

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES  
CORRECTED**

A Statement of Need and Justification accompanies this form.

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [ July 18, 2011] by the

Bureau of Labor and Industries, Apprenticeship and Training Division	Date prior to or same as filing date OAR 839-011	
Agency and Division	Administrative Rules Chapter Number	
Marcia Ohlemiller, Bureau of Labor and Industries, 800 NE Oregon Street, #1045, Portland, OR 97232	971-673-0784	
Rules Coordinator	Address	Telephone

to become effective [ July 18, 2011 ] through [ January 4, 2012 ].  
Date upon filing or later A maximum of 180 days including the effective date.

**RULE CAPTION**

Conforms Apprenticeship administrative rules to the provisions of HB 2034 (2011)

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

**ADOPT:**

**AMEND:** OAR 839-011-0051, 839-011-0070, 839-011-0084, 839-011-0088, 839-011-0140, 839-011-0141, 839-011-0142, 839-011-0143; 839-011-0145 and 839-011-0290.

**SUSPEND:**

Stat. Auth.: ORS 660.120

Other Auth.: House Bill 2034, 2011

Stats. Implemented: ORS 660.010 – 660.210

**RULE SUMMARY**

These temporary rules conform the provisions of OAR 839-011 (relating to the administration of apprenticeship programs) to the provisions of HB 2034 (2011) that amended the statutes regarding the administration of apprenticeship programs as follows:

Defines "journey worker" and deletes references to "journeyman" throughout ORS chapter 660;  
Reduces timeline for registering new apprenticeship agreements to 45 days;  
Allow transfers between apprenticeship programs;  
Clarifies reciprocity with apprenticeship programs in other states;  
Redefines the roles and responsibilities of the apprenticeship agency and the State Apprenticeship Council; and  
Implements program performance standards.

This legislation, having an "emergency clause," became effective upon signature by the Governor on May 27, 2011.

Authorized Signer	Brad Avakian Printed name	July 20, 2011 Date
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\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005



## **Oregon Bureau of Labor and Industries** **Apprenticeship and Training Division, Portland Office**

# Memo

**DATE:** July 29, 2011

### **Important Information Regarding New Registered Apprenticeship Regulations**

Pursuant to ORS 660.010 – 660.210, the Oregon Bureau of Labor and Industries (BOLI) administers registered apprenticeship programs through its Apprenticeship and Training Division (ATD). States that administer registered apprenticeship programs do so under an agreement with the United States Department of Labor, Employment and Training Administration (USDOL, ETA). Recent changes in federal apprenticeship regulations have necessitated changes to ORS 660.010 – 660.210.

The 2011 Oregon Legislature passed House Bill (HB) 2034. The bill was signed by the Governor on May 27, 2011, becoming effective immediately. This bill brings BOLI into conformance with recently revised federal regulations regarding registered apprenticeship.

HB 2034 amends the Oregon Apprenticeship law as follows:

1. Defines “journey worker” and deletes references to “journeyman” throughout ORS chapter 660.
2. Reduces timeline for registering new apprenticeship agreements with ATD from 90 days to 45 days.
3. Limits probationary periods for newly indentured apprentices to no more than 1 year or 25% of the program length, whichever is shorter. During the probationary period, an apprentice or the apprenticeship committee can terminate the apprenticeship by notifying BOLI.
4. Redefines the roles and responsibilities of the apprenticeship agency and the State Apprenticeship Council. Under the revised regulations, USDOL will only recognize an apprenticeship agency (ATD), not a state council (like Oregon’s State Apprenticeship & Training Council) as the State’s registration agency. In order to maintain OSATC’s oversight authority and decision-making role, HB 2034 grants authority currently vested in the council to *both* the council and ATD.
5. Clarifies reciprocal programs. Previously, building and construction trades’ apprentices could work as registered apprentices only in the state where their program was registered; states were not required to give reciprocal recognition or approval to out-of-state building and construction programs. Federal regulations now require reciprocal approval of

## **Oregon Bureau of Labor and Industries**

apprentices and apprenticeship programs and standards that are registered in other states for all industries and occupations. The final rule requires apprenticeship program sponsors seeking reciprocal approval to meet the wage and hour standards and apprentice ratio standards of the reciprocal state.

6. Implements program performance standards. The revised federal regulations include a new section on performance standards that emphasizes quality performance by establishing the following requirements:
  - a. Every apprenticeship program must have at least one apprentice, with limited exceptions.
  - b. Registration agencies must evaluate program performance based on considerations such as compliance with Equal Employment Opportunity Commission regulations and completion rates compared to the national average.
  - c. Programs with below average performance must be given technical assistance to improve program performance and quality

The Bureau of Labor and Industries has adopted temporary rules implementing the provisions of HB 2034. See BOLI's website at [www.oregon.gov/boli](http://www.oregon.gov/boli) for more information. Permanent rulemaking will be held before the end of this year.

If you have questions or comments, please contact BOLI's Apprenticeship and Training Division at 971-673-0760 or by email at [atdemail.boli@state.or.us](mailto:atdemail.boli@state.or.us)

Secretary of State

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Bureau of Labor and Industries, Apprenticeship and Training Division  
Agency and Division

OAR 839-011  
Administrative Rules Chapter Number

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In the Matter of: Rules regarding the administration of registered apprenticeship

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.) Conforms Apprenticeship administrative rules to the provisions of HB 2034 (2011).

Statutory Authority: ORS 660.120

Other Authority: HB 2034 (2011)

Stats. Implemented: ORS 660.010 – 660.210

Need for the Temporary Rule(s): These temporary rules conform the provisions of ten current Apprenticeship rules (OAR 839-011-0051, 839-011-0070, 839-011-0084, 839-011-0088, 839-011-0140, 839-011-0141, 839-011-0142, 839-011-0143; 839-011-0145 and 839-011-0290) to the provisions of HB 2034 (2011) that became effective May 27, 2011 upon execution by the Governor. Since the legislation became effective immediately upon signing, rules implementing the legislation need to be amended as soon as possible to conform existing rules to the provisions of the legislation.

Documents Relied Upon, and where they are available: HB 2034 is available at [www.leg.state.or.us/bills\\_laws/](http://www.leg.state.or.us/bills_laws/).

Justification of Temporary Rule(s): As explained in the Need for the Temporary Rules, the statutes relevant to the temporary rules have already been amended and are in effect. Failure of the agency to act promptly to conform the administrative rules with the statutes will result in serious prejudice to the public interest and especially the interest of the parties directly involved in Apprenticeship in Oregon.

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Authorized Signer

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 945-2005

### **839-011-0051**

#### **Delegation of Authority by Council**

- (1) The Chair and Director, with the approval of the Chair, may act on behalf of the Council **for federal purposes and** in all cases where immediate action is deemed necessary by the Chair and Director. All such actions shall be placed on the agenda for the next regular Council meeting for Council approval or ratification.
- (2) All matters pertaining to the approval or deregistration of apprenticeship committees, standards, **program sponsors, employers,** training agents or apprentices must be ratified by the Council at its next meeting.
- (3) Any standards referred back to local committees by the Council for revision may be approved by the Director when revised according to Council action.

Stat. Auth.: ORS 660.**120(3)**

Stats. Implemented: ORS **660.120,** 660.210, 660.170

### **839-011-0070**

#### **Definitions**

- (1) "Division" means the Apprenticeship and Training Division of the Bureau.
- (2) "Employee" means any person employed or active in an applicable trade.
- (3) "Local Committee" means any registered joint or trades apprenticeship or training committee approved by the Council.
- (4) "State minimum guideline standards" means industry/trade benchmarks developed by a Council approved state committee and approved by the Council that represent the fundamental requirements necessary for entry into and completion of specific Council approved apprenticeship or training programs.
- (5) "Registered program" means a local committee approved by the Council to operate an apprenticeship or training program in a specific occupation.
- (6) "Registration of an Agreement" means the acceptance and recording of an apprentice or trainee agreement by the Division on behalf of the Council. Registration is evidence of the participation of the apprentice or trainee in a registered program.
- (7) "Standards" means a written agreement submitted by a local committee and approved by the Council, which sets forth a plan containing all terms and conditions for the qualification, employment and training of apprentices or trainees as set forth in ORS 660.126 and 660.137.
- (8) "Trainee" means any individual registered to a registered training program. For the purposes of these rules, all apprentice requirements apply to trainees unless otherwise noted.
- (9) "Training agent" means an employer approved by a local committee to train apprentices and registered with the Division.
- (10) "Training program" means any registered program of 2,000 on-the-job training hours or less. For the purposes of these rules, all apprenticeship requirements apply to training programs unless otherwise noted.
- (11) "Traveling Training Agent" is an approved training agent working outside the geographic area where its primary place of business is located and registered by the Division.

(12) [*“Journey Person” or “Journey Worker”*] **“Journeyworker”** is a fully skilled practitioner who can work independently in a given trade or occupation **in accordance with ORS 660.010(4)**. Generally, a skilled crafts person has a minimum of four years of verifiable trade-specific experience or has completed a state certified apprenticeship program in the applicable trade and holds a license where required.

Stat. Auth.: ORS 660.120(3)/(1)]

Stats. Implemented: ORS 660.120(1)

### **839-011-0084**

#### **Approval of New Committees and Standards**

(1) Additional committees or standards in an area already served by an existing committee in the same trade, craft or occupation shall be established in the same manner as any other local committee.

(2) All employers and their qualified employees shall be afforded the opportunity to participate, on a non-discriminatory basis, in existing programs.

(3) The Council **and the Apprenticeship and Training Division of the Bureau of Labor and Industries** will approve the creation of a new local committee or new standards for an existing committee only if the applicant for the new program or new standards can first demonstrate to the Council **and the Apprenticeship and Training Division**, by a preponderance of evidence, that the application is in conformity with the following requirements:

(a) The applicant shall submit documentation showing committee composition pursuant to ORS 660.135, .145.

(b) The applicant shall submit standards in a format approved by the Council that meet or exceed any existing statewide minimum guideline standards for the occupation. Where no state guideline standards exist, proposed standards shall meet or exceed national guideline standards approved by the federal Office of Apprenticeship. Where no state or national guideline standards exist, standards will be approved at the discretion of the Council **and the Apprenticeship and Training Division** when the proposed occupation is clearly identified and commonly recognized throughout an industry.

(c) The applicant shall submit an administration plan that includes:

(A) Written designation of the program administrator;

(B) Documented assurances that the committee will be adequately funded to support its administration and the presentation of related instruction;

(C) A written statement that details all costs to apprentices (including instruction, books, tuition); and

(D) Assurances that training agents and prospective training agents will be provided with a written statement of costs for program participation.

(d) The applicant must demonstrate the ability to track required on-the-job training, related and supplemental training and affirmative action information (i.e., work progress reports, apprentice/trainee rotation system, employer's apprentice/trainee evaluation forms, grading sheets, applicant logs) and provide the Council with copies of the forms and documents that will be used to track such information.

(e) The applicant shall submit a plan detailing how the committee will ensure that participating employers will provide work in all areas covered by the program standards (ORS 660.137(5)), including:

(A) Training in all counties listed in proposed geographical area;

(B) Training in all work processes set forth in the standards;

(C) Committee expectations of supervising journey workers and a plan for the supervision of apprentices/trainees in the ratio set forth in the standards (ORS 660.126(1)(c), (f));

(D) Training agent qualifications and duties (ORS 660.137(5)); and

(E) A plan for training participating employers on their duties and responsibilities.

(f) The applicant shall submit a complete related training curriculum, including instructor qualifications, class outlines and expected competencies, grading procedures and completion criteria. This submission shall include:

(A) An explanation of the curriculum delivery method and a description of the related training facilities;

(B) Certification of the curriculum and instructional delivery plan by either a state education certifying authority or nationally recognized industry association (ORS 660.137(2)(c), .126(1)(j), .157); and

(C) Assurances that classroom and related instruction can be delivered throughout the geographic area. The applicant must submit a contract or other documentation demonstrating that actual instructional resources are in place. The committee's geographic area must be one that can be reasonably served by the committee with respect to employers and the location of the related training services (ORS 660.126(1)(a)).

(g) The applicant must submit operating policies and procedures and assurances that the program will be operated in accordance with the same; and

(h) The applicant shall submit a plan to recruit, evaluate and select apprentice/trainee applicants, including an application form that meets Council requirements.

(4) All objections to the approval of a new committee or new standards shall be submitted to the Council in writing at the meeting where the application is being considered for approval, specifically detailing any objections to the application. Council may rule on the application and objections thereto at that time or grant the applicant 30 days after the Council meeting to submit a written rebuttal to the objections to the Director. Council shall direct the Director to investigate and evaluate the objections and rebuttal and to provide a report to Council within 45 days of receipt of the rebuttal statement. At the next Council meeting after the initial submission, Council shall either approve or deny the application and provide a specific written explanation for its actions.

(5) All new programs shall serve a probationary period of three years after Council approval. Failure to clearly demonstrate the ability to operate a satisfactory program during the probationary period, based upon periodic program reviews conducted by the Division, shall result in cancellation of the program by Council.

(6) Compliance reviews will be conducted during the probationary period pursuant to OAR 839-011-0145 unless the Council directs the Division to conduct reviews more frequently. Should the Council find operating deficiencies in the course of any such review, the program shall immediately take action to correct the deficiencies and submit a report to the Council explaining corrective measures taken within 90 days of the Council initial finding of deficiencies. If the committee has not corrected the deficiencies within

the 90 day period, the Council shall dissolve the program at the next scheduled Council meeting.

Stat. Auth.: ORS 660.120(3)

Stats. Implemented: ORS 660.135(1)

## **Apprenticeship and Training Standards**

### **839-011-0088**

#### **Registration of Apprenticeship Agreements**

(1) The Council delegates registration of apprenticeship agreements to the Division and recognizes an agreement as registered when:

(a) It is on a form that has been approved pursuant to ORS 660.020 and issued by the Division;

(b) Information requested on the form as authorized by ORS 660.020 has been supplied by the apprentice. The requested information includes, but is not limited to the apprentice's Social Security Number for identification purposes;

(c) It has been signed by the apprentice and the local joint committee. Approval must be recorded as soon as possible at a committee meeting; and

(d) The agreement has been submitted to and received by a representative of the Division.

(2) The effective starting date of an apprenticeship in non-licensed trades shall be not more than ninety **forty five (45)** [(90)] days prior to the date that a fully executed agreement is submitted to and received by a representative of the Division. In the licensed trades, the effective starting date of an apprenticeship shall not commence before a fully executed apprenticeship agreement is received by a representative of the Division, unless the committee has written authorization from the Division to issue an initial license and operates in accordance with the conditions of authorization.


(3) Local committees shall develop and implement a policy and procedures detailing the process for evaluating previous experience in a uniform manner and awarding advanced standing to new apprentices for on-the-job or related training.

(a) The committee may grant credit for prior experience for any time previously spent by the apprentice in the trade or occupation that the committee considers applicable to the work processes in the program standards.

(b) In licensed trades only lawfully obtained and documented experience that specifically applies to an Oregon license may be considered in granting credit for prior experience.

(4) All apprenticeship agreements will be maintained in the Division's main office.

Stat. Auth.: ORS 660.120(3)[(1) & 660.020]

Stats. Implemented: ORS [329.965]  **.732** & 660.060(8)

### **839-011-0140**

#### **Approval and Dissolution of Standards**

(1) A local committee must submit new standards or revisions to previously approved standards, together with executed signature sheets and committee minutes to the Director at least 45 calendar days before the date of the next Council meeting pursuant to OAR 839-011-0030.

(2) Proposed standards and revisions must be in a form and format approved by Council that includes all elements specified in ORS 660.126. The Council may require additional

information of committees pursuant to OAR 839-011-0084, including program administration and training plans.

(3) Standards in a form or format other than that approved by the Council **and the Division** may be accepted when they are part of the federal Office of Apprenticeship approved national pattern standards and are consistent with federal Office of Apprenticeship regulations and guidelines, these rules and Council policies.

