

**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  
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**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 Electrician 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 1122 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 Electrician 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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 1122 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 Electrician 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**

**ELECTRICIAN APPRENTICESHIP PROGRAMS**

**Pursuant to Act 1289 of 1997 & ACT 1122 of 2015**

**September 15, 2015**

**FOR**  
**ELECTRICIAN APPRENTICESHIP PROGRAMS**  
**Pursuant to Act 1289 of 1997 & ACT 1122 of 2015**

**SECTION I. AUTHORITY**

The following Rules and 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 1289 of 1997 and ACT 1122 of 2015 and transferred to the Arkansas Department of Career Education through a Memorandum of Understanding with the Arkansas Department of Labor and the Board of Electrical Examiners. The Department may exercise such powers as are reasonably necessary to carry out the provisions of Act 1289 of 1997 and ACT 1122.

**SECTION II. PURPOSE**

The purpose of these Rules and Regulations is to transfer the authority of overseeing the Apprentice Electrician Program from the Arkansas Department of Labor and the Arkansas Board of Electrical Examiners to the Arkansas Department of Career Education.

**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) Board of Electrical Examiners means people designated by the Arkansas Department of Labor to determine the eligibility of applications for various types of licenses in accordance with Act 1289 of 1997.
- (d) Employer means any master electrician representing himself or a company who signs an Apprenticeship agreement to abide by these Rules and Regulations of Apprenticeship.
- (e) Apprentice electrician means a person other than a master or journeyman electrician, residential master or journeyman, industrial maintenance electrician, or air conditioning electrician as provided in these guidelines of apprenticeship who is at least sixteen (16) years of age and covered by the required apprenticeship agreements.
- (f) Apprenticeship Agreement means a written agreement as provided by the United States Department of Labor/ Office of Apprenticeship (OA) signed by the Apprentice and (if the Apprentice is a minor) the parent or guardian, the Local Apprenticeship Committee and the participating company.
- (g) OA means the United States Department of Labor, Office of Apprenticeship.

- (h) State Electrical Apprenticeship Committee means people designated by the Board to assist in carrying out the provisions of ACT 1289 of 1997 as amended.
- (i) Local Apprenticeship Committee means a group composed of master and/or journeyman electricians who are licensed as prescribed by law, plus one person who shall be appointed from the Arkansas Department of Career Education by the State Electrical Apprenticeship Committee chosen to carry out the provision of ACT 1289 of 1997 as amended.
- (j) Master electrician means any person, licensed as prescribed by law, skilled in the planning, superintending and the practical installation of electrical work and familiar with the laws, rules, and regulations governing the same.
- (k) Journeyman electrician means any person, licensed as prescribed by law, other than a master electrician or an apprentice electrician, who is engaged in the practical installation of electrical work.
- (l) Industrial maintenance electrician means any person, licensed as prescribed by law, who maintains and/or extends electrical conductors and equipment for electrical power and control systems on or within industrial, manufacturing, or similar type facilities.
- (m) Air conditioning electrician means any person, licensed as prescribed by law, who installs, maintains, or extends electrical conductors or equipment solely for the purpose of supplying heating and air conditioning and refrigeration units.

#### **SECTION IV. QUALIFICATION**

The applicant for apprentice electrician shall have the ability and aptitude to master the skills of the electrical trade.

The applicant shall be in such physical condition to perform the work of the electrical trade. An applicant shall not be considered if there is a disability sufficient to impair the safety of him/her or the safety of others on the job. The State and/or Local Apprenticeship Committees may require a statement by a licensed physician stating that the applicant is physically able to perform the duties of the trade if all other requirements have been met.

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**

No person shall engage in work as an Apprentice electrician as defined in ACT 1289 of 1997 unless first registered to do so by the Arkansas Department of Labor and United State Department of Labor/ Office of Apprenticeship, and is enrolled in and attending a OA approved training program.

