

RULES AND REGULATIONS

PERTAINING TO

APPRENTICE PLUMBERS REGISTRATION

Pursuant to act 412 of 1991

April 24, 2000

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SECTION I. AUTHORITY

The following regulations are duly adopted and promulgated by the Arkansas State Board of Workforce Education and Career Opportunities 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 Department of Workforce 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, and Act 412 of 1991 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 Workforce 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 Arkansas State Board of Workforce Education.
- (b) The Department means the State Department of Workforce Education.
- (c) Committee of 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 the Bureau of Apprenticeship and Training (BAT) 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) BAT means the United States Department of Labor, Bureau of Apprenticeship and Training.

SECTION III. DEFINITIONS (CONTINUED)

- (h) State Apprenticeship Committee means people designated by the Board of Workforce Education and Career Opportunities 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, plus one person who shall be appointed from the State Department of Workforce Education by the State Apprenticeship Committee chosen 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 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 BAT as required by Act 412 Of 1991_.

SECTION IV. QUALIFICATIONS

- (a) The applicant for apprentice plumber shall have the ability and aptitude to master the skills of the plumbing trade.
- (b) The applicant shall be in such physical condition to perform the work of the plumbing trade. An applicant shall not be considered if there is a disability sufficient to impair the safety of himself 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.
- (c) The applicant should and is encouraged to have the minimum of a high school education, G.E.D. certificate or should be in the process of obtaining a high school education or G.E.D. certificate. Transcripts of education may be required before consideration by the local apprenticeship committee.

SECTION V. APPLICATIONS AND TERMS OF APPRENTICESHIP REGISTRATION

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 the Bureau of Apprenticeship and Training.

- (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

SECTION V. APPLICATIONS AND TERMS OF APPRENTICESHIP REGISTRATION (CONTINUED)

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 the Bureau of Apprenticeship and Training. It is the responsibility of the master plumber to require apprentices to register with the local apprenticeship committee. The Committee of 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 Apprenticeship Committee, BAT, and the Department of Health.
- (d) 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 Department of Health 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.
- (e) The applicant may request credit time for previous experience. The applicant must submit a request at the time of application and within a sixty (60) day period of time from the date of application furnish records, affidavits, or bona fide evidence as may be required to substantiate the requested time. This time shall be evaluated by the local apprenticeship committee, if in existence, and approved by the State Apprenticeship Committee. In the absence of the local committee, credit time shall be evaluated and may be granted by the State 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. 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) If an apprentice fails the state examination three (3) times, they will be required to complete at least six (6) months of additional related classroom study in the apprenticeship program in which they were enrolled. The apprentice must pass the state examination before being released from their indenture agreement by the local committee.
- (g) Unless officially excused by the Department of Health, each apprentice upon completion of apprenticeship shall be required to make application with the Department of Health for journeyman plumber examination within sixty (60) days.

SECTION VI. REVOCATION OF REGISTRATION

- (a) The Committee of 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 plumber registration if it has reason to believe that the holder of such registration has violated any provision of these regulations, any rule or order prescribed by the Board or has demonstrated incompetency to act as an apprentice plumber.

- (b) The use of an apprentice plumbers registration to do plumbing other than permitted by the registration shall be grounds for automatic suspension and/or revocation of such registration by the Committee of 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 Health.
- (c) All action of the Committee of Examiners can be appealed to the Board of Health pursuant to the established Administrative Procedures and Regulation of the Arkansas Department of Health.

SECTION VII. 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 apprentice plumber is allowed for each licensed master or journeyman employed by a plumbing company. Apprentices will be under the direct supervision of a licensed plumber at all times except as allowed in the fourth year of apprenticeship (Section XVI, A).

SECTION VIII. PROBATIONARY PERIOD

Apprentices shall be subject to a probationary period not to exceed one thousand hours (one period). During this probationary period, the 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 promulgates 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 Committee for not less than 160 hours 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 the Bureau of Apprenticeship and Training.

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 the Bureau of Apprenticeship and Training, which shall also be signed by an employer and by the local apprenticeship committee.

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 Apprenticeship Committee shall function in their stead.

SECTION XIII. PROCEDURES FOR DISCIPLINARY ACTION (CONTINUED)

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

SECTION XIV. SCHEDULE OF WORK EXPERIENCE (CONTINUED)

- (2) Installation of piping for hot and cold water for domestic purposes 1000 hrs. purposes.
- (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.

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. APPRENTICE IN LAST YEAR OF TRAINING AND WORK EXPERIENCE

- (a) An apprentice plumber shall be under the direct supervision of a master or journeyman plumber at all times, except in the last year of training. As a means of gaining additional experience, an apprentice may work alone and unsupervised but shall not be counted as a journeyman plumber or as an apprentice plumber in the ratio amounts as described in these regulations. The master plumber shall be responsible to ensure that all work conforms to State Plumbing Code. The Local Committee shall issue a card to each fourth year apprentice that identifies that person as being in the fourth or final year of training. The card will bear the name of the apprentice, the name of the school or local committee, and shall have an expiration date of December of the year in which issued. Persons bearing such a card will not be relieved from their responsibility to complete their training and school attendance is required in every instance.
- (b) For an apprentice to be qualified at the end of his/her apprenticeship as a skilled journeyman

SECTION XVI. APPRENTICE IN LAST YEAR OF TRAINING AND WORK EXPERIENCE (CONTINUED)

plumber, the apprentice, while serving the Apprenticeship, shall receive instructions and be given the opportunity to assist in the installation of plumbing materials as skill permits under the supervision of a Journeyman or Master Plumber.

SECTION XVII. DUTIES OF THE STATE APPRENTICESHIP COMMITTEE

The State Apprenticeship Committee shall:

- (a) Review and approve or disapprove local apprenticeship committee standards.
- (b) Assist and advise local apprenticeship committees.
- (c) Evaluate each local apprenticeship training program annually for compliance with the policies of the Department of Workforce Education, Bureau of Apprenticeship and Training, and the State Apprenticeship Committee.
- (d) 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 Apprenticeship Committee for review.
- (e) Establish criteria for eligibility for hardship status pertaining to correspondence training provided that the applicant for hardship resides at least thirty (30) miles by most direct route from the nearest established apprenticeship school.
- (f) Annually elect a chairperson, co-chairperson, and secretary who shall retain the power to vote in all matters before the committee.
- (g) 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 XVIII. DUTIES OF THE LOCAL APPRENTICESHIP COMMITTEE

The local apprenticeship committee shall:

- (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 the Bureau of Apprenticeship and Training (BAT) and

SECTION XVIII. DUTIES OF THE LOCAL APPRENTICESHIP COMMITTEE (CONTINUED)

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 the Bureau of Apprenticeship and Training and the Department of Health 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 the State Apprenticeship Committee and Bureau of Apprenticeship and Training 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 the Bureau of Apprenticeship and Training, 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) Ascertain 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.
- (r) Be responsible for the administration and financing of local programs.

SECTION XVIII. HEARINGS

In the case of each final order issued by the Department of Health, any affected party may within 30 days of such order submit a written request for a hearing to the Director of the Department of Health.

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NOTICE: All hearings will be scheduled within a reasonable time and held after reasonable notice has been provided to all known affected parties.

SECTION XX. 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 XXI. REPEAL

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