

# Committee Report

## **CONSENT CALENDAR**

**March 15, 2021**

### **HOUSE OF REPRESENTATIVES**

### **REPORT OF COMMITTEE**

**The Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 261,**

**AN ACT relative to apprenticeship programs in trade and industry. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.**

**Rep. Brian Seaworth**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Labor, Industrial and Rehabilitative Services</b>
Bill Number:	<b>HB 261</b>
Title:	<b>relative to apprenticeship programs in trade and industry.</b>
Date:	<b>March 15, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS</b>

## **STATEMENT OF INTENT**

This change to RSA 278 was requested by the NH Department of Labor (NH DOL) and the US Department of Labor (US DOL). It brings the language regarding apprenticeship programs and, particularly, the Apprenticeship Council, in line with current practice. Since the US DOL made changes to the federal Law in 2007, some NH state language has not matched the regulatory environment. This bill corrects these issues.

Vote 20-0.

Rep. Brian Seaworth  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Labor, Industrial and Rehabilitative Services

**HB 261**, relative to apprenticeship programs in trade and industry. **OUGHT TO PASS.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. This change to RSA 278 was requested by the NH Department of Labor (NH DOL) and the US Department of Labor (US DOL). It brings the language regarding apprenticeship programs and, particularly, the Apprenticeship Council, in line with current practice. Since the US DOL made changes to the federal Law in 2007, some NH state language has not matched the regulatory environment. This bill corrects these issues. **Vote 20-0.**

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# Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on

BILL TITLE: HB 261 Apprenticeship programs

DATE: 3/4/21

LOB ROOM:

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MOTION: (Please check one box)

☒ OTP      ☐ ITL      ☐ Retain (1<sup>st</sup> year)      ☐ Adoption of  
Amendment # \_\_\_\_\_  
☐ Interim Study (2nd year)      (if offered)

Moved by Rep. Seaworth      Seconded by Rep. Hough      Vote: 20-0

MOTION: (Please check one box)

☐ OTP      ☐ OTP/A      ☐ ITL      ☐ Retain (1<sup>st</sup> year)      ☐ Adoption of  
Amendment # \_\_\_\_\_  
☐ Interim Study (2nd year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

☐ OTP      ☐ OTP/A      ☐ ITL      ☐ Retain (1<sup>st</sup> year)      ☐ Adoption of  
Amendment # \_\_\_\_\_  
☐ Interim Study (2nd year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

☐ OTP      ☐ OTP/A      ☐ ITL      ☐ Retain (1<sup>st</sup> year)      ☐ Adoption of  
Amendment # \_\_\_\_\_  
☐ Interim Study (2nd year)      (if offered)

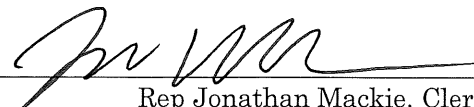
Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

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CONSENT CALENDAR: X YES      \_\_\_\_\_ NO

Minority Report? \_\_\_\_\_ Yes      \_\_\_\_\_ No      If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted: \_\_\_\_\_

  
Rep Jonathan Mackie, Clerk



1/22/2021 10:07:52 AM  
Roll Call Committee Registers  
Report

## 2021 SESSION

## Labor, Industrial and Rehabilitative Services

Bill #: HB 261 Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 3/4/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	20		
Seaworth, Brian Vice Chairman	1		
Avellani, Lino M.	2		
Callum, John M.	3		
Mackie, Jonathan D. Clerk	4		
Nunez, Hershel	5		
Warden, Mark	6		
Turcotte, Leonard P.	7		
Prout, Andrew J.	8		
Boyd, Stephen E.	9		
Hough, Gregg	10		
Sullivan, Brian M.	11		
Soucy, Timothy A.	12		
Baroody, Benjamin C.	13		
Cahill, Michael D.	14		
DiSilvestro, Linda A. <i>Espitia</i>	19		
Schmidt, Janice E.	15		
Toomey, Dan	16		
Bouchard, Donald J.	17		
Adjutant, Joshua	18		
<b>TOTAL VOTE:</b>	20	0	

# Public Hearing



## HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

### PUBLIC HEARING ON

**BILL TITLE:** HB 261 relative to apprenticeship programs in trade and industry

**DATE:** 2/11/21

**ROOM:** **Time Public Hearing Called to Order:** 11:00

**Time Adjourned:** 11:26

(members high-lighted in red were absent)

**Committee Members:** Reps. Infantine, Seaworth, Mackie, **Avellani**, Callum, Nunez, Warden, Turcotte, **Prout**, Boyd, Hough, Sullivan, Soucy, Baroody, Cahill, DiSilvestro, J. Schmidt, Toomey, Bouchard and Adjutant

**Bill Sponsors:** Rep. Seaworth

### TESTIMONY

\*Use asterisk if written testimony and/or amendments are submitted.

