year. The apprentices shall also take advantage of provided instruction in recognized apprentice classes during periods of temporary unemployment. School attendance in all cases shall be obligatory; failure to attend these classes in related instruction may cause the apprentice to be disciplined or his apprenticeship agreement annulled. Apprentices are to attend school on their own time, and such school attendance shall not be considered as hours worked. The local apprenticeship committee shall not recognize any apprentice with whom they have not signed an apprenticeship agreement or who is not registered with the Department of Health and USDOL/OA.

SECTION XI. CONTINUITY OF EMPLOYMENT

- (a) The master plumber who sponsors the apprentice, is obligated to actually employ the apprentice, and shall use every effort to keep the apprentice employed in a reasonably continuous manner and adequately instructed on the job.
- (b) It shall be the duty of the master plumber who is responsible for the registration of an apprentice to notify in writing the local apprenticeship committee when an apprentice is no longer employed.

SECTION XII. APPRENTICESHIP AGREEMENT

The apprentice, and if a minor, parent or guardian, shall be required to sign an apprenticeship agreement with the Department of Health and USDOL/OA.

SECTION XIII. PROCEDURES FOR DISCIPLINARY ACTION

- (a) An apprentice shall make every effort to complete training in accordance with the standards and policies established by this regulation. An apprentice who is absent from related instruction class sessions, unless officially excused, shall satisfactorily complete all classroom work missed before being advanced to the next period of training. In case of failure of an apprentice to fulfill the obligation regarding classroom or on the job training without due cause, the local apprenticeship committee shall take the necessary disciplinary action to ensure that the obligation is met.
- (b) The local apprenticeship committee may cancel the apprenticeship agreement, and remove for cause an apprentice from the training program at any time for failure to comply with the apprenticeship agreement, or with registered standards.
- (c) Before invoking any disciplinary action, the local apprenticeship committee must notify an apprentice by certified mail to appear before the local apprenticeship committee. If an apprentice fails to appear before the local apprenticeship committee after due notice, disciplinary action may be invoked in accordance with the Local Apprenticeship standards. In the absence of a local apprenticeship committee, the State Plumbing Apprenticeship Committee shall function in their stead.
- (d) The State Plumbing Apprenticeship Committee serves as the appeal board for the local apprenticeship committee and on training standards interpretations. Any person or firm may appeal directly to the State Plumbing Apprenticeship Committee for review.

SECTION XIV. SCHEDULE OF WORK EXPERIENCE

- (a) The following schedule of work experience is set forth in approximate hours. The work experience need not be in the precise order listed nor need the hours be continuous in any experience category.
- (b) All work done by apprentices as prescribed training shall conform in every respect with the requirements of the state and local plumbing codes.
 - (1) Installation of piping for water, soil sewage, vent and leader lines 1000 hrs.
 - (2) Installation of piping for hot and cold water for domestic purposes 1000 hrs.
 - (3) Installation and sizing of gas utilization piping systems, 800 hrs.
combustion of natural gas, sizing combustion air openings,
venting of gas burning appliances (atmosphere and fan
assisted.)

- (4) Assembly in positioning and connecting of fixtures and.....1800 hrs.
appliance used in domestic heating, gas fitting,
plumbing and drainage systems.
- (5) Welding and brazing connected with the trade400 hrs.
- (6) Maintenance and repairing of heating, gas fitting, and800 hrs.
oil burner service.
- (7) Operation, care and use of all tools and equipment 300 hrs.
connected with the trade.
- (8) Installation and repair of safety valves and regulators 300 hrs.
- (9) Installation and repair of air gaps, atmospheric vacuum.....400 hrs.
breakers, pressure type vacuum breakers, double check
valves, and reduced pressure zone devices.
- (10) Plumbing Code, Gas Code, blueprint reading and 1200 hrs.
sketching, and safety training.

Total Hours.....8000 hrs.

Compliance with the U S Department of Labor Office of Apprenticeship registered Standards of Apprenticeship must be followed .

SECTION XV. QUALIFICATIONS FOR EMPLOYER

The individual must be a duly licensed master plumber in the state of Arkansas who signs an employer acceptance agreement to abide by these regulations of apprenticeship.

