

SENATE BILL 991

K3, C2
HB 1470/17 – ECM

0lr2982

By: **Senator McCray**

Introduced and read first time: February 3, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Apprenticeship and Training Council – Journeyworker–Apprentice Ratios –**
3 **Electrical Craft or Trade**

4 FOR the purpose of requiring the Apprenticeship and Training Council, on or before a
5 certain date, to adopt regulations establishing a certain ratio of journeyworkers to
6 apprentices; prohibiting the Council from establishing a ratio of less than a certain
7 amount; requiring an employer in the electrical craft or trade to comply with certain
8 regulations; requiring the Commissioner of Labor and Industry to investigate a
9 certain suspected violation under certain circumstances; requiring the
10 Commissioner, on a certain determination, to require a certain employer to correct a
11 certain violation; establishing certain civil penalties for a violation of this Act;
12 authorizing the Commissioner to waive a certain civil penalty under certain
13 circumstances; and generally relating to the Apprenticeship and Training Council
14 and journeyworker–apprentice ratios.

15 BY adding to
16 Article – Labor and Employment
17 Section 11–405.1
18 Annotated Code of Maryland
19 (2016 Replacement Volume and 2019 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Labor and Employment**

23 **11–405.1.**

24 **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNCIL**
25 **SHALL ADOPT REGULATIONS ESTABLISHING A RATIO OF JOURNEYWORKERS TO**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 APPRENTICES EMPLOYED IN THE ELECTRICAL CRAFT OR TRADE.

2 (2) IN ORDER TO PROVIDE FOR THE DIRECT SUPERVISION,
3 INSTRUCTION, AND SAFETY OF APPRENTICES, THE REGULATIONS ADOPTED UNDER
4 THIS SECTION MAY NOT ESTABLISH A RATIO OF LESS THAN ONE JOURNEYWORKER
5 EMPLOYED AT A WORK SITE FOR EACH APPRENTICE.

6 (B) AN EMPLOYER IN THE ELECTRICAL CRAFT OR TRADE SHALL COMPLY
7 WITH REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION.

8 (C) ON THE RECEIPT OF A COMPLAINT, THE COMMISSIONER OF LABOR AND
9 INDUSTRY SHALL INVESTIGATE A SUSPECTED VIOLATION OF SUBSECTION (B) OF
10 THIS SECTION.

11 (D) IF THE COMMISSIONER DETERMINES THAT AN EMPLOYER IS VIOLATING
12 SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER SHALL REQUIRE THE
13 EMPLOYER TO CORRECT THE VIOLATION.

14 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
15 AN EMPLOYER THAT VIOLATES SUBSECTION (B) OF THIS SECTION IS SUBJECT TO A
16 CIVIL PENALTY NOT EXCEEDING:

17 (I) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER
18 DID NOT KNOWINGLY COMMIT THE VIOLATION, \$1,000 FOR EACH EMPLOYEE
19 EMPLOYED IN THE ELECTRICAL CRAFT OR TRADE; OR

20 (II) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER
21 KNOWINGLY COMMITTED THE VIOLATION, \$5,000 FOR EACH EMPLOYEE EMPLOYED
22 IN THE ELECTRICAL CRAFT OR TRADE.

23 (2) IF AN EMPLOYER COMMITS A SUBSEQUENT VIOLATION OF
24 SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER MAY ASSESS, IN ADDITION
25 TO THE CIVIL PENALTY SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A
26 CIVIL PENALTY NOT EXCEEDING \$20,000.

27 (3) THE COMMISSIONER MAY WAIVE THE CIVIL PENALTY SPECIFIED
28 UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE EMPLOYER WHO VIOLATED
29 SUBSECTION (B) OF THIS SECTION COMES INTO COMPLIANCE WITH THE
30 REGULATIONS IN A TIMELY MANNER.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Apprenticeship and
32 Training Council shall adopt the regulations required under § 11–405.1 of the Labor and
33 Employment Article, as enacted by Section 1 of this Act, on or before October 1, 2021.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.