

HOUSE BILL 1470

K3, C2

7lr2800

By: **Delegate McCray**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Apprenticeship and Training Council – Apprentice Ratios – Electrical Craft or**
3 **Trade**

4 FOR the purpose of requiring the Apprenticeship and Training Council, on or before a
5 certain date, to adopt regulations establishing a certain ratio of journeyworkers to
6 apprentices; prohibiting the Council from establishing a ratio less than a certain
7 amount; requiring an employer in the electrical craft or trade to comply with certain
8 regulations; requiring the Commissioner of Labor and Industry to investigate a
9 certain suspected violation under certain circumstances; requiring the
10 Commissioner, on a certain determination, to require a certain employer to correct a
11 certain violation; establishing certain civil penalties for a violation of this Act;
12 authorizing the Commissioner to waive a certain civil penalty under certain
13 circumstances; and generally relating to the Apprenticeship and Training Council
14 and journeyworker–apprentice ratios.

15 BY adding to
16 Article – Labor and Employment
17 Section 11–405.1
18 Annotated Code of Maryland
19 (2016 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Labor and Employment**

23 **11–405.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNCIL SHALL ADOPT REGULATIONS ESTABLISHING A RATIO OF JOURNEYWORKERS TO APPRENTICES EMPLOYED IN THE ELECTRICAL CRAFT OR TRADE.

(2) IN ORDER TO PROVIDE FOR THE DIRECT SUPERVISION, INSTRUCTION, AND SAFETY OF APPRENTICES, THE REGULATIONS ADOPTED UNDER THIS SECTION MAY NOT ESTABLISH A RATIO OF LESS THAN ONE JOURNEYWORKER EMPLOYED AT A WORK SITE FOR EACH APPRENTICE.

(B) AN EMPLOYER IN THE ELECTRICAL CRAFT OR TRADE SHALL COMPLY WITH REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION.

(C) ON THE RECEIPT OF A COMPLAINT, THE COMMISSIONER OF LABOR AND INDUSTRY SHALL INVESTIGATE A SUSPECTED VIOLATION OF SUBSECTION (B) OF THIS SECTION.

(D) IF THE COMMISSIONER DETERMINES THAT AN EMPLOYER IS VIOLATING SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER SHALL REQUIRE THE EMPLOYER TO CORRECT THE VIOLATION.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN EMPLOYER THAT VIOLATES SUBSECTION (B) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING:

(I) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER DID NOT KNOWINGLY COMMIT THE VIOLATION, \$1,000 FOR EACH EMPLOYEE EMPLOYED IN AN ELECTRICAL CRAFT OR TRADE; OR

(II) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER KNOWINGLY COMMITTED THE VIOLATION, \$5,000 FOR EACH EMPLOYEE EMPLOYED IN AN ELECTRICAL CRAFT OR TRADE.

(2) IF AN EMPLOYER COMMITS A SUBSEQUENT VIOLATION OF SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER MAY ASSESS, IN ADDITION TO THE CIVIL PENALTY SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A CIVIL PENALTY NOT EXCEEDING \$20,000.

(3) THE COMMISSIONER MAY WAIVE THE CIVIL PENALTY SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE EMPLOYER WHO VIOLATED SUBSECTION (B) OF THIS SECTION COMES INTO COMPLIANCE WITH THE REGULATIONS IN A TIMELY MANNER.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Apprenticeship and
2 Training Council shall adopt the regulations required under § 11–405.1 of the Labor and
3 Employment Article, as enacted by Section 1 of this Act, on or before October 1, 2018.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2017.