Sponsor Rep. Seaworth introduced the bill. This is a request from the Department of Labor. This is a fairly complex bill and any questions would be best answered by Rudy Ogden from the department of labor. It is a housekeeping bill.

Q Rep. Infantine- I received a rather terse email saying this bill would cause big problems. Misunderstanding? It is a requested bill from the labor department

A Probably a misunderstanding

Rudy Ogden, testified that this is mainly to clean up differences between federal and state regulations for apprenticeships. All registered apprenticeships are regulated by the federal government. This amendment is to clarify that fact and to make clear the advisory nature of the apprenticeship advisory council.

Q Rep. Sullivan- What is this terse email

A Seaworth- It was from the ironworkers local.

Q Rep. Bouchard- How would you answer their concerns?

A The advisory council does not deal with those issues. That is up to the federal government

Lauren Smith, NH representative for the federal dept of labor apprenticeship program came on for questions

Q Rep Toomey- Does this take away the union's power over the apprenticeship programs?

A No. This is to clarify the process for approvals of apprenticeships. It does not change the involvement of unions.

David Pelletier spoke in support of the bill representing pipefitters union. It is just a housekeeping bill.

# House Remote Testify

## Labor, Industrial and Rehabilitative Services Committee Testify List for Bill HB261 on 2021-02-11

Support: 3   Oppose: 5   Neutral: 1   Total to Testify: 2

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Ogden, Rudolph	rudolph.w.ogden@dol.nh.gov	State Agency Staff	New Hampshire Department of Labor	Support	Yes (4m)	No	2/11/2021 8:38 AM
Seaworth, Brian	brian.seaworth@leg.state.nh.us	An Elected Official	Myself - Prime Sponsor	Support	Yes (2m)	No	2/3/2021 1:59 PM
Raff, Alan	araff9@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/8/2021 2:39 PM
Bruce, Susan	susanb.red@mac.com	A Member of the Public	Myself	Oppose	No	No	2/9/2021 11:40 AM
Spradling, Scott	scott@spradlinggroup.com	A Lobbyist	Ironworkers Local 7	Oppose	No	No	2/9/2021 3:00 PM
Dell, Dave	daviddellisola@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/9/2021 7:28 PM
Rathbun, Eric	ericsrathbun@gmail.com	A Member of the Public	Myself	Neutral	No	No	2/11/2021 1:40 AM
Dewey, Karen	pkdewey@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/11/2021 8:07 AM
Lingley, Zachary	zacharylingley@gmail.com	A Lobbyist	Opportunity and Solutions Project	Support	No	No	2/11/2021 9:39 AM

# Testimony

**Archived:** Thursday, April 15, 2021 2:13:13 PM  
**From:** [scott](#)  
**Sent:** Tuesday, February 9, 2021 3:12:29 PM  
**To:** [~House Labor, Industrial and Rehabilitative Services](#)  
**Subject:** Follow up if the attachment couldn't be opened for HB261  
**Importance:** Normal

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Good afternoon, members... I have received an email that one of you could not open the attachment with the letter opposing HB261. Here is a pure text version that is unformatted, which should avoid any attachment technology issues:

Michael Smith, Business Agent, Ironworkers Local 7

48 Airport Rd

Concord, NH 03301

To the Members of the House Labor, Industrial & Rehabilitative Services Committee

On behalf of the Ironworkers Local 7, with members who live and work throughout the state of New Hampshire, I am writing to urge you to reject HB 261, relative to apprenticeship programs in trade and industry. House Bill 261 looks to create a second class of unregistered apprenticeship programs in New Hampshire that mimics the original proposal for Industry Recognized Apprenticeship Programs (IRAPs) and applies this relaxed standard to all industries. The Ironworkers oppose HB 261 because it unnecessarily puts New Hampshire's working people at risk while watering down the quality of our state's skilled workforce.

Unregistered training programs, like IRAPs, were designed for use in industries where a registered training program doesn't already exist or where one worker's inexperience doesn't risk putting his or her coworkers in a life-or-death situation. These loosened standards have no place in the construction industry.


