

May 17, 1982

<p>U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION</p> <p>Bureau of Apprenticeship and Training Washington, D.C. 20213</p> <p>Symbols: TTN/OW</p>	<p><u>Distribution:</u></p> <p>A-539</p> <p>A-544</p> <p>A-547</p>	<p><u>SUBJECT:</u> <u>CODE:</u> 408</p> <p>National Tooling and Machining Association Apprenticeship Agreement</p>
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PURPOSE: To advise the BAT staff of language approved for use on the National Tooling and Machining Association's (NTMA) apprenticeship agreements.

BACKGROUND: The NTMA's Apprenticeship and Training Committee requested that the Bureau accept a statement to be added to their apprenticeship agreements. This action is an outgrowth of a court case in the State of Ohio, initiated by an apprentice. The court appointed arbitrator ruled in favor of the local program sponsor.

The language was submitted to the Department of Labor's Office of the Solicitor. The Associate Solicitor for Employment and Training responded to say the Department has no objection to the language. (See Attachment 1)

ACTION: The following statement should appear in the upper right hand corner of the apprenticeship agreement only if requested by local NTMA program sponsors. (See Attachment 2)

"By entering into this Agreement the parties do not intend, nor do they enter into any contract of employment."

This language is intended only for NTMA program sponsors which do not have labor organization representation.

Attachments

C U.S. DEPARTMENT OF LABOR
O OFFICE of the SOLICITOR
P Washington, DC 20210
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May 4, 1982

MEMORANDUM FOR: JAMES P. MITCHELL
Administrator
Bureau of Apprenticeship and Training

FROM: WILLIAM H. DuROSS, III
Associate Solicitor for
Employment and Training

SUBJECT: NTMA Amendment of
Apprenticeship Agreement

This responds to your April 13, 1982 request for our views concerning the National Tooling and Machining Association's (NTMA) proposal to include the following language in its apprenticeship agreement:

By entering into this Agreement the parties do not intend, nor do they enter into any contract of employment.

NTMA drafted this clause in response to an employment contract action brought by an apprentice in State court. For the reasons discussed below, we have no legal objection to the inclusion of such a provision in NTMA's apprenticeship agreement.

The apprenticeship regulations, in 29 C.F.R. Part 29, establish requirements for the registration of apprenticeship programs approved by the federal Bureau of Apprenticeship and Training or by federally-recognized State apprenticeship agency or council. Among the regulatory requirements are certain labor standards which must be included in the apprenticeship agreement. 29 C.F.R. § 29.6 The regulations also provide for the resolution of controversies or differences arising out of the apprenticeship agreement. 29 C.F.R. §§ 29.6(k), 29.11.

NTMA's proposed addition to the apprenticeship agreement is directed at potential common law and State court contract actions. It in no way conflicts with the standards and dispute resolution procedures created by the regulations. We therefore have no objection to NTMA's proposed language.

APPRENTICESHIP AGREEMENT

BY ENTERING INTO THIS AGREEMENT THE PARTIES DO NOT INTEND, NOR DO THEY ENTER INTO ANY CONTRACT OF EMPLOYMENT

<i>This AGREEMENT may be terminated by either of the parties, citing cause(s), with notification to the registration agency, in compliance with Title 29, CFR, Part 29.6</i>				PRIVACY ACT STATEMENT <i>The information requested herein is used for apprenticeship program statistical purposes and may not be otherwise disclosed without the express permission of the undersigned apprentice.</i> Privacy Act of 1974 - P.L. 93-579														
1. AGREEMENT BETWEEN APPRENTICE AND:— ("X" one) a. <input type="checkbox"/> Employer b. <input type="checkbox"/> Joint Committee c. <input type="checkbox"/> Non-Joint Committee		2. DATE OF AGREEMENT (Month, Day, Year)		3. NAME OF APPRENTICESHIP STANDARDS (Name & Address of Sponsor)														
The program sponsor and apprentice agree to the terms of apprenticeship standards as incorporated as part of this agreement. The sponsor will not discriminate in the selection and training of the apprentice in accordance with the Equal Opportunity Standards in Section 30.3, Title 29, Code of Federal Regulation, Part 30.																		
4. NAME OF APPRENTICE (Last, First, Middle)			5. DATE OF BIRTH (Mo., Day, Year)		6. SEX ("X" one) a. <input type="checkbox"/> Male b. <input type="checkbox"/> Female													
7. SOCIAL SECURITY NO. <table border="1" style="width:100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> </tr> </table>														8. APPRENTICE'S ADDRESS (No., Street, City, County, State, ZIP Code)				
9. RACE/ETHNIC GROUP ("X" one) a. <input type="checkbox"/> Am. Indian or Alaskan Nat. b. <input type="checkbox"/> Asian or Pacific Islander c. <input type="checkbox"/> Black (not Hispanic) d. <input type="checkbox"/> Hispanic			e. <input type="checkbox"/> White (not Hispanic) f. <input type="checkbox"/> Information Not Available g. <input type="checkbox"/> Not Elsewhere Classified		10. VETERAN STATUS ("X" one) a. <input type="checkbox"/> Non-Veteran b. <input type="checkbox"/> Vietnam-Era Veteran (8/5/64 - 5/7/75) c. <input type="checkbox"/> Other Veteran C #		11. HIGHEST EDUCATION LEVEL ("X" one) a. <input type="checkbox"/> 8th grade or less b. <input type="checkbox"/> 9th c. <input type="checkbox"/> 10th d. <input type="checkbox"/> 11th e. <input type="checkbox"/> 12th grade or more											
12. SIGNATURE OF APPRENTICE			DATE		13. SIGNATURE OF PARENT/GUARDIAN (if minor)		DATE											
14a. TRADE		b. D.O.T. CODE (9 digits) <table border="1" style="width:100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> <td style="width: 10px;"></td> </tr> </table>												15. TERM (Hours, Months, Years)		16. PROBATIONARY PERIOD (Hours, Months, Years)		
17. CREDIT FOR PREVIOUS EXPERIENCE (Hrs., Mos., Yrs.)		18. TERM REMAINING (Hrs., Mos., Yrs.)		19. DATE APPRENTICESHIP BEGINS (Indenture Date)		20. RELATED INