

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____



Hugh McDonald
SECRETARY OF COMMERCE
Cody Waits
DIRECTOR,
ARKANSAS DIVISION OF
WORKFORCE CONNECTIONS

Combined Apprenticeship Rule – Executive Summary

The proposed Arkansas Office of Skills Development (the “OSD”) rule replaces OSD’s four existing apprenticeship rules into a single, modernized rule. The rule streamlines the apprenticeship program requirements, updates statutory references and requirements, and eliminates overlapping administrative requirements. The proposed rule change imposes no additional costs to the state or taxpayers.

Arkansas’ registered apprenticeship programs are currently spread across four different rules¹, with the oldest dating back to 1999. The current rules partially overlap in their requirements, are ambiguous with respect to the role OSD plays in regulating certain portions of apprenticeship programs, and contain outdated statutory and committee references. The proposed rule modernizes and combines the existing apprenticeship rules into a single rule, modernizes the rule requirements and statutory references, and clarifies OSD’s responsibilities in handling all aspects of apprenticeship in Arkansas.

With rising college costs and an increase in demand for the skilled trades, apprenticeship programs are an increasingly attractive career path for Arkansas youth, and OSD has seen a significant increase in registered apprenticeship activity over the past seven years as a result. The proposed rule streamlines the requirements for apprenticeship programs and clarifies existing requirements at no additional cost to the state or taxpayers, further boosting these programs.

¹ Rules and Regulations for the Construction Industry Craft Training Education Program Rules and Regulations for Electrician Apprenticeship Programs, Rules and Regulations for Plumbing Apprenticeship Programs, and Rules and Regulations for Arkansas’ Registered Apprenticeship



Hugh McDonald
SECRETARY OF COMMERCE
Clint O'Neal
EXECUTIVE DIRECTOR,
ARKANSAS ECONOMIC
DEVELOPMENT COMMISSION

DATE: December 18, 2024
TO: All Interested Persons
FROM: Office of Skills Development
SUBJECT: Proposed Combined Apprenticeship Rules

NOTICE OF PUBLIC HEARING

Please find attached or available by electronic publication by the Office of Skills Development a proposed Combined Apprenticeship Rule.

Pursuant to the Arkansas Administrative Procedures Act, and all other applicable statutes or rules, NOTICE is hereby given that a PUBLIC HEARING will be held on January 7th, 2025, at 10 a.m. in the Diamond Mine Room on the second floor of the offices of the Arkansas Department of Commerce, 1 Commerce Way, Little Rock, AR 72202.

The purpose of the Public Hearing will be to determine whether the Office of Skills Development should adopt the proposed rule. The proposed rule combines and modernizes Arkansas' rules concerning its apprenticeship programs.

All interested persons are encouraged to send their comments, statements, or opinions to the address below or to attend the Public Hearing and present, orally or in writing, statements, arguments, or opinions on the proposed amendments. The record will remain open for public comment until the close of the 30-day period outlined in the Arkansas Administrative Procedures Act; in this instance, January 19, 2025.

Persons who wish to testify or make comments are requested to submit intended statements in writing in advance of the Public Hearing. Inquiries should be directed to: Jake Windley, Director of Legislative Affairs & Policies, Arkansas Department of Commerce, 501-682-5355, email: jake.windley@arkansas.gov. A copy of the proposed amendments may be obtained or viewed at <https://arkansasosd.com/grants-application/>.

Sincerely,

A handwritten signature in blue ink that reads "Jake G. Windley".

Jake G. Windley
Director of Legislative Affairs & Policies
Arkansas Department of Commerce

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total __\$0_____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

**RULES FOR ARKANSAS’
REGISTERED APPRENTICESHIP PROGRAMS**

SECTION I. AUTHORITY

The following rules are adopted and promulgated by the Career Education and Workforce Development Board pursuant to the authority expressly conferred on it by the laws the of the State of Arkansas and the Arkansas Administrative Procedures Act.

SECTION II. DEFINITIONS

As used in this part:

(1) “Apprentice” means an individual:

(A) Enrolled in an apprenticeship training program that is registered by the United States Department of Labor - Office of Apprenticeship;

(B) Working within their chosen occupation;

(C) Who has a signed indenture agreement on file with the United States Department of Labor - Office of Apprenticeship; and

(D) Has been issued all necessary licenses for their current occupation;

(2) “Apprenticeable occupation” means an occupation recognized by the United States Department of Labor - Office of Apprenticeship and throughout an industry as a skilled occupation learned through structured on-the-job training requiring at least two thousand (2,000) hours of instruction per year, supplemented by at least one hundred forty-four (144) hours of technical instruction per year or as approved by the United States Department of Labor – Office of Apprenticeship;

(3) “Apprenticeship” means a learning approach enabling an individual to become a qualified professional in a skilled occupation, which consists of on-the-job training with off-the-job instruction related to the skilled occupation in question;