Information for apprentice electrician registration shall be on an application form supplied by the Arkansas Department of Labor and the application form shall be filled out

completely before consideration by the Department of Labor and OA. To establish a record of apprenticeship, every apprentice electrician, shall within thirty (30) days after employment, be registered with the Arkansas Department of Labor, the Local Apprenticeship Committee, and OA. It is the responsibility of the master electrician to require apprentices to register with the Local Apprenticeship Committee. The Board of Electrical Examiners may take action against a master electrician 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 Electrical Apprenticeship Committee.

All holders of an apprentice registration issued under the provisions of this regulation may apply for renewal annually within thirty (30) days after the expiration date of the registration. The Arkansas Department of Labor may not renew a registration after the thirty (30) day period providing there is sufficient reason for not renewing such registration in the time specified and upon payment of penalties as prescribed by regulations.

The term of apprenticeship shall be a minimum of four (4) years consisting of eight (8) periods of one-thousand (1,000) hours of practical work experience and eight (8) periods of 72 hours each, running concurrently, of related classroom instruction in technical and supplemental subjects related to the trade or as approved by USDOL/OA.

Unless officially excused by the Arkansas Department of Labor, each apprentice upon completion of apprenticeship should make application with the Arkansas Department of Labor for the journeyman electrician examination within sixty (60) days.

**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 Electrical Apprenticeship Committee. In the absence of the local committee, credit time shall be evaluated and may be granted by the State Electrical 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.

## **SECTION VI. REVOCATION OF REGISTRATION**

The Board of Electrical Examiners may on its own motion make investigations and conduct hearings or upon a complaint in writing duly signed and certified by the complainant, suspend or revoke any apprentice electrician registration if it has reason to believe that the holder of such registration has violated any provision of these Rules and Regulations or any rule or order prescribed by the Board of Electrical Examiners or has demonstrated incompetency to act as an apprentice electrician.

The use of an apprentice electricians registration to do electrical work other than

permitted by the registration shall be grounds for automatic suspension and/or revocation of such registration by the Board of Electrical Examiners providing the registrant is duly notified within thirty (30) days of the violation and pending a full hearing under the Administrative Procedures Regulation of the Arkansas Department of Labor.

**SECTION VII. RATIO OF APPRENTICES TO MASTER AND JOURNEYMAN**

The maximum ratio amount of master and journeyman electricians to apprentice electricians shall be three (3) licensed apprentice electricians to one licensed master or journeyman electrician on a single electrical job. 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 may 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 or other environments that are in compliance with either the 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, within 30 days of employment, enroll in and attend classes in related subjects at a school or other training facility approved by the State Electrical Apprenticeship Committee for not less than 144 hours per year or as approved by USDOL/OA. The Apprentices shall also take advantage of provided instruction in recognized apprenticeship classes during periods of temporary unemployment. School attendance in all cases shall be obligatory; failure to attend these classes in related instructions may cause the apprentice to be disciplined or his apprenticeship agreement cancelled. 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 Arkansas Department of Labor and OA.

**SECTION XI. CONTINUITY OF EMPLOYMENT**

The master electrician 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. It shall be the duty of the master electrician 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, the parent or guardian) shall be required to sign an apprenticeship agreement with the Arkansas Department of Labor and OA, which shall also be signed by the employer and by the Local Apprenticeship Committee.

**SECTION XIII. PROCEDURES FOR DISCIPLINARY ACTION**

An apprentice shall make every effort to complete training in accordance with the standards and policies established by these Rules and Regulations. 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.

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.

Before invoking any disciplinary action, the Local Apprenticeship Committee must notify an apprentice 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 Committee standards. In the absence of a Local Apprenticeship Committee, the State Electrical Apprenticeship Committee shall function in their stead.

The State Electrical Apprenticeship Committee serves as the appeal board for the Local Apprenticeship Committees and on training standards interpretations. Any person or firm may appeal directly to the State Electrical Apprenticeship Committee for review.

**SECTION XIV. SCHEDULE OF WORK EXPERIENCE**

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.