SECTION XVI. DUTIES OF THE STATE PLUMBING APPRENTICESHIP COMMITTEE

The State Plumbing Apprenticeship Committee shall:

- (a) Upon request will assist and advise local apprenticeship committees.
- (b) Evaluate each local plumbing apprenticeship training program for compliance with the policies of the Arkansas Department of Career Education, USDOL/OA, and the State Plumbing Apprenticeship Committee.
- (c) Serve as an appeal board for Apprentices, Local Apprenticeship Committees, and for training standards interpretations. Any person or firm may appeal directly to the State Plumbing Apprenticeship Committee for review.
- (d) Establish criteria for eligibility for hardship status pertaining to correspondence or distance training provided that the applicant for hardship resides at least thirty (30) miles by most direct route from the nearest established apprenticeship school.
- (e) Annually elect a chairperson, co-chairperson, and secretary who shall retain the power to vote in all matters before the committee.
- (f) Hold meetings at least every two (2) months. Special meetings of the committee may be called by

the chairperson or by petition of a majority of the members of the committee. The chairperson shall call a special meeting when necessary to hear appeals.

SECTION XVII. DUTIES OF THE LOCAL APPRENTICESHIP COMMITTEE

The local apprenticeship committee shall adhere to their Registered Standards by USDOL/OA:

- (a) Hold meetings at least once a month. Special meetings of the local apprenticeship committee may be called by the chairperson or by petition of a majority of members.
- (b) Annually elect a chairperson and a secretary who shall retain the power to vote on all matters before the local apprenticeship committee.
- (c) Administer the apprenticeship program and enforce its provisions and requirements.
- (d) Establish rules and procedures to govern meetings.
- (e) Establish minimum standards of education and experience for apprentice applicants.
- (f) Review apprenticeship agreements between the employer and apprentice and be responsible for submission of such agreements to USDOL/OA and the Department of Health, Plumbing and Natural Gas Section for registration.
- (g) Determine, through examination, the progress of their apprentices in manipulative skills and technical knowledge as may be deemed necessary, but not less than four (4) times per year.
- (h) Promote apprenticeship by enlisting public support and by contact with all organizations concerned with it.
- (i) Issue certificates of completion of apprenticeship to those apprentices who have satisfactorily completed training.
- (j) Notify USDOL/OA and the Department of Health and the State Apprenticeship Office of all actions affecting apprenticeship such as new hires, completions, suspensions and cancellations.
- (k) Assure that all apprentices are duly registered with the Department of Health/Plumbing and Natural Gas Section within thirty (30) days of employment by a master plumber and registration by the Local Apprenticeship committee or prior to any actual classroom attendance.
- (l) Secure competent instructors whose knowledge, experience and ability to teach shall be carefully examined. When possible, the instructors shall take such teacher training courses as are available.
- (m) Establish a set of local standards and submit those standards to USDOL/OA for approval. If the local apprenticeship committee revises any part of their standards, then a re-submission of their standards shall be required for review before implementation.
- (n) Examine the progress of the apprentice on the job and in related instruction not less than four (4) times per year.
- (o) Keep complete and accurate records on each apprentice. The records shall consist of but are

not limited to: copies of registration with USDOL/OA, registration with the Department of Health, registration with the local committee, on the job and related instruction progress, advancements, and other records pertinent to the apprentice or to the conduct of the program. Records shall be maintained for a period of five (5) years.

- (p) Verify that each participating employer is in agreement with the terms of their standards, including any training trust fund established or hereafter established to implement the local apprenticeship program.
- (q) Establish starting and stopping times for classroom instruction to insure the completion of eight (8) periods of eighty (80) hours or as approved by USDOL/OA.
- (r) Be responsible for the administration and financing of their local programs.

SECTION XVIII. SEVERABILITY

If any provision of these Regulations, or the application hereof to any person is held invalid, such invalidity shall not affect other provisions or applications of these Regulations which can give effect without the invalid provisions of applications, and to this end the provisions hereto are declared to be severable.

SECTION XIX. REPEAL

All Regulations and parts of Regulations in conflict herewith are hereby repealed.