(4) With Council approval, local committees may charge applicants a reasonable non-refundable application fee. Such fees shall be stated in the standards as a minimum qualification for entry into the program. Committees shall be required to:

(a) Incorporate the payment of a non-refundable application fee into the minimum qualifications of the committee's standards. The standards shall also reflect that applicants with an income below 150% of the federal poverty guidelines may apply for a non-refundable application fee waiver. Federal poverty guidelines are established by the Federal Department of Health and Human Services and are recognized by the Oregon Adult and Family Services Division;

(b) Show that the non-refundable application fee results in no disparate impact and report annually to the Council whether disparate impact has been determined to result from the fees charged; and

(c) Show that the local committee experiences an extraordinary burden with respect to the administration of applications, i.e., beyond the ordinary course of conducting such procedures. Examples of an extraordinary burden are, but not limited to, development of specific entrance examinations, validation studies and extensive testing or interview procedures.

(5) Revised standards will supersede the committee's previous standards covering the same occupation.

(6) The Division will report any standards that apprentices have not been active in for two or more years to the Council for dissolution due to inactivity. Thereafter, new standards must be approved prior to registration of any new apprentices.

Stat. Auth.: ORS 660.120(3)(1)

Stats. Implemented: ORS 660.120(2)(b), 660.126 & 660.137

### **839-011-0141**

#### **Minimum Guideline Standards**

The Council may approve minimum guideline standards for occupations it deems necessary.

(1) At its discretion, or upon petition by two or more local committees directly affected by minimum guideline standards, the Council will direct the Division to convene a state committee composed of members of local committees training in the occupation. Division staff will organize the meeting time and location, and contact all appropriate local committees.

(a) Each local joint committee training in the occupation may appoint no more than one employer and one employee representative (with alternates) to the state committee pursuant to OAR 839-011-0074. Notification of this action must be submitted to the Division in writing annually. Appointments will be valid only after written notice of the names of the appointees is received by the Division at least one (1) day before a scheduled state guideline committee meeting.

(b) The employer and employee members of local trades committees (and alternates) shall represent their respective occupations on the state committee pursuant to ORS 660.155(2).

(c) Only properly appointed representatives to the state guideline committee will be permitted to vote on issues before the State Guideline Committee.

(d) A quorum shall consist of 50% plus one of the total appointed local joint committee representatives; local trade committee representatives will be counted only if they are present at the state committee meeting. A quorum of the total appointed local committee representatives constituted pursuant to this rule may revise the quorum requirement for future state committee meetings, pending review and approval by the Council.

(e) Each state committee may adopt policies and procedures consistent with ORS 660 as it deems necessary for the orderly conduct of its meetings.

(2) The state committee will develop or revise minimum guideline standards in accordance with the needs of the industry and occupation. This committee shall establish minimum guidelines in the following standards areas:

(a) Minimum qualifications;

(b) Hours of employment;

(c) Maximum probationary period;

(d) Maximum ratio of apprentices to journey level workers;

(e) Minimum work processes and approximate hours; and

(f) Minimum related/supplemental instruction.

(3) New or revised minimum guideline standards shall be distributed to all local committees training in the occupation for review and comment prior to submission to the Council.

(a) Each local committee shall have not more than 30 days to present any written objections. This information shall be referred to the state committee for review.

(b) The state committee shall then prepare its final recommendations to the Council.

(c) If consensus is not reached by the state committee, a majority and minority report will be submitted to the Council for consideration.

(d) When majority and minority reports are submitted, the Council **and the Division** will take into consideration the geographic area covered by each participating committee as well as the number of apprentices served and the number of training agents affected.

(4) Total on-the-job training hours for a local committee may not fluctuate below the requirements dictated by minimum guideline standards. The variations must be within statutory limits governing the licensed occupations.

Stat. Auth.: ORS 660.120(3)/(1)]

Stats. Implemented: ORS 660.120(2)(a)

## **839-011-0142**

### **Apprentice/Trainee Qualifications**

(1) The Council **and the Division** shall evaluate proposed qualification standards or selection methods pursuant to the criteria set forth in Title 29 CFR Part 30, the Equal Employment Opportunity in Apprenticeship Plan noted in OAR 839-011-0200, the objectives expressed by the committee and/or sponsor, and such other factors as the Council **and the Division** may deem appropriate. Evaluation of proposed qualification

standards or selection methods shall include an analysis of whether they would result in an adverse impact upon any protected class of applicants.