(4) “Apprenticeship coordinator” means the person designated by the program sponsor to be the program’s primary contact and coordinator;

(5) “Apprenticeship standards” means the rules that the program sponsor registers with the United States Department of Labor – Office of Apprenticeship describing how an apprenticeship training program will be conducted;

(6) Apprenticeship training program” means a training program that provides on-the-job training, preparatory instruction, supplementary instruction, or related instruction in an occupation that has been registered as an apprenticeable occupation by the United States Department of Labor – Office of Apprenticeship;

(7) “Arkansas Apprenticeship Coordination Steering Committee” means the committee appointed by the Governor of the State of Arkansas representing bargaining agents, employers, educators, the minority and female workforce, and the general public, whose purpose is to oversee the operation and funding of apprentice training programs in the State of Arkansas;

(8) “ARPAP” means Arkansas Certified Pre-Apprenticeship Program;

(9) “Contact hour” means a block of sixty (60) minutes during which an apprentice receives instruction in a supervised classroom or laboratory environment;

(10) “Indenture agreement” means a signed agreement between the apprentice and the sponsoring entity, firm, or person. An indenture agreement must contain the standards for the particular program and be filed with the United States Department of Labor – Office of Apprenticeship;

(11) “Journeyman” means an individual who has, where required:

(A) Completed an apprenticeship training program and been released from their indenture agreement;

(B) Been recognized by their peers as having attained journeyman status;

(C) Demonstrated their ability to perform work as a journeyman by examination or other proof of competence; or

(D) Been issued a journeyman license, if necessary for their chosen occupation.

(12) “Local education agency” means a public community college, technical college, secondary or post-secondary vocational-technical school, technical institute, university, life-long learning center, adult education center, area vocational center, or a public school system that has an assigned local education agency number recognized or accepted by the United States Department of Education and the Office of Skills Development;

(13) “On-the-job training” means work performed by an apprentice at a job or work site that relates to and reinforces the classroom training received by the apprentice, directly supervised by a journeyman or master.

(14) “OSD/OA” means the Office of Skills Development – Office of Apprenticeship, a division of the Arkansas Department of Commerce;

(15) “Preparatory instruction” means a course of instruction lasting six (6) months or less that teaches basic skills required for an individual to enter the workforce.

(16) “Program sponsor” means any person or organization operating a registered apprenticeship program. A program sponsor may be either an employer or representative of the apprentice.

(17) “RAP” means registered apprenticeship program;

(18) “Related technical instruction” means organized off-the-job instruction provided by an instructor qualified under Section III and documented by appropriate written or performance tests, in subjects required for the completion of an apprenticeship program for a particular apprenticeable occupation.

(19) “Supplementary instruction” means a course of instruction designed to provide new skills or upgrade the current skills of fully-qualified persons in an apprenticeable occupation.

(20) “USDOL/OA” means the United States Department of Labor – Office of Apprenticeship.

SECTION III. INSTRUCTOR QUALIFICATIONS

In order to be a qualified instructor, an individual must:

(a)(1) Meet the Arkansas Department of Education’s vocational-technical instructor requirements; or

(2) Be recognized as a subject-matter expert within an industry as having expertise in a specific occupation;

(b)(1) For occupations requiring a license, the instructor shall have a minimum of a journeyman’s license in that occupation; or

(2) Be recognized as a subject-matter expert within an industry as having expertise in a specific occupation; and

(c) Have training in teaching techniques or adult learning styles.

(d) A qualified instructor should have no more than twenty-five (25) apprentices per class.

(e) Qualified instructors are encouraged to take teacher training courses as available to further improve their skills.

SECTION IV. TERMS OF APPRENTICESHIP AGREEMENT

(a) All apprentices shall be placed under a written apprenticeship agreement which shall be signed by:

(1) The apprentice;

(2) The apprentice’s employer; and

(3) The program sponsor.

(b) All signed apprenticeship agreements under this section shall be registered with USDOL/OA.

(c) The terms of the apprenticeship agreement shall be consistent with the training requirements established by USDOL/OA, which shall be incorporated into the apprenticeship agreement by reference.

(d) Each apprentice entering into an apprenticeship agreement under this section shall be given the opportunity to fully review the terms of the agreement and the USDOL/OA training requirements prior to signing.

(e) The following parties shall receive a copy of the executed apprenticeship agreement:

- (1) The apprentice;
- (2) The apprentice's employer;
- (3) The program sponsor; and
- (4) USDOL/OA

(f)(1) After the execution of the apprenticeship agreement, there shall be a reasonable probationary period, based on the length of the apprenticeship term, during which time the apprenticeship agreement may be terminated, with full credit for such time toward the completion of the apprenticeship, at the request of any of the parties listed in subsection (a).

(2) After the probationary period has ended, the apprenticeship agreement may only be terminated for cause.

