

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

**DEPARTMENT/AGENCY** Arkansas Department of Career Education  
**DIVISION** Career and Technical Education/Skilled Development/Apprenticeship  
**DIVISION DIRECTOR** Kathy Turner  
**CONTACT PERSON** Randy Prather  
**ADDRESS** #3 Capitol Mall, Little Rock, AR 72201  
**PHONE NO.** 501-682-1360 **FAX NO.** 501-682-1355 **E-MAIL** randy.prather.arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Randy Prather  
**PRESENTER E-MAIL** randy.prather@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.**
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.**
- C. If you have a method of indexing your rules, please give the proposed citation after “Short Title of this Rule” below.**
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:**

**Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201**

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1. What is the short title of this rule? Revised Rules and Regulations for Plumbing Apprenticeship Programs

2. What is the subject of the proposed rule? The proposed rules change and/or qualify current rules and delete obsolete language

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No   
If yes, please provide the federal rule, regulation, and/or statute citation. ACT 140 of 2015

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes  No   
If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes  No

5. Is this a new rule? Yes  No

If yes, please provide a brief summary explaining the regulation. This regulation states the rules and regulations that Plumbing apprenticeship programs must follow to be in compliance with state and federal law

Does this repeal an existing rule? Yes  No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes  No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. A.C.A.25-30-102

7. What is the purpose of this proposed rule? Why is it necessary? Because of ACT 140 of 2015, the rules and regulations needed to be changed to support this ACT

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <http://ace.arkansas.gov/newsEvents/Pages/default.aspx>

9. Will a public hearing be held on this proposed rule? Yes  No

If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

September 14, 2015

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

October 1, 2015

12. Do you expect this rule to be controversial? Yes  No

If yes, please explain. \_\_\_\_\_

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?  
Please provide their position (for or against) if known.

N/A

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**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**     Arkansas Department of Career Education  
**DIVISION**        Career and Technical Education/Skilled Development/Apprenticeship  
**PERSON COMPLETING THIS STATEMENT**   Randy Prather  
**TELEPHONE NO.**   (501)682-1360 **FAX NO.**   (501)682-1355 **EMAIL:** randy.prather@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE**     Revised Rules and Regulation for Plumbing Apprenticeship Programs

- 1. Does this proposed, amended, or repealed rule have a financial impact?     Yes      No
  
- 2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?     Yes      No
  
- 3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?     Yes      No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;  
\_\_\_\_\_
  
- (b) The reason for adoption of the more costly rule;  
\_\_\_\_\_
  
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
\_\_\_\_\_
  
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.  
\_\_\_\_\_

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_



- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
  - (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
  - (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
  - (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
    - (a) the rule is achieving the statutory objectives;
    - (b) the benefits of the rule continue to justify its costs; and
    - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

**RULES AND REGULATIONS**

**FOR**

**PLUMBING APPRENTICESHIP PROGRAMS**

**Pursuant to act 412 of 1991 & ACT 140 of 2015**

**September 15, 2015**

# **RULES AND REGULATIONS**

## **FOR**

### **PLUMBING APPRENTICESHIP PROGRAMS**

#### **Pursuant to Act 412 of 1991 & ACT 140 of 2015**

#### **SECTION I AUTHORITY**

The following regulations are duly adopted and promulgated by the Career Education and Workforce Development Board pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 200 of 1951 as amended, Act 96 of 1913 as amended, and Act 412 of 1991 as amended. The Arkansas Department of Career Education may exercise such powers as are reasonably necessary to carry out the provisions of Act 200 of 1951 as amended Act 96 of 1913 as amended, Act 768 of 1987, Act 412 of 1991 and ACT 140 of 2015 as amended.

#### **SECTION II PURPOSE**

The purpose of these rules and regulations is to transfer the authority of the apprentice plumber program from the Arkansas Department of Health to the Arkansas Department of Career Education. The content of these rules and regulations are basically the same as those rules and regulations pursuant to Act 768 of 1987.