- (a) Preliminary work: (Names and uses of tools and equipment; safety)..... .. 600 hrs.
- (b) Residential and Commercial Rough Wiring:..... 2000 hrs.  
 (Blueprint reading; Materials and usage; Conduit bending and installation;  
 Termination of wires to switches and equipment; Pulling wire with and without

fish tape; Safety)

- (c) Residential and Commercial Finish Work: ..... 1500 hrs.  
(Connecting and setting switches and receptacles; Proper sizing of wires, services, and over current protection; Safety)
- (d) Industrial Lighting and Service Installation:..... 1500 hrs.  
(Air conditioning and Heating wiring and controls; Rigid conduit installation; Service entrance installation for large equipment and industrial settings; Safety)
- (e) Troubleshooting: .....1000 hrs.  
(Checking circuits and equipment for faults; Diagnosing and correcting Voltage and phase problems; Reading schematic wiring diagrams; proper and safe use of all types of volt/ohm meters and other test instruments for electrical troubleshooting and diagnosis; Safety)
- (f) Motor Installation and Controls:..... 800 hrs  
(Installation of over current devices; Verification of proper installation and rotation; Selection and sizing of replacement motors; Analyzing and trouble-shooting motor circuits and controls; Installation of emergency generators and controls; Installing pushbuttons, pilot lights, relays, timing devices, and interlocking controls; Safety).
- (g) Electrical Code, blueprint reading and sketching, and Safety training. .... 600 hrs.

Total Hours..... 8000 hrs.

All work done by apprentices as prescribed training shall conform in every respect with the requirements of the state and local codes.

**SECTION XV. QUALIFICATIONS FOR EMPLOYER**

The individual must be a duly licensed master electrician, as prescribed by law, in the State of Arkansas and who signs an employer acceptance agreement with OA to abide by these Rules and Regulations of apprenticeship.

**SECTION XVI. SUPERVISION OF APPRENTICES**

The master electrician or journeyman electrician shall observe the work of an apprentice electrician in person at regular and reasonable intervals. The supervising master or journeyman electrician shall remain within reasonable proximity of the apprentice electrician while work is being done. The proximity of the supervising electrician is reasonable if the apprentice electrician is within line of sight and at the same street address. If the job site is not a single-family residence and requires a contractor's license the supervising electrician must be within the line of sight of the apprentice electrician.

## **SECTION XVII. MAKE UP AND DUTIES OF THE STATE ELECTRICAL APPRENTICESHIP COMMITTEE**

The State Electrical Apprenticeship Committee shall be comprised of the following members:

- (a) 4- Master electricians, one from each congressional district of the state (voting)
- (b) 1- Engineer, professional or registered, with knowledge of the electrical trade (voting)
- (c) 1- Journeyman electrician, at large from the state (voting)
- (d) 1- Consumer, from this state, at large (voting)
- (e) 1- U.S. Department of Labor/OA (non- voting, advisory)
- (f) 1- Arkansas Department of Labor/Board of Electrical Examiners (non- voting, advisory)
- (g) 1- Arkansas Department of Career Education (non-voting, advisory)

The State Electrical Apprenticeship Committee shall:

- (a) Assist and advise Local Apprenticeship Committees.
- (b) Evaluate each local apprenticeship training program for compliance with the policies of the Department of Career Education, OA, and the State Electrical 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 Electrical Apprenticeship Committee for review.
- (d) Annually elect a chairperson, co-chairperson, and secretary who shall retain the power to vote in all matters before the Committee.
- (e) Hold meetings at least every two (2) months. The chairperson when necessary to hear appeals may call special meetings of the committee.

## **SECTION XVIII. DUTIES OF THE LOCAL APPRENTICESHIP COMMITTEE**

The Local Apprenticeship Committee shall:

- (a) Hold meetings at least every two months. 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 OA and the Arkansas Department of Labor for registration.
- (g) Determine, through examination, the progress of apprentice 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 OA, the Arkansas Department of Labor 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 Arkansas Department of Labor within thirty (30 days) of registration by the Local Apprenticeship Committee.
- (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 the State Electrical Apprenticeship Committee and 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 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 the OA, registration with the Arkansas Department of Labor, 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 (72) hours or as approved by USDOL/OA.
- (r) Be responsible for the administration and financing of local programs and establish fees and tuition for their programs.

## **SECTION XIX. SEVERABILITY**

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

## **SECTION XX. REPEAL**

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