SECTION V. WORKING CONDITIONS AND SAFETY

(a) Apprentices shall be subject to the same hours of work and working conditions as licensed journeyman within the occupation.

(b) The apprentice's employer shall instruct the apprentice in safe practices and procedures and ensure that the apprentice is trained in facilities or environments that comply with all applicable health and safety standards.

SECTION VI. RELATED TECHNICAL INSTRUCTION

(a)(1) Apprentices are required to attend related technical instruction classes for a minimum of one hundred forty-four (144) hours per year, or as mandated in the standards of apprenticeship for the relevant occupation.

(2) Safety instruction shall be included as part of the curriculum provided in the classroom or organized courses.

(3) Time an apprentice spends on attending related technical instruction shall not be considered hours worked for the purposes of completing their apprenticeship.

(b) An employer may, but is not required to, pay an apprenticeship for time spent attending related technical instruction.

(c) Written documentation of the related technical instruction consisting of time or attendance sheets, student sign-in sheets, or other documentation as approved by the OSD/OA shall be kept on file by the program sponsor for at least five (5) years.

SECTION VII. DUTIES OF THE PROGRAM SPONSOR OR LOCAL APPRENTICESHIP COMMITTEE

(a) Program sponsors and local apprenticeship committees shall:

- (1) Administer the apprenticeship program and enforce its provisions;
- (2) Establish minimum standards of education and experience for apprenticeship applicants;
- (3) Review apprenticeship agreements to ensure all parties are in compliance with the terms of the agreement;
- (4) Determine, through examination as necessary, the progress of apprentices in practical skill and technical knowledge;
- (5) Promote apprenticeship by networking with industry, trade associations, governmental units, and the general public;
- (6) Provide apprentices with a transcript of related technical instruction and on-the-job training at least every six (6) months while they are active in the program;
- (7) Issue certificates of apprenticeship completion to apprentices who have satisfactorily completed their training;
- (8) Secure competent and qualified instructors whose knowledge, experience, and ability to teach shall be examined;
- (9) Submit proposed changes to their standards to USDOL/OA for review and approval, prior to implementation;
- (10) Maintain complete and accurate records, which shall be maintained for a period of five (5) years for each apprentice, which shall include, but are not limited to:
 - (A) Copies of the registration with USDOL/OA;
 - (B) Registration with a licensing agency, if required;
 - (C) On-the-job training and related technical instruction progress;
 - (D) Any advancements, certifications, or commendations obtained by the apprentice during the course of the program; and

(E) Any other records pertinent to the apprentice or the conduct of the program;

(11) Establish start and stop times for classroom instruction;

(12) Be responsible for the administration and financing of their local programs; and

(13) Notify USDOL/OA and OSD/OA of all apprentice actions listed under Section VIII (e) within forty-five (45) days of the action.

(b) In addition to the duties listed in subsection (a), local apprenticeship committees shall:

(1) Hold meetings at least once a month. Special meetings may be called by the chairperson or by a petition of the majority of the members;

(2) Annually elect a chairperson and secretary who shall retain the power to vote on all matters before the local apprenticeship committee; and

(3) Establish rules and procedures to govern meetings.

SECTION VIII. APPRENTICESHIP FUNDING

(a) A program sponsor will be eligible to apply for apprenticeship funding through OSD/OA based on the following:

(1) Number of contact hours of related technical instruction as approved in their apprenticeship standards;

(2) Number of apprentices;

(3) Number of qualified instructors;

(4) Length of the apprenticeship program; and

(5) Any other factors outlined in the OSD/OA funding guidelines for the fiscal year.

(b)(1) OSD/OA shall develop application packets which shall be sent to program sponsors seeking funding to support apprenticeship within the State of Arkansas;

(2) OSD/OA shall establish an application deadline in consultation with the Arkansas Apprenticeship Coordination Steering Committee;

(3) OSD/OA will approve or deny all applications based on guidelines approved by OSD/OA in consultation with the committee; and

(4) OSD/OA will approve or deny applications within sixty (60) days following the application deadline.

(5) Local education entities and program sponsors that do not submit an application within the specified deadline will not be eligible for OSD/OA funding for the contract year.

(6) OSD/OA shall make every reasonable effort to give statewide notification to potential program sponsors of the amount of funding available to support apprenticeship training programs during the current fiscal year.

(c)(1) OSD/OA shall establish contact hour reimbursement rates in consultation with the Arkansas Apprenticeship Coordination Steering Committee.

(2) Apprenticeship training programs will be reimbursed up to the contact hour reimbursement rate based off actual qualified instructor expenses incurred.

(3) Correspondence courses used to deliver related technical instruction do not have contact hours and are not eligible for funding under this section.

(4) OSD/OA shall include information concerning reimbursement procedures in its funding guidelines.

(d)(1) If OSD/OA has remaining apprenticeship reimbursement funds at the end of the fiscal year, accepted applicants may submit reimbursement requests for administrative expenses incurred during the fiscal year.