#### **SECTION III DEFINITIONS**

- (a) The Board means the Career Education and Workforce Development Board.
- (b) The Department means the Arkansas Department of Career Education.
- (c) Arkansas State Committee of Plumbing Examiners means people designated by the Board of Health to determine the eligibility of applications for various types of plumbing and gas licenses in accordance with Act 200 of 1951 as amended.
- (d) Employer means any master plumber representing himself or a company that performs plumbing work in the state of Arkansas.
- (e) Apprentice plumber means a person other than a master or journeyman plumber as provided in these regulations of apprenticeship at least sixteen (16) years of age and covered by the required apprenticeship agreements.
- (f) Apprenticeship agreement means a written agreement as provided by USDOL/OA and the Department of Health/Plumbing and Natural Gas section signed by the apprentice and (if the apprentice is a minor) the parent or guardian, the local apprenticeship committee and the participating company.
- (g) USDOL/OA means the United States Department of Labor, Office of Apprenticeship.
- (h) State Plumbing Apprenticeship Committee means people designated by the Board to assist in carrying out the provisions of Act 412 of 1991 as amended.
- (i) Local apprenticeship committee means a group composed of master and/or journeyman plumbers who are licensed as prescribed by law to carry out the provision of Act 412 of 1991 as amended.

- (j) Master plumber means any person licensed as prescribed by law skilled in the planning, superintending, and the practical installation of plumbing, and who is familiar with Act 412 Of 1991 and Act 200 of 1951 as amended.
- (k) Journeyman plumber means any person licensed as prescribed by law, other than a master or apprentice plumber, who is engaged in the practical installation of plumbing.
- (l) Local plumbing inspector means the individual authorized by the Department of Health to enforce the provisions of Act 200 of 1951 as amended and Act 412 of 1991 as amended.
- (m) Laborer means any person engaged in trenching, transporting supplies, demolition, etc., whose primary function is physical in nature.
- (n) Credit time means previous out of state work experience under the supervision of a master plumber in the plumbing trade equivalent to the educational requirements set forth by these regulations or in-state work after 1984 while registered with the Department of Health and USDOL/OA as required by Act 412 Of 1991 as amended.

#### **SECTION IV QUALIFICATIONS**

The Local Apprenticeship Committee must adhere to their USDOL/OA Standards of Apprenticeship in the selection of apprentices.

#### **SECTION V APPLICATIONS AND TERMS OF APPRENTICESHIP REGISTRATION**

- (A) No person shall engage in work as an apprentice plumber as defined in Act 412 of 1991 as amended unless first registered to do so by the Department of Health, Plumbing and Natural Gas Section and USDOL/OA.
- (b) Information for apprentice plumber registration shall be on an application form supplied by the Department of Health and the application form shall be filled out completely before consideration by the local apprenticeship committee.
- (c) To establish a record of apprenticeship, every apprentice plumber shall within thirty (30) days after employment be registered with the local apprenticeship committee, the Department of Health, and USDOL/OA. It is the responsibility of the master plumber to require apprentices to register with the local apprenticeship committee. The Arkansas State Committee of Plumbing Examiners may take action against a master plumber for working an apprentice for over thirty (30) days without being so registered. In the absence of an established local apprenticeship committee, an apprentice shall register directly with the State Plumbing Apprenticeship Committee, USDOL/OA, and the Department of Health.
- (d) All holders of an apprentice license issued under the provisions of this regulation may apply for renewal annually within thirty (30) days after the expiration date of the license. The Department of Health may not renew a license after the thirty (30) day period providing there is sufficient reason for not renewing such license in the time specified and upon payment of penalties as prescribed by regulations.
- (e) **EXPERIENCE CREDIT:** The applicant must submit a request for experience credit within a sixty (60) day period of time from the date of application, furnish **notarized** records, affidavits, or bona fide evidence as may be required to substantiate the requested time. Please show all work experience present and past that you wish considered for work experience credit. The work experience must have a start date and end date (to present if current job) so work experience time can be calculated. The description of work experience should be sufficiently detailed to provide a clear understanding of work being performed. This time shall be evaluated by the local

apprenticeship committee, if in existence, and approved by the State Plumbing Apprenticeship Committee. In the absence of the local committee, credit time shall be evaluated and may be granted by the State Plumbing Apprenticeship Committee. The applicant may be required to take an examination to determine credit time requested. Experience credit will only be granted for documented out of state work, for in state work while duly registered as required by these rules and regulations, or work done prior to 1984. Experience credit, when approved will be granted for both classroom and on the job hours.

