



ADMINISTRATIVE RULES OF MONTANA



24.17.171 APPRENTICES

- (1) Apprentices are those persons employed and individually registered in bona fide apprenticeship programs registered with or recognized by the department's Bureau of Apprenticeship and Training or the U.S. Bureau of Apprenticeship and Training.
- (2) An employer is limited in the number of apprentices permitted on the job site for any class or type of employee based on the allowable ratio of apprentices to journeymen specified in the approved program. This requirement applies to the work site unless otherwise stated.
- (3) An apprentice must register 30 days prior to the date the apprentice starts work on the project. An apprenticeship ratio is determined on a daily basis for each work week, based on the number of journeymen employed on site. Any employee who is not registered or otherwise employed as stated in this rule, shall be paid not less than the applicable wage rate on the wage determination for the class or type of work actually performed. If an employer exceeds or has exceeded the allowable ratio of apprentices to journey-level workers, the apprentice(s) who has the earliest starting date on the public works project is the apprentice who may be paid the percentage of pay specified in the apprenticeship agreement. If the records kept by the employer do not identify which apprentice started on which date, in the event the ratio is exceeded on any given day, all of the employer's apprentices working on the public works project must be paid the prevailing wage for that work week. In the event the Montana apprenticeship and training registration agency or the U.S. Bureau of Apprenticeship and Training withdraws approval of an apprenticeship program, or deems the program to be out of compliance, the contractor, subcontractor or employer shall no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the class or type of work performed until determined in compliance or an acceptable program is approved.

Authorizing statute(s): 18-2-431 and 39-6-101, MCA

Implementing statute(s): 18-2-412, 39-6-106, MCA

History: NEW, 2002 MAR p. 2446, Eff. 9/13/02.