



ADMINISTRATIVE RULES OF MONTANA



24.21.412 GUIDELINES FOR HIRING OF ADDITIONAL APPRENTICES

- (1) An apprenticeship sponsor shall make reasonable efforts to encourage apprentices to complete the apprenticeship program.
- (2) Before an apprenticeship sponsor may indenture a new apprentice, the sponsor shall offer to rehire any apprentice that had worked for the sponsor, but had been laid off or terminated without good cause.
 - (a) The registration agency may reject apprenticeship agreements submitted by apprenticeship sponsors who fail to provide proof of having offered to rehire apprentices that were laid off or terminated without good cause.
 - (b) An apprenticeship sponsor may demonstrate it had good cause for not rehiring a former apprentice. Good cause for not rehiring includes, but is not limited to:
 - (i) an offer of rehiring that is rejected by the former apprentice, if such offer is reasonable;
 - (ii) the former apprentice is unavailable for work within a reasonable period of time as determined by the circumstances or the rehiring; or
 - (iii) the former apprentice cannot be located after a diligent search by the apprenticeship sponsor.
 - (c) The following are examples of reasons that do not constitute good cause for not rehiring a former apprentice:
 - (i) the sponsor's inability to pay the former apprentice at the level which is appropriate for the training and education completed by that apprentice;
 - (ii) the rejection by the former apprentice of an offer for rehiring that is short term or of limited duration which is not reasonably calculated to provide employment for the former apprentice through the remainder of the apprenticeship program;
 - (iii) the rejection by the former apprentice of an offer for rehiring having conditions that require violation of the terms of the apprenticeship agreement and/or apprenticeship standards; or
 - (iv) the rejection by the former apprentice of an offer for rehiring which imposes conditions that require an apprentice to knowingly assist or participate in illegal activity.

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

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

History: NEW, 1995 MAR p. 1418, Eff. 8/1/95.