- (f) The term of apprenticeship shall be a minimum of four (4) years or equal consisting of eight (8) periods of one-thousand (1,000) hours of practical work experience and eight (8) periods of 80 hours each running concurrently of related classroom instruction in technical and supplemental subjects related to the trade or as approved by USDOL/OA. When an apprentice successfully completes the required term of apprenticeship, he/she will be eligible to take the state journeyman plumbers examination as administered by the Arkansas Department of Health / Plumbing and Natural Gas Section. The Arkansas Department of Health / Plumbing and Natural Gas Section will notify the State Apprenticeship Office of the test results (pass/fail). The apprentice must pass the state examination before being released from their indenture agreement by the local committee. If the apprentice does not pass the exam by January 1, the apprentice must report to the school to receive license renewal and may be charged a fee from the school.

## **SECTION VI RATIO OF APPRENTICES TO MASTER AND JOURNEYMAN**

The following maximum ratio amount of master and journeyman plumbers to apprentice plumbers shall be allowed on each and every job. One (1) master plumber or journeyman plumber may supervise up to three (3) apprentice plumbers on a single plumbing job. Apprentices will be under the supervision of a master or journeyman licensed plumber at all times. Compliance with the U S Department of Labor Office of Apprenticeship registered Standards of Apprenticeship must be followed.

## **SECTION VII SUPERVISION OF APPRENTICES**

- (a) The supervising master or journeyman plumber shall remain within reasonable proximity of the apprentice plumber while work is being done.
- (b) The proximity of the supervising plumber to the apprentice plumber is reasonable if:
- The job site is a single family residence or a project that does not require a contractor's license. The supervising plumber is within sight of the apprentice plumber and at the same street address, adjacent to or adjoining street address or same geographical subdivision at which the apprentice plumber is working.
  - The job site is not a single family residence, requiring a contractor's license. The supervising plumber is within the line of sight of the apprentice plumber or the supervising plumber is within two hundred fifty (250) yards of the apprentice plumber and the supervising plumber and apprentice plumber are within the property boundaries of the job site.
- (c) Compliance with the U S Department of Labor Office of Apprenticeship registered Standards of Apprenticeship must be followed.

## **SECTION VIII PROBATIONARY PERIOD**

Apprentices shall be subject to a probationary period not to exceed one thousand practical work experience hours (one period). During this probationary period, the local apprenticeship committee or employer may request annulment of the apprenticeship without the formality of a hearing. Credit time will

be granted for time served under the probationary period.

## **SECTION IX HOURS OF WORK AND CONDITIONS AND SAFETY**

The hours of work and working conditions for apprentices shall be the same as for journeyman. The employer shall instruct the apprentice in safe and healthful work practices and shall insure that the apprentice is trained in facilities and other environments that are in compliance with either and occupational safety and health standards promulgated by the Secretary of Labor under Public Law 91-596, dated December 29, 1970, or state standards that have been found to be equal or exceeding the federal standards.

## **SECTION X RELATED CLASSROOM INSTRUCTION**

The apprentice shall enroll and attend classes in related subjects at a school or other shop training facility approved by the State Apprenticeship Office for not less than 160 hours or as approved by USDOL/OA per year. The apprentices shall also take advantage of provided instruction in recognized apprentice classes during periods of temporary unemployment. School attendance in all cases shall be obligatory; failure to attend these classes in related instruction may cause the apprentice to be disciplined or his apprenticeship agreement annulled. Apprentices are to attend school on their own time, and such school attendance shall not be considered as hours worked. The local apprenticeship committee shall not recognize any apprentice with whom they have not signed an apprenticeship agreement or who is not registered with the Department of Health and USDOL/OA.

