

1 AN ACT relating to public construction.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 343 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Participation in applicable apprenticeship programs shall be required by all*
6 *contractors and subcontractors for public works estimated to cost over one*
7 *million dollars (\$1,000,000). This requirement shall be made part of the*
8 *specifications, bid forms, and contracts for the construction of all public works. It*
9 *shall also be part of the contractors' bonds so as to guarantee the faithful*
10 *performance of the contractors in implementing the apprenticeship programs*
11 *described in the contract.*

12 *(2) No member of a public authority authorized to contract for public works*
13 *estimated to cost over one million dollars (\$1,000,000) shall vote for the award of*
14 *any contract for the construction of a public work unless the public authority has*
15 *first determined that the requirement for participation in an apprenticeship*
16 *program has been made a part of the proposal specifications and contract for the*
17 *public work.*

18 ➔Section 2. KRS 343.010 is amended to read as follows:

19 As used in this chapter unless the context requires otherwise:

20 (1) "Apprentice" means a worker at least sixteen (16) years of age, except where a
21 higher minimum age standard is otherwise fixed by law, who is employed to learn
22 an apprenticeable occupation as provided in 29 C.F.R. pt. 29;

23 (2) "Apprenticeship agreement" means a written agreement, complying with 29 C.F.R.
24 pt. 29 between an apprentice and either the apprentice's program sponsor, or an
25 apprenticeship committee acting as agent for the program sponsors, which contains
26 the terms and conditions of the employment and training of the apprentice;

27 (3) "Commissioner" means commissioner of the Department of Workplace Standards,

- 1 under the direction and supervision of the secretary of the Labor Cabinet, or any
2 person authorized to act in his or her behalf, having jurisdiction over laws or
3 regulations governing wages and hours of employees working in this state;
- 4 (4) "Council" means the Commonwealth's Apprenticeship and Training Council, which
5 provides advice and guidance to the Kentucky Labor Cabinet regarding the
6 Commonwealth's apprenticeship program;
- 7 (5) "Supervisor" means supervisor of apprenticeship and training;
- 8 (6) "Trainee" means a person at least sixteen (16) years of age who has entered into an
9 on-the-job training agreement with an employer or an association of employers or
10 an organization of employees in a construction occupation under a program which
11 has been approved by a federal agency as promoting equal employment opportunity
12 in conjunction with federal-aid construction projects;
- 13 (7) "Apprenticeship program" means a plan containing all terms and conditions for the
14 qualification, recruitment, selection, employment, and training of apprentices as
15 required under 29 C.F.R. pts. 29 and 30, including such matters as the requirement
16 for a written apprenticeship agreement;
- 17 (8) "On-the-job training program" means a plan containing all terms and conditions for
18 the qualification, recruitment, selection, employment, and training of a trainee,
19 including such matters as the requirement for a written on-the-job training
20 agreement other than an apprenticeship program; provided, however, that said
21 program has been approved by a federal agency as promoting equal employment
22 opportunity in conjunction with federal-aid construction projects;
- 23 (9) "Sponsor" means any person, association, committee, or organization in whose
24 name or title the program is or is to be registered, irrespective of whether such entity
25 is an employer;
- 26 (10) "Employer" means any person or organization employing an apprentice or trainee
27 whether or not such person or organization is a party to an apprenticeship or on-the-

1 job training agreement with the apprentice or trainee; ~~and~~

2 (11) "Related instruction" means an organized and systematic form of instruction
3 designed to provide the apprentice or trainee with knowledge of the theoretical and
4 technical subjects related to the apprentice's occupation; and

5 (12) "Public authority" means any officer, board, or commission of this state, or any
6 political subdivision or department in the state, or any institution supported in
7 whole or in part by public funds, including publicly owned or controlled
8 corporations, authorized by law to enter into any contract for the construction of
9 public works; any nonprofit corporation funded to act as an agency and
10 instrumentality of the government agency in connection with the construction of
11 public works; and any "private provider" as defined in KRS 197.500 that enters
12 into any contract for the construction of an "adult correctional facility" as
13 defined in KRS 197.500; and

14 (13) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches,
15 sewage disposal plants, waterworks, and all other structures or work, including
16 "adult correctional facilities" as defined in KRS 197.500, constructed under
17 contract with any public authority.

18 ➔Section 3. The purpose of this Act is to augment the Education and Workforce
19 Development Cabinet's \$100,000,000 bond for the Work Ready Skills Initiative, and the
20 Labor Cabinet's "Kentucky Trained. Kentucky Built" initiative in expanding the
21 Commonwealth's apprenticeship program.