

2018 Regular Session

SENATE BILL NO. 234

BY SENATOR COLOMB

EMPLOYMENT. Requires a contractor for a state construction project to designate no less than two percent of man-hours in any apprenticeable occupation to registered apprentices. (8/1/18)

1 AN ACT

2 To enact R.S. 23:388.1 and R.S. 39:103(A)(1)(g) and 121(8), relative to apprenticeship; to
3 require contractors for state construction projects to employ certain apprentices; to
4 provide for agreements; to provide for contracts; to provide for waivers; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:388.1 is hereby enacted to read as follows:

8 **§388.1. Apprenticeship requirements of state construction projects**

9 **A. In order to promote employment opportunities for young people and**
10 **to train a skilled work force in Louisiana, beginning August 1, 2018, any**
11 **employer who is awarded a contract by the state of Louisiana to construct a**
12 **capital project shall designate no less than two percent of the man-hours in any**
13 **apprenticeable occupation, as defined by the United States Department of**
14 **Labor and as provided for in R.S. 39:121, to apprentices who are registered**
15 **pursuant to this Chapter.**

16 **B. The director of apprenticeship shall approve all apprenticeship**
17 **agreements which are in furtherance of this Section and which meet the**

1 standards established in this Chapter.

2 C.(1) If the executive director of the workforce commission determines,
3 in good faith, that an insufficient number of registered apprentices are available
4 for a particular state construction project, the executive director shall certify
5 the number of registered apprentices who are available for the particular state
6 construction project and shall issue a waiver for the remaining number of jobs
7 which would otherwise be reserved for registered apprentices in order for the
8 contractor to meet the two percent man-hour requirement provided for in R.S.
9 39:121.

10 (2) The executive director shall provide the waiver to the office of
11 facility planning in compliance with R.S. 39:121.

12 Section 2. R.S. 39:103(A)(1)(g) and 121(8) are hereby enacted to read as follows:

13 §103. Standards for capital projects and evaluations

14 A.(1) The office of facility planning and control of the division of
15 administration shall establish standards for capital projects which shall include but
16 not be limited to criteria of requirements for:

17 * * *

18 (g) Standards for compliance with requirements to hiring apprentices
19 as required in R.S. 39:121.

20 * * *

21 §121. Division of administration powers, duties, and functions

22 The division of administration in accordance with the provisions of R.S.
23 39:1410 in order to exercise supervision over the expenditure of funds and the
24 construction projects, shall specifically:

25 * * *

26 (8)(a) Beginning August 1, 2018, require each contractor for a state
27 construction job to meet all of the following requirements:

28 (i) Except as provided for in Subparagraph (b) of this Paragraph, the
29 contractor shall designate no less than two percent of man-hours in any

1 apprenticeable occupation, as defined by the United States Department of
 2 Labor, to be held by registered apprentices.

3 (ii) The contractor shall cooperate with the director of apprenticeship
 4 and meet the standards and requirement of the apprenticeship program as
 5 provided for in Chapter 4 of Title 23 of the Louisiana Revised Statutes of 1950.

6 (b) If there are an insufficient number of registered apprentices
 7 available for a particular state construction project, the requirements of
 8 R.S. 23:388.1(C)(1) are to be waived only to the extent that such insufficiency
 9 is certified by the executive director of the Louisiana Workforce Commission.

The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

SB 234 Engrossed

2018 Regular Session

Colomb

Present law provides that the director will, in cooperation with the apprenticeship council, set up conditions and training standards for apprentice agreements, which will in no case be lower than those prescribed by the Office of Apprenticeship, United States Department of Labor, or lower than approved national standards.

Proposed law retains present law but requires that any employer who is awarded a contract by the state of La. to construct a capital project will designate no less than 2% of the man-hours in any apprenticeable occupation, as defined by the U.S. Dept. of Labor, to registered apprentices.

Present law provides that the director of apprenticeship will approve all apprenticeship agreements which meet the standards established in present law.

Proposed law retains present law but requires that the director of apprenticeship also approve the apprenticeship agreements under proposed law.

Proposed law provides that, if the executive director of the workforce commission determines, in good faith, that an insufficient number of registered apprentices is available for a particular state construction project, the executive director will certify the number of registered apprentices who are available for the particular state construction project and will issue a waiver for the remaining number of jobs which would otherwise be reserved for registered apprentices in order for the contractor to meet the 2% man-hour requirement provided for in proposed law.

Present law provides that the office of facility planning and control of the division of administration will establish standards and criteria for capital projects.

Proposed law retains present law but requires that the office of facility planning set standards for compliance with requirements to hiring apprentices as required by proposed law.

Proposed law provides that, beginning Aug. 1, 2018, the division of administration will require each contractor for a state construction job to meet the following requirements:

- (1) Except when the contractor receives a waiver from the executive director of the La. Workforce Commission as provided for in proposed law, the contractor will designate no less than 2% of man-hours in any apprenticeable occupation to be held by registered apprentices.
- (2) The contractor will cooperate with director of apprenticeship and meet the standards and requirement of the apprenticeship program as provided for in proposed law.

Effective August 1, 2018.

(Adds R.S. 23:388.1, R.S. 39:103(A)(1)(g) and 121(8))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the original bill

1. Technical amendments.