(2) An apprenticeship training program will not be eligible to receive more than 15% of the total amount received for qualified instructor reimbursement as reimbursement for administrative expenses.

(3) Administrative expenses eligible for reimbursement include the following:

(A) Payroll costs, including salaries and fringe benefits, for:

- (i) Supervisors;
- (ii) A secretary;
- (iii) A clerk; and
- (iv) Instructors;

(B) Contract or service costs.

(i) Instruction space rentals are eligible for reimbursement under this provision.

(ii) Consulting fees are not eligible for reimbursement; and

(C) Supplies and instructional materials, including, but not limited to:

- (i) Stationary;
- (ii) Pens and pencils;

(iii) Workbooks; and

(iv) Consumable construction and industrial materials used by the apprentice.

(e)(1) All apprenticeship programs approved for funding shall be required to submit apprentice information to OSD/OA via the Arkansas Apprenticeship Portal.

(2) The required apprentice information includes, but is not limited to:

- (A) New apprentice;
- (B) Suspensions;
- (C) Cancellations;
- (D) Transfers;
- (E) Completion;
- (F) Semester hours earned;
- (G) The employer list outlined in Ark. Code Ann. § 6-52-208(e)(1); and
- (H) All other information outlined in the agreement between the apprenticeship program and OSD/OA.

(f) Apprenticeship programs should allow for one (1) month of processing after all paperwork and reimbursement requests have been submitted.

SECTION IX. PLUMBING APPRENTICESHIP PROGRAMS

(a) The provisions in this section govern plumbing apprenticeship programs and are supplemental to the requirements outlined in Sections I through VIII, unless otherwise specified by this section. Terms shall have the definitions provided in Section II, unless a different definition is provided in subsection (b) below, in which case, that definition will control.

(b) As used in this part:

(1) “Apprentice plumber” means a person other than a master or journeyman plumber, who is at least sixteen (16) years of age and has entered into a valid plumbing apprenticeship agreement;

(2) “Committee of Plumbing Examiners” means individuals designated by the State Board of Health to determine the eligibility of applicants for a master or journeyman plumber license in accordance with Ark. Code Ann. §§ 17-38-301, et seq.;

(3) “Employer” means any master plumber representing themselves or a company that performs plumbing work in the State of Arkansas;

(4) “Experienced credit” means related technical instruction and on-the-job training granted for documented out-of-state work, in-state work while duly registered under these rules, or work done prior to January 1st, 1984;

(5) “Journeyman plumber” means any person other than a master or apprentice plumber who is duly licensed under Ark. Code Ann. §§ 17-38-301 et seq. and is engaged in the practical installation of plumbing;

(6) “Laborer” means any person engaged in trenching, transporting supplies, demolition, etc., whose primary function is physical in nature;

(7) “Plumbing inspector” means an individual duly licensed by the Department of Health in accordance with Ark. Code Ann. §17-38-301;

(8) “Master plumber” means any person other than a journeyman or apprentice plumber who is duly licensed under Ark. Code Ann. §§ 17-38-301 et seq. and is skilled in the planning, superintending, and practical installation of plumbing and is familiar with the laws and rules governing it;

(9) “State Plumbing and Apprenticeship Committee” means the body of individuals appointed by the Career Education and Workforce Development Board pursuant to Ark. Code Ann. § 17-38-403.

(c)(1) No person shall engage in work as an apprentice plumber unless registered by the Arkansas Department of Health – Plumbing and Natural Gas Section, USDOL/OA, and OSD/OA. The apprentice, and if a minor, their parent or guardian, shall sign an apprenticeship agreement with the Arkansas Department of Health and USDOL/OA.

(2) The employer of an apprentice plumber must be a master plumber who signs an employer acceptance agreement to abide by these rules.

(3)(A) In order to establish an apprenticeship record, every apprentice plumber shall be registered with the program sponsor, the Arkansas Department of Health, USDOL/OA, and OSD/OA within thirty (30) days after employment.

(B) It is the responsibility of the master plumber to ensure that the apprentice is duly licensed, enrolled in, and attending an apprenticeship program.

(C) The Committee of Plumbing Examiners may take action against a master plumber for working an apprentice beyond the 30-day limit without being registered.

(4)(A) An applicant must submit a request for experienced credit within sixty (60) days of the date of application. Requested credit must be substantiated through notarized records, affidavits, or other evidence.

(B) Work experience used as a basis for experienced credit must have a start and end date listed (to the present if the applicant’s current job is being used) and the amount of on-the-job training hours obtained during that time frame should be listed.

(C) Work experience should be described with sufficient detail to provide a clear understanding of the work that was performed.

(D) If a license or registration was required in the state where the work was performed, a copy of the license or registration, valid during the time period in question, should be provided.

(E)(i) Time requested for experienced credit shall be evaluated by the local apprenticeship committee, if in existence, and approved by the State Plumbing and Apprenticeship Committee.