## **SECTION XI CONTINUITY OF EMPLOYMENT**

- (a) The master plumber who sponsors the apprentice, is obligated to actually employ the apprentice, and shall use every effort to keep the apprentice employed in a reasonably continuous manner and adequately instructed on the job.
- (b) It shall be the duty of the master plumber who is responsible for the registration of an apprentice to notify in writing the local apprenticeship committee when an apprentice is no longer employed.

## **SECTION XII APPRENTICESHIP AGREEMENT**

The apprentice, and if a minor, parent or guardian, shall be required to sign an apprenticeship agreement with the Department of Health and USDOL/OA.

## **SECTION XIII PROCEDURES FOR DISCIPLINARY ACTION**

- (a) An apprentice shall make every effort to complete training in accordance with the standards and policies established by this regulation. An apprentice who is absent from related instruction class sessions, unless officially excused, shall satisfactorily complete all classroom work missed before being advanced to the next period of training. In case of failure of an apprentice to fulfill the obligation regarding classroom or on the job training without due cause, the local apprenticeship committee shall take the necessary disciplinary action to ensure that the obligation is met.
- (b) The local apprenticeship committee may cancel the apprenticeship agreement, and remove for cause an apprentice from the training program at any time for failure to comply with the apprenticeship agreement, or with registered standards.
- (c) Before invoking any disciplinary action, the local apprenticeship committee must notify an apprentice by certified mail to appear before the local apprenticeship committee. If an apprentice fails to appear before the local apprenticeship committee after due notice, disciplinary action may be invoked in accordance with the Local Apprenticeship standards. In the absence of a local apprenticeship committee, the State Plumbing Apprenticeship Committee shall function in their stead.

- (d) The State Plumbing Apprenticeship Committee serves as the appeal board for the local apprenticeship committee and on training standards interpretations. Any person or firm may appeal directly to the State Plumbing Apprenticeship Committee for review.

**SECTION XIV SCHEDULE OF WORK EXPERIENCE**

- (a) The following schedule of work experience is set forth in approximate hours. The work experience need not be in the precise order listed nor need the hours be continuous in any experience category.
- (b) All work done by apprentices as prescribed training shall conform in every respect with the requirements of the state and local plumbing codes.

- (1) Installation of piping for water, soil sewage, vent and leader lines.....1000 hrs.
- (2) Installation of piping for hot and cold water for domestic purposes .....1000 hrs.
- (3) Installation and sizing of gas utilization piping systems, .....800 hrs.  
combustion of natural gas, sizing combustion air openings,  
venting of gas burning appliances (atmosphere and fan  
assisted.)
- (4) Assembly in positioning and connecting of fixtures and.....1800 hrs.  
appliance used in domestic heating, gas fitting,  
plumbing and drainage systems.
- (5) Welding and brazing connected with the trade.....400 hrs.
- (6) Maintenance and repairing of heating, gas fitting, and.....800 hrs.  
oil burner service.
- (7) Operation, care and use of all tools and equipment ..... 300 hrs.  
connected with the trade.
- (8) Installation and repair of safety valves and regulators ..... 300 hrs.
- (9) Installation and repair of air gaps, atmospheric vacuum .....400 hrs.  
breakers, pressure type vacuum breakers, double check  
valves, and reduced pressure zone devices.
- (10) Plumbing Code, Gas Code, blueprint reading and .....1200 hrs.  
sketching, and safety training.

Total Hours .....8000 hrs.

Compliance with the U S Department of Labor Office of Apprenticeship registered Standards of Apprenticeship must be followed.

**SECTION XV QUALIFICATIONS FOR EMPLOYER**

The individual must be a duly licensed master plumber in the state of Arkansas who signs an employer acceptance agreement to abide by these regulations of apprenticeship.