(2) The Council **and the Division** shall not consider proposed standards that contain any of the following requirements within their minimum qualifications:

(a) Physical ability to do the job, unless it specifically references a validated occupational requirement, such as lifting a sack of cement to a specified height;

(b) Any tests (including color tests) that do not meet the validity requirements under 41 CFR 60.3;

(c) A valid driver's license; or

(d) A medical exam.

(3) Standards submitted containing any of these requirements will not be placed on the Council agenda.

(4) The minimum qualifications section of the standards may include a note advising applicants that employers may require apprentices to meet additional lawful conditions of employment. These must be identified by employers and specified in the standards.

Stat. Auth.: ORS 660.120(3)(1)

Stats. Implemented: ORS 660.120(2)(a)

### **839-011-0143**

#### **Ratio**

(1) Registered apprentices shall only work for training agents registered to the same committee as the apprentice and must be supervised by journey workers in the same trade or occupation, except as provided in sections (5) and (6) below and employed by the same training agent employing the apprentice.

(2) The apprentice to journey level worker ratio for any registered program approved by the Council **and the Division** shall be clearly set forth in the standards for the given occupation and must be specific as to application in terms of jobsite, workforce, department or plant.

(3) The maximum ratio of apprentices to journey level workers for an occupation covered by a state committee will be developed as part of the minimum guideline standards for the occupation. Requests for a less restrictive ratio from local committees will be referred to the state committee for evaluation of minimum guideline ratio.

(4) For occupations where a minimum guideline standard is not in place, local committees are expected to meet the following apprentice to journey level ratios:

(a) Construction trades: 1:1,1:3

(b) Industrial trades and fixed-site facilities: 1:1,1:2

(c) Other trades (non-traditional and new and emerging occupations): 1:1,1:1

(d) Committees wishing a less restrictive ratio must submit a request to the Council for consideration, along with information including but not limited to:

(A) Specific workforce demographics justifying a different ratio;

(B) Plan to monitor effects of ratio on the safety and continuity of employment for apprentices; and

(C) Comparison of completion rate to statewide average for occupation.

(5) In licensed trades, an apprentice must be supervised by a journey level worker holding the same or a higher license classification than the apprentice unless the Council

has approved state guideline standards permitting a lower level of journey worker supervision.

(6) Electrical power line installers and repairers and linemen apprentices may work for training agents registered to other local joint committees in order to ensure that all work processes are fulfilled, pursuant to a written agreement between the apprentice, the local committees and both training agents.

(7) In limited situations, the Council may grant a training agent a short-term waiver of the established ratio for a given program, upon demonstration of extreme need. In no event shall an apprentice work without qualified journey worker supervision. Ratio waivers of less than 90 days must be requested by the committee on behalf of a training agent. Local committees are not authorized to grant temporary waivers to training agents. A temporary waiver of ratio may be granted under the following circumstances:

(a) Serious injury or illness of the journeyworker [person], where the journeyworker [person] is expected to return to work in 90 days or less; or

(b) The sudden departure of a journeyworker [person] from employment with the training agent for causes not attributable to the training agent. The employer is expected to replace the departing journeyworker [person] within a reasonable amount of time and in no event shall this amount of time exceed ninety (90) days. The training agent must document its efforts to replace journey level workers which may include, but shall not be limited to:

(A) Copies of job orders;

(B) Classified advertising placed, including a posting of the journey wage rate offered; and

(C) Job orders placed with the Oregon Employment Division.

(8) The lack of available qualified or licensed journeyworkers [persons] shall not be a valid reason for granting a temporary ratio waiver.

(9) The Council may authorize the Director to grant or deny waivers as set forth above on an interim basis. Such action taken by the Director must be submitted to the Council for ratification at its next meeting after interim approval or denial has been made.

Stat. Auth.: ORS 660.120(3)

Stats. Implemented: ORS 660.120(2), 660.126(1)(f)

### **839-011-0145**

#### **Compliance Reviews**

(1) All committees are subject to periodic reviews of program operation and affirmative action activities.

(2) The Division shall develop and maintain a review schedule that identifies programs scheduled for review, the type of review to be conducted and the time period to be evaluated.

(3) The Program Operation Compliance Review will evaluate program operation and administration.

(a) New committees will receive a Program Operation Compliance Review annually for the first three years of operation, unless otherwise directed by the Council.