(ii) In the absence of the local apprentice committee, requested time shall be evaluated by the State Plumbing and Apprenticeship Committee.

(F) The applicant may be required to take an examination to verify their knowledge about subjects for which experienced credit is requested.

(G) Experienced credit may be granted for related technical instruction where the applicant has attended an Arkansas Certified Pre-apprenticeship Program or college/vocational program approved by OSD/OA where the classes taken match with an apprenticeship program's related technical instruction.

(H)(i) The term of apprenticeship shall be a minimum of four (4) years consisting of eight (8) periods of one thousand (1,000) hours of practical work experience and eight (8) periods of eighty (80) hours of related technical instruction.

(ii) Training time received through a pre-apprenticeship program prior to entering a registered apprenticeship program may be counted towards the time requirement above.

(J)(i) An apprentice who successfully completes the required apprenticeship term will be eligible to take the state journeyman plumber's examination as administered by the Arkansas Department of Health – Plumbing and Natural Gas Section.

(ii) Upon completion of the apprenticeship, a notice will be sent to OSD/OA by the program sponsor informing it of the apprentice's completion.

(iii) Upon verification of the completion, OSD-OA will provide the release to test to the program sponsor.

(iv) The apprentice shall have one (1) year from the date of completion of the apprenticeship to pass the state journeyman plumber's examination.

(v) The Arkansas Department of Health – Plumbing and Natural Gas Section will notify OSD/OA of the test results.

(vi) The apprentice must pass the examination before being released by the program sponsor from their indenture agreement.

(d)(1) The apprentice shall enroll in and attend classes in related subjects at an apprenticeship program that is approved by USDOL/OA and OSD/OA.

(2)(A) The approved occupation titled program is Plumber (0432) V1 Time-Based. This program requires six hundred forty (640) hours of related technical instruction.

(B) Apprentices may receive up to three hundred twenty (320) related technical instruction hours by correspondence work.

(3) The apprentices shall take advantage of provided instruction in recognized apprenticeship classes during periods of temporary unemployment.

(4) Class attendance is mandatory, and failure to attend classes in related technical instruction may result in discipline up to and including termination of the apprenticeship agreement.

(5) Apprentices will attend classes on their own time. Class attendance shall not be considered as hours worked.

(6) The program sponsor shall not recognize any apprentice with whom they have not signed an apprenticeship agreement or who is not registered with the Arkansas Department of Health, USDOL/OA, and OSD/OA.

(e) All work done by apprentices as training shall conform with state and local plumbing codes and the apprenticeship program's USDOL/OA Standards of Apprenticeship.

(f) The State Plumbing and Apprenticeship Committee, comprised pursuant to Ark. Code Ann. § 17-38-403, shall have the following duties:

(1) Annually electing a chairperson and co-chairperson who shall retain the power to vote in all matters before the committee;

(2) Holding monthly meetings if there are items requiring discussion or approval. Special meetings may be called by the chairperson or by a petition of a majority of the members of the committee. The chairperson shall call a special meeting when necessary to hear appeals;

(3) Assisting and advising local apprenticeship committees upon request;

(4) Evaluating local plumbing apprenticeship training programs for compliance with USDOL/OA, OSD/OA, and its own policies;

(5) Serving as an appeal board for apprentices, employers, and local apprenticeship committees. Any person may appeal directly to the State Plumbing and Apprenticeship Committee for review.

(6) Providing interpretations for training standards;

(7) Approving plumbing curriculum eligible for reimbursement through the Construction Industry Craft Training Trust Fund; and

(8) Making final determinations on experienced credit requests.

(g) A plumbing program sponsor or local apprenticeship committee shall:

(1) Review apprenticeship agreements between the employer and apprentice and submit those agreements to USDOL/OA and the Arkansas Department of Health – Plumbing and Natural Gas Section;

(2) Assure that all apprentices are duly registered with the Arkansas Department of Health – Plumbing and Natural Gas Section within thirty (30) days of employment by a master plumber and registration by the program sponsor;

(3) Notify USDOL/OA, OSD/OA, and the Arkansas Department of Health – Plumbing and Natural Gas Section of all actions affecting apprenticeship such as new hires, completions, suspensions, and cancellations within thirty (30) days of the action;

(4) Establish starting and stopping times for classroom instruction to ensure the completion of eight (8) periods of eighty (80) hours or as approved by USDOL/OA;

(5) If a program is found to be in violation of these rules, OSD/OA, in consultation with the State Plumbing and Apprenticeship Committee, shall contact the Arkansas Department of Health – Plumbing and Natural Gas Section and request that the program's ability to register new apprentices, renew licenses, and have their apprentices approved to test be held until all the program is in compliance;

(6)(A) Local apprenticeship committees shall hold semi-annual meetings. Special meetings may be called by the chairperson or by a petition of a majority of members; and

(B) Annually elect a chairperson and a secretary who shall retain the power to vote on all matters before the local apprenticeship committee.