## **SECTION XVI DUTIES OF THE STATE PLUMBING APPRENTICESHIP COMMITTEE**

The State Plumbing Apprenticeship Committee shall:

- (a) Upon request will assist and advise local apprenticeship committees.
- (b) Evaluate each local plumbing apprenticeship training program for compliance with the policies of the Arkansas Department of Career Education, USDOL/OA, and the State Plumbing Apprenticeship Committee.
- (c) Serve as an appeal board for Apprentices, Local Apprenticeship Committees, and for training standards interpretations. Any person or firm may appeal directly to the State Plumbing Apprenticeship Committee for review.
- (d) Establish criteria for eligibility for hardship status pertaining to correspondence or distance training provided that the applicant for hardship resides at least thirty (30) miles by most direct route from the nearest established apprenticeship school.
- (e) Annually elect a chairperson, co-chairperson, and secretary who shall retain the power to vote in all matters before the committee.
- (f) Hold meetings at least every two (2) months. Special meetings of the committee may be called by the chairperson or by petition of a majority of the members of the committee. The chairperson shall call a special meeting when necessary to hear appeals.

## **SECTION XVII DUTIES OF THE LOCAL APPRENTICESHIP COMMITTEE**

The local apprenticeship committee shall adhere to their Registered Standards by USDOL/OA:

- (a) Hold meetings at least once a month. Special meetings of the local apprenticeship committee may be called by the chairperson or by petition of a majority of members.
- (b) Annually elect a chairperson and a secretary who shall retain the power to vote on all matters before the local apprenticeship committee.
- (c) Administer the apprenticeship program and enforce its provisions and requirements.
- (d) Establish rules and procedures to govern meetings.
- (e) Establish minimum standards of education and experience for apprentice applicants.
- (f) Review apprenticeship agreements between the employer and apprentice and be responsible for submission of such agreements to USDOL/OA and the Department of Health, Plumbing and Natural Gas Section for registration.
- (g) Determine, through examination, the progress of their apprentices in manipulative skills and technical knowledge as may be deemed necessary, but not less than four (4) times per year.
- (h) Promote apprenticeship by enlisting public support and by contact with all organizations concerned with it.
- (i) Issue certificates of completion of apprenticeship to those apprentices who have satisfactorily completed training.
- (j) Notify USDOL/OA and the Department of Health and the State Apprenticeship Office of all actions affecting apprenticeship such as new hires, completions, suspensions and cancellations.

- (k) Assure that all apprentices are duly registered with the Department of Health/Plumbing and Natural Gas Section within thirty (30 days) of employment by a master plumber and registration by the Local Apprenticeship committee or prior to any actual classroom attendance.
- (l) Secure competent instructors whose knowledge, experience and ability to teach shall be carefully examined. When possible, the instructors shall take such teacher training courses as are available.
- (m) Establish a set of local standards and submit those standards to USDOL/OA for approval. If the local apprenticeship committee revises any part of their standards, then a re-submission of their standards shall be required for review before implementation.
- (n) Examine the progress of the apprentice on the job and in related instruction not less than four (4) times per year.
- (o) Keep complete and accurate records on each apprentice. The records shall consist of but are not limited to: copies of registration with USDOL/OA, registration with the Department of Health, registration with the local committee, on the job and related instruction progress, advancements, and other records pertinent to the apprentice or to the conduct of the program. Records shall be maintained for a period of five (5) years.
- (p) Verify that each participating employer is in agreement with the terms of their standards, including any training trust fund established or hereafter established to implement the local apprenticeship program.
- (q) Establish starting and stopping times for classroom instruction to insure the completion of eight (8) periods of eighty (80) hours or as approved by USDOL/OA.
- (r) Be responsible for the administration and financing of their local programs.

## **SECTION XVIII SEVERABILITY**

If any provision of these Regulations, or the application hereof to any person is held invalid, such invalidity shall not affect other provisions or applications of these Regulations which can give effect without the invalid provisions of applications, and to this end the provisions hereto are declared to be severable.

## **SECTION XIX REPEAL**

All Regulations and parts of Regulations in conflict herewith are hereby repealed.