Right now, the training programs in place in New Hampshire have clearly defined criteria for registering an apprenticeship program, with strict standards that apply to all federally registered programs of this sort. These are regulated by the US Department of Labor with national certifications and credentials that require specific and thorough safety training.

HB 261 will undo the entire process which is designed to ensure workers are well-trained and perform their work safely with the highest quality. Passing this bill means dramatically reducing oversight by the Dept. of Labor, and simultaneously eliminating graduation or training certificate completion requirements for certifications or credentials. This bill basically eliminates any requirement for safety training and makes all employers exempt from anti-discrimination policies and fair hiring practices; that's not the New Hampshire way.

In addition to training the best Ironworkers in the business, our union's programs are designed to produce the safest workplaces around. Unregistered training programs are not bound by the same high standards. This bill takes us a step in a dangerous direction. Please reject HB 261.

Sincerely,

Michael Smith, Business Agent, Ironworkers Local 7

**Archived:** Thursday, April 15, 2021 2:11:49 PM  
**From:** [scott](#)  
**Sent:** Tuesday, February 9, 2021 3:02:11 PM  
**To:** ~House Labor, Industrial and Rehabilitative Services  
**Subject:** HB261 - Written Testimony  
**Importance:** Normal  
**Attachments:**  
[Ironworkers Letter HB261.html](#) 

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Good afternoon,

Here is written testimony from the Ironworkers Local 7 from Concord, NH in opposition to HB261.

Thank you,

Scott Spradling

**Archived:** Thursday, April 15, 2021 2:11:49 PM  
**From:** [Michael Smith](#)  
**Sent:** Thursday, February 11, 2021 11:27:08 AM  
**To:** ~House Labor, Industrial and Rehabilitative Services  
**Subject:** HB261  
**Importance:** Normal

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Hello all,

My name is Mike Smith and I serve as the president of the NH Building trades.

I would like to apologize to the committee for the email that I previously sent in opposition to HB261. I misunderstood the intent of the bill and by the time I realized it I had already weighed in. I do not oppose HB261.

Sincerely,

Mike Smith

BA/IA New Hampshire/Northern Vermont

Ironworkers Local 7

President NH State BCTC

Cell 603-988-1636

[msmith@iwlocal7.org](mailto:msmith@iwlocal7.org)





**Archived:** Thursday, April 15, 2021 2:11:49 PM  
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Sincerely,

Michael Smith, Business Agent, Ironworkers Local 7

Bill as  
Introduced

HB 261 - AS INTRODUCED

2021 SESSION

21-0188

04/11

HOUSE BILL                    **261**

AN ACT                    relative to apprenticeship programs in trade and industry.

SPONSORS:            Rep. Seaworth, Merr. 20

COMMITTEE:          Labor, Industrial and Rehabilitative Services

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ANALYSIS

This bill amends the statute governing apprenticeship programs and repeals the provisions governing apprenticeship agreements.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                                Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to apprenticeship programs in trade and industry.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Apprenticeship Programs in Trade and Industry; Purposes. Amend RSA 278:1 to read as  
2 follows:

3 278:1 Purposes. The purposes of this chapter are:

4 I. To encourage employers, associations of employers and organizations of employees to  
5 voluntarily establish apprenticeship programs and the making of apprenticeship agreements;

6 II. To create opportunities for young people to obtain employment and adequate training in  
7 trades and industry with parallel instructions in related and supplementary education under  
8 conditions that will equip them for profitable employment and citizenship;

9 III. To cooperate with the promotion and development of apprenticeship programs and  
10 systems in other states and with the federal committee on apprenticeship appointed under Public  
11 Law No. 308-75th U.S. Congress (Fitzgerald Act);

12 IV. To ~~recommend to the Office of Apprenticeship, United States Department of Labor~~  
13 ~~(OA)]~~ **encourage** the registration and approval of apprenticeship programs and apprenticeship  
14 agreements ~~[and the issuance of state certificates of completion of apprenticeship]~~ **by the United**  
15 **States Department of Labor, Office of Apprenticeship (OA).**

16 2 Apprenticeship Programs in Trade and Industry; Duties. Amend RSA 278:3 to read as follows:

17 278:3 Duties. The council shall meet ~~[quarterly and]~~ as often as may be necessary, and in  
18 cooperation with the OA and state departments of education and labor, ~~[establish, maintain, and~~  
19 ~~review and recommend]~~ **encourage** approval of consistent standards for on-the-job training  
20 programs to be coordinated with related course instruction and included in apprenticeship programs  
21 and agreements established in trade or industry by employee organizations, joint employee-employer  
22 committees, employers or employer groups; and may request the services of any state or federal  
23 agency or department which may be of assistance in carrying out the purposes of this chapter. In  
24 addition to the foregoing, the council shall:

25 I. Encourage and promote the development of apprenticeship programs and the making of  
26 apprenticeship agreements;

27 II. Assist the OA in bringing about the settlement of differences arising out of an  
28 apprenticeship agreement when such differences cannot be adjusted locally or in accordance with  
29 established trade procedure;

30 III. ~~[Supervise the execution of agreements and maintenance of standards;~~

**HB 261 - AS INTRODUCED**  
**- Page 2 -**

1           ~~IV.]~~ Recommend to the OA the registration of apprenticeship programs and agreements  
2 which provide equal opportunity for training and employment without regard to race, color, creed or  
3 national origin and which incorporate standards consistent with those already established and  
4 approved by the council and the OA, or terminate or cancel the registration of apprenticeship  
5 programs and agreements when said programs or agreements fail to meet or maintain said  
6 registration qualifications;

7           ~~[V. Issue certificates of completion of apprenticeship as shall be authorized by the council;~~

8           ~~VI. Keep a record of apprenticeship programs and apprentice agreements and their~~  
9 ~~disposition;~~

10           ~~VII.]~~ **IV.** Cooperate with the state department of education and the local school authorities  
11 in the organization and establishment of classes of related and supplemental instruction for  
12 apprentices employed under approved agreements;

13           ~~[VIII.]~~ **V.** Render such assistance and submit such information and data as may be  
14 requested by employers, employees and joint apprenticeship committees engaged in the formulation  
15 and operation of programs of apprenticeship, particularly in regard to work schedules, wages,  
16 conditions of employment, apprenticeship records and number of apprentices; and

17           ~~[IX.]~~ **VI.** Review and assist the OA in the adoption of rules and regulations to insure  
18 nondiscrimination in all phases of apprenticeship and employment during apprenticeship.

19           3 Apprenticeship Programs in Trade and Industry; Related and Supplemental Instruction;  
20 Committees. Amend RSA 278:6 and RSA 278:7 to read as follows:

21           278:6 Related and Supplemental Instruction. Related and supplemental instruction for  
22 apprentices, coordination of instruction with work experiences, and the selection of teachers and  
23 coordinators for such instruction shall be the responsibility of state and local boards of education.  
24 The state department of education shall be responsible and make provision subject to the  
25 department's decision on the allotment of its funds for related and supplementary instruction for  
26 apprentices as may be employed under apprenticeship programs registered and approved by the OA  
27 ~~[and the council].~~

28           278:7 Local, Regional and State Joint Apprenticeship Committees. Local and state joint  
29 apprenticeship committees may be approved, in any trade or group of trades, in cities, regions of the  
30 state or trade areas, by the OA ~~[and the council]~~, whenever the apprentice training needs of such  
31 trade or group of trades or such regions justify such establishment. Such local, regional or state joint  
32 apprenticeship committees shall be composed of an equal number of employer and employee  
33 representatives selected by the respective local or state employer and employee organizations in such  
34 trade or group of trades; also such advisory members representing local boards or other agencies as  
35 may be deemed advisable. In a trade or group of trades in which there is no bona fide employer or  
36 employee organization, a joint committee may be composed of persons known to represent the  
37 interests of employers and of employees respectively, or a state joint apprenticeship committee may

**HB 261 - AS INTRODUCED**

**- Page 3 -**

1 be approved as, or the council may act itself as, the joint committee in such trade or group of trades.  
2 Subject to the review of the OA ~~[and the council]~~, and in accordance with the standards established  
3 by the ~~[Office of Apprenticeship and the council]~~ **OA**, such committees may devise standards for  
4 apprenticeship agreements and give such aid as may be necessary in their operation, in their  
5 respective trades and localities.

6 4 Repeal. The following are repealed:

7 I. RSA 278:8, relative to minimum standards for apprenticeship agreements.

8 II. RSA 278:9, relative to the definition of apprenticeship agreement.

9 5 Effective Date. This act shall take effect 60 days after its passage.