(h)(1) Apprentice plumbers shall be subject to a probationary period not to exceed one thousand (1,000) practical work experience hours.

(2) During the probationary period, the local apprenticeship committee, employer, or apprentice may request an annulment of the apprenticeship agreement without a formal hearing.

(3) Apprentices shall receive credit for time worked under the probationary period.

(i)(1) Should an apprentice fail to attend on-the-job training or related technical instruction, the local apprenticeship committee or program sponsor shall take the necessary disciplinary action.

(2) The local apprenticeship committee or program sponsor may cancel the apprenticeship agreement and remove an apprentice from the training program for failing to comply with the terms of the apprenticeship agreement or applicable standards.

(3)(A) Before taking any disciplinary action, the local apprenticeship committee or program sponsor shall notify the apprentice by certified mail that they should appear before the local apprenticeship committee at the designated date. The notice should specify the grounds for disciplinary action.

(B) If, after receiving due notice, an apprentice fails to appear before the local apprenticeship committee, disciplinary action may be invoked.

(C) In absence of a local apprenticeship committee, the State Plumbing and Apprenticeship Committee shall function in its stead.

Section X. Electrical Apprentice Programs

(a) The provisions in this section govern electrical apprenticeship programs and are supplemental to the requirements outlined in Sections I through VIII, unless otherwise specified by this section. Terms shall have the definitions provided in Section II, unless a different definition is provided in subsection (b) below, in which case, that definition will control.

(b)(1) “Apprentice electrician” means a person who is at least sixteen (16) years of age, covered by the required apprenticeship agreements, and whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a licensed journeyman or master electrician;

(2) “Board of Electrical Examiners of the State of Arkansas” means individuals designated by the Arkansas Department of Labor and Licensing pursuant to Ark. Code Ann. § 17-28-201;

(3) “Employer” means any master electrician representing themselves or a company who signs an apprenticeship agreement to abide by these rules;

(4) “Journeyman electrician” means any duly licensed person who possesses the necessary qualifications, training, and technical knowledge to install, maintain, and extend electrical conductors and equipment in accordance with plans and specifications which comply with standard rules governing the work;

(5) “Master electrician” means any duly licensed person who possesses the necessary qualifications, training, and technical knowledge to plan, layout, and supervise the installation, maintenance, and extension of electrical conductors and equipment; and

(6) “State Electrical Apprenticeship Committee” means people designated by the Career Education and Workforce Development Board pursuant to Ark. Code Ann. § 17-28-314.

(c)(1) No person shall engage in work as an apprentice electrician unless first registered to do so by the Arkansas Department of Labor and Licensing, USDOL/OA, and OSD/OA.

(2)(A) The employer of an apprentice electrician must be a master electrician, licensed in the State of Arkansas, who signs an employer acceptance agreement with USDOL/OA to abide by the rules of apprenticeship.

(B) Apprentices of residential master electricians, as defined in Ark. Code Ann. §17-28-101(11), are exempted from this requirement but are limited to an apprenticeship term of two (2) years.

(3)(A) The information for apprentice electrician registration shall be on an application form supplied by the Arkansas Department of Labor and Licensing. The application form shall be completed before consideration by the Arkansas Department of Labor and Licensing, OSD/OA, and USDOL/OA.

(B) To establish a record of apprenticeship, every apprentice electrician shall, within thirty (30) days after employment, be registered with the Arkansas Department of Labor and Licensing, the local apprenticeship committee or program sponsor, OSD/OA, and USDOL/OA.

(C) It is the responsibility of the master electrician to ensure that the apprentice is licensed, enrolled in, and attending an apprenticeship program.

(D) The Board of Electrical Examiners of the State of Arkansas may take action against a master electrician for working an apprentice for over thirty (30) days without being so registered.

(4) The term of apprenticeship shall be a minimum of four (4) years consisting of eight (8) periods of one thousand (1,000) hours of practical work experience and eight (8) periods of seventy-two (72) hours of related classroom instruction in technical and supplemental subjects related to the trade or as approved by USDOL/OA. Classroom instruction time obtained through a pre-apprenticeship program may be considered as time counted towards completion of apprenticeship.

(5)(A) An apprentice who successfully completes the required apprenticeship term will be eligible to take the state journeyman electrician examination as administered by the Arkansas Department of Labor and Licensing.

(B) Upon completion of the apprenticeship, a notice will be sent to OSD/OA by the program sponsor informing it of the apprentice's completion.

(C) Upon verification of the completion, OSD-OA will provide the release to test to the program sponsor.

(D) Unless officially excused by the Arkansas Department of Labor and Licensing, each apprentice should apply with the Arkansas Department of Labor and Licensing for the journeyman electrician examination within sixty (60) days after completion of their apprenticeship.

(6)(A) An applicant must submit a request for experienced credit within sixty (60) days of the date of application. Requested credit must be substantiated through notarized records, affidavits, or other evidence.

(B) Work experience used as a basis for experienced credit must have a start and end date listed (to the present if the applicant's current job is being used) and the amount of on-the-job training hours obtained during that time frame should be listed.

(C) Work experience should be described with sufficient detail to provide a clear understanding of the work that was performed.

(D) If a license or registration was required in the state where the work was performed, a copy of the license or registration valid during the time period in question should be provided.

(E)(i) Time requested for experienced credit shall be evaluated by the local apprenticeship committee, if in existence, and approved the State Electrical Apprenticeship Committee.

(ii) In the absence of the local apprenticeship committee, requested time shall be evaluated by the State Electrical Apprenticeship Committee.

(F) The applicant may be required to take an examination to verify their knowledge about subjects for which experienced credit is requested.

(G) Experienced credit may be granted for related technical instruction where the applicant has attended an Arkansas Certified Pre-apprenticeship Program or college/vocational program approved by OSD/OA where the classes taken match with an apprenticeship program's related technical instruction

(7)(A) The apprentice shall enroll in and attend classes in related subjects at an apprenticeship program that is approved by USDOL/OA and OSD/OA.

(B) The approved occupation titled program is Electrician (Alternate Title: Interior Electrician) (0159) V1 time-based or other approved program. This program requires five hundred seventy-six (576) hours of related technical instruction.

(C) Apprentices shall take advantage of provided instruction in recognized apprenticeship classes during periods of temporary unemployment.

(D) Class attendance is mandatory, and failure to attend classes in related technical instruction may result in discipline up to and including termination of the apprenticeship agreement.

(E) Apprentices will attend classes on their own time. Class attendance shall not be considered as hours worked.

(F) The program sponsor shall not recognize any apprentice with whom they have not signed an apprenticeship agreement or who is not registered with the Arkansas Department of Labor and Licensing, USDOL/OA, and OSD/OA.

(d) The State Electrical Apprenticeship Committee shall:

(1) Assist and advise local apprenticeship committees;

(2) Evaluate local apprenticeship training programs for compliance with USDOL/OA, OSD/OA, and its own policies;

(3) Serve as an appeal board for apprentices, employers, and local apprenticeship committees. Any person may appeal directly to the State Electrical Apprenticeship Committee for review.

(4) Provide interpretations for training standards;

(5) Annually elect a chairperson, co-chairperson, and secretary who shall retain the power to vote in all matters before the committee;

(6) Hold meetings monthly if there are items requiring discussion or approval. The chairperson may call special meetings when necessary to hear appeals;

(7) Approve electrical curriculum eligible for reimbursement through the Construction Industry Craft Training Trust Fund; and

(8) Make final determinations on experienced credit requests.

(e) An electrical apprenticeship program sponsor shall:

(1) Review apprenticeship agreements between the employer and apprentice and submit those agreements to USDOL/OA and the Arkansas Department of Labor and Licensing;

(2) Ensure that all apprentices are duly registered with the Arkansas Department of Labor and Licensing within thirty (30) days of employment by a master electrician and registration by the program sponsor;

(3) Notify USDOL/OA, OSD/OA, and the Arkansas Department of Labor and Licensing of all actions affecting apprenticeship such as new hires, completions, suspensions, and cancellations within thirty (30) days of the action;

(4) Establish starting and stopping times for classroom instruction to ensure the completion of eight (8) periods of seventy-two (72) hours or as approved by USDOL/OA;

(5) If a program is found to be in violation of these rules, OSD/OA, in consultation with the State Electrical Apprenticeship Committee, shall contact the Arkansas Department of Labor and Licensing and request that the program's ability to register new apprentices, renew licenses, and have their apprentices approved to test be held until the program is in compliance;

(6)(A) Local apprenticeship committees shall hold semi-annual meetings. Special meetings may be called by the chairperson or by a petition of a majority of members; and

(B) Annually elect a chairperson and a secretary who shall retain the power to vote on all matters before the local apprenticeship committee.

(f)(1) Apprentice electricians shall be subject to a probationary period not to exceed one thousand (1,000) practical work experience hours.

(2) During the probationary period, the local apprenticeship committee, employer, or apprentice may request an annulment of the apprenticeship agreement without a formal hearing.

(3) Apprentices shall receive credit for time worked under the probationary period.

(i)(1) Should an apprentice fail to attend on-the-job training or related technical instruction, the local apprenticeship committee or program sponsor shall take the necessary disciplinary action.

(2) The local apprenticeship committee or program sponsor may cancel the apprenticeship agreement and remove an apprentice from the training program for failing to comply with the terms of the apprenticeship agreement or applicable standards.

(3)(A) Before taking any disciplinary action, the local apprenticeship committee or program sponsor shall notify the apprentice by certified mail that they should appear before the local apprenticeship committee at the designated date. The notice should specify the grounds for disciplinary action.

(B) If an apprentice fails to appear before the local apprenticeship committee after receiving due notice, disciplinary action may be invoked.

(C) In the absence of a local apprenticeship committee, the State Electrical Apprenticeship Committee shall function in its stead.

SECTION XI. Pre-Apprenticeship Programs

(a)(1) Pre-apprenticeship programs provide instruction and training to increase math, literacy, and other vocational skills needed to gain industry into a Registered Apprenticeship Program.

(2) Pre-apprenticeship programs are not registered with USDOL/OA and student participants are unpaid for the term of the program.

(b) The following entities are eligible to apply for state certification:

- (1) Registered apprenticeship sponsors;
- (2) Industry intermediaries and associations;
- (3) Employers;
- (4) Community colleges;
- (5) Third-party training providers;
- (6) Local workforce development boards; and
- (7) Other entities, provided that all applicable requirements are met.

(c) An applicant must meet the following criteria to be considered for ARPAP certification:

(1) The proposed pre-apprenticeship training must be aligned with a RAP and agreed upon by the partnering employer, training provider, and RAP sponsor.

(2) An employer-partnership agreement executed between the partnering employer, pre-apprenticeship training providers, and Registered Apprenticeship Program sponsors must be presented with the application.

(3)(A) The partnering ARPAP employer shall provide pre-apprentices with workplace-exposure opportunities as a component of the pre-apprenticeship training experience.

(B) Workplace exposure can occur via presentations about the company, industry, or career pathways, as well as hands-on activities applicable to specific operations within the company.

(4) The partnering ARPAP employer shall agree to provide those participants who successfully complete an approved ARPAP with preferred consideration for acceptance into their RAP.

(d)(1)(A) OSD/OA shall receive and review all ARPAP applications.

(B) The Arkansas Apprenticeship Coordination Steering Committee will be notified of the final status for all ARPAP applications.

(2)(A) If an applicant fails to meet the requirements in subsection (c), OSD/OA will notify the applicant and provide an opportunity to remedy any deficiencies within a stated deadline.

(B) If the applicant fails to remedy the identified deficiencies within the specified deadline, the application will be denied.

(3) All successful ARPAP applicants are required to report to OSD/OA as specified in a memorandum of understanding issued by OSD/OA.

(e) State-approved ARPAP applications are eligible to receive funding from the Office of Skills Development to offset training costs associated with the program.

(f)(1) Those successfully completing the ARPAP will receive related technical instruction credit toward their designated RAP.

(2) The amount of credit received will be mutually agreed upon by participating sponsors and employers.

(g) It is recommended that successful ARPAP participants enter a RAP at a wage above those entering without comparable ARPAP experience.

(h) ARPAP participants shall provide all required reporting to the Office of Skills Development.

SECTION XII. Construction Industry Craft Training Trust Fund

(a)(1) OSD/OA, in collaboration with the Arkansas Apprenticeship Coordination Steering Committee, will make every effort to ensure the fair and equitable distribution of funds under this section.

(2)(A) Any disputes regarding the disbursement of funds under this section shall be addressed at the earliest regular meeting of the committee.

(B) The funding dispute shall be resolved by a majority decision of the committee.

(3) Applicants may apply for funds under this section through an application process decided upon by OSD/OA in consultation with the committee. Application forms may be received by contacting OSD/OA.

(b)(1) OSD/OA, in consultation with the committee, shall develop funding guidelines by August 1st for each fiscal year.

(2) Funding guidelines shall include the total funding amount, items eligible for reimbursement, and reimbursement percentages.

(c)(1) Program sponsors wishing to receive funding for training programs shall meet the following criteria:

(A) The program must be performing actual work in the State of Arkansas;

(B) The training must take place in the State of Arkansas or have OSD/OA and committee prior approval for out-of-state training; and

(C) The program is currently sponsoring a training, apprenticeship, or educational program approved by or registered with OSD/OA, USDOL/OA, or both.

(2)(A) If a program meets the above criteria, it will be judged on the appropriateness of its application, and grant awards will be made, in whole or in part, to programs recommended by the committee and approved by OSD/OA after OSD/OA has received the proof of payment for the items on the application.

(B) Any program may be rejected for cause.

(C) Grant awards shall be for specific training materials and activities. Program sponsors may apply as often as necessary to meet the demands for a trained workforce in Arkansas.

(d) Funding requests for equipment purchases shall provide the following information:

(1) A complete description of all pieces of equipment and, if the cost is over one thousand dollars (\$1,000), at least three (3) or more competitive bids and an explanation of why the selected piece of equipment was chosen;

(2) The current location of the equipment in question and the party responsible for its maintenance and upkeep. If the equipment ever changes locations, the program is required to inform OSD/OA as soon as possible of the new location.

(3) A copy of the bill of sale or paid invoice for the equipment, which OSD/OA shall include in its files for the grantee.