



ADMINISTRATIVE RULES OF MONTANA



24.21.411 MINIMUM GUIDELINES FOR REGISTRATION OF PROGRAMS

- (1) Programs submitted for approval and/or registration by the apprenticeship and training program (registration agency), Department of Labor and Industry, must contain the following:
 - (a) Provision that the starting age of an apprentice may not be less than 16.
 - (b) Statement of basic qualifications for apprenticeship: specific and applying equally to all applicants.
 - (c) Provision for compliance with 29 CFR part 30, which includes the Montana state plan for equal employment opportunity in apprenticeship.
 - (d) Provision that the term of apprenticeship is consistent with industry practice, but in no case less than 2,000 hours of reasonably continuous employment, which must include supplementary instruction except as otherwise provided by Montana state law.
 - (e) A schedule of work processes in which the apprentice will receive work experience and training on the job, and the allocation of the approximate amount of time to be spent in each major process or division of the trade.
 - (f) Provision for proper supervision of on-the-job training.
 - (g) A progressively increasing schedule of wages for apprentices. The entry wage must equal or exceed the Montana Minimum Wage Law or Fair Labor Standards Act minimum where applicable.
 - (h) Provision for the payment of wages that are consistent with the requirements of 39-6-108, MCA, if the apprenticeship is in a building construction occupation.
 - (i) Provision for organized related and supplemental instruction. This may include supervised correspondence or self-study courses as approved by state law. A minimum of 144 hours each year of apprenticeship is recommended.
 - (j) A statement of the ratio of apprentices to journeymen. The registration agency will continue to honor and recognize ratio provisions as established in existing labor/management bargaining agreements or as established by an industry practice. The registration agency may waive ratio standards for apprenticeship sponsors who can demonstrate the need for a waiver due to labor shortages or other reasons deemed sufficient by the registration agency.
 - (k) Provision for periodic evaluation of the apprentice's progress, both in job performance and related instruction; and the maintenance of appropriate progress records.
 - (l) Provision for evaluation of and granting credit for previous experience.

- (m) Provision for safety training for apprentices, both on the job and in related instruction.
 - (n) Provision that apprentices will be under a written agreement with their employer, or with an employers association, or a joint apprenticeship committee pursuant to state apprenticeship laws and regulations.
 - (o) Identification of the registration agency by whom apprentices, apprenticeship programs and subsequent amendments thereto will be approved and recorded.
 - (p) Provisions for notifying the registration agency of all actions affecting apprenticeship, such as new hires, completions, suspensions, and cancellations.
 - (q) Provision for employer-employee cooperation where a bargaining agreement exists, except where no participation has been evidenced or practiced by the bargaining agent. Where there is employer and employee participation it may be demonstrated by one or more of the following:
 - (i) Appropriate provisions in the bargaining agreement.
 - (ii) Signature to the standards.
 - (iii) Letter from each indicating agreement to the programs.
 - (iv) Establishment of a joint apprenticeship committee.
 - (r) Provision for recognition of successful completion. Recognition is acknowledged by a Certificate of Completion of Apprenticeship.
 - (s) Provision addressing the sponsor's responsibility to the apprentice and the public regarding safety, training quality and ensuring acceptable practices performed by the apprentice.
- (2) The standards must conform to the requirements of 29 CFR section 29.5, as adopted by the department in ARM 24.21.302.

Authorizing statute(s): 39-6-101, MCA

Implementing statute(s): 39-6-106, MCA

History: NEW, Eff. 12/31/72; AMD, 1979 MAR p. 1118, Eff. 9/28/79; AMD, 1995 MAR p. 1418, Eff. 8/1/95; AMD, 2002 MAR p. 2453, Eff. 9/13/02; AMD, 2006 MAR p. 2658, Eff. 10/27/06; AMD, 2010 MAR p. 2962, Eff. 12/24/10.