(b) After the first three (3) years, committees found in compliance will receive a Program Operation Compliance Review every three (3) years. Committees maintaining a completion rate of at least 70% for all standards during the three (3) previous consecutive years will receive a Program Operation Compliance Review every five (5) years.

(4) The Affirmative Action Compliance Review will evaluate outreach, recruitment, and selection activities.

(a) Committees with five or more apprentices registered to a single standard during the previous three years will receive an annual Affirmative Action Compliance Review.

(b) Training agents who select their own apprentices in accordance with the committee's approved selection procedure will receive a separate annual Affirmative Action Compliance Review.

(5) Additional reviews may be scheduled if

(a) The Director has a reasonable belief that such reviews are prudent and in the best interest of apprenticeship;

(b) Complaints have been received that the program is not operating in compliance; or

(c) At the Council's direction.

(6) Committees found out of compliance will be required to appear at the next meeting of the appropriate Council subcommittee.

(7) All reviews shall be reported on a form and in a format approved by the Council.

Upon review of compliance reports, the Council shall take action including but not limited to the following:

(a) Approve the report;

(b) Refer the report back for further clarification;

(c) Extend the review period for up to six (6) months;

(d) Order a probationary period including more frequent and detailed program reviews;

(e) Direct compliance and/or corrective action accordingly;

(f) Impose sanctions;

(g) Deregister the committee and/or standards for non-compliance; or

(h) Any other action as directed by the Council **and the Division**.

Stat. Auth.: ORS 660.120(3) [(1)]

Stats. Implemented: ORS 660.120(2)(a) & 660.120(2)(f)

### **839-011-0290**

#### **Plumber Apprentices -- Phased Supervision**

(1) The Division shall issue plumbing apprentice licenses to active apprentices or trainees registered to standards approved by the Council. Apprentice license formats shall be jointly agreed to by the Division and the Oregon Building Codes Division.

(2) All apprentices and trainees must be directly supervised in accordance with OAR 839-011-0143, unless approved for phased supervision.

(3) Pursuant to OAR 918-695-0140, a local committee may take action to permit plumbing apprentices to work under phased supervision under the following circumstances:

(a) The plumber apprentice must work in the physical presence of an appropriate journey level plumber; and

(b) An appropriate journey level plumber present at the immediate work site at all times, except for not more than a cumulative thirty (30) minutes during any work shift during which time the journey **worker** [person] is immediately available by voice communication.

(4) The plumber apprentice may work under phased supervision when the following specific conditions are met:

(a) The appropriate journey **worker** [person] is immediately available to the apprentice by voice communication (immediately available means that the apprentice can reach the appropriate journey **worker** [person] within a 15-minute period);

(b) The appropriate journey **worker** [person] meets with the apprentice at least once each day to go over the work done by the apprentice;

(c) The activity is consistent with the committee's work requirements as established in its written policy;

(d) There is only one apprentice on the job site; and

(e) The apprentice has been specifically approved for one (1) or more of the following phases:

(A) Phase 1: The apprentice only engages in water heater replacement or conversion after completing at least six (6) months of work experience, eight (8) hours of related instruction and is evaluated and authorized to do this type of work by the committee;

(B) Phase 2: The apprentice engages in work covered in Phase 1 and minor repairs in a one (1) or two (2) family dwelling after completion of three (3) periods of work experience, the appropriate related instruction for three (3) periods and is evaluated and authorized to do this type of work by the committee;

(C) Phase 3: The apprentice engages in work covered in Phase 1 and 2, and general repairs and replacement of existing installations after completion of four (4) periods of work experience, the appropriate related instruction for four (4) periods and is evaluated and authorized to do this type of work by the committee; or

(D) Phase 4: The apprentice engages in work covered in Phase 1, 2 and 3, and new or remodel installations after completing five (5) periods of work experience, the appropriate related instruction for five (5) periods and is evaluated and authorized to do this type of work by the committee.

(5) Phased supervision licenses will be issued by the Division upon notification of committee approval and reissued for the duration of the program unless the committee takes action to rescind approval.

Stat. Auth.: ORS 660.**120(3)**

Stats. Implemented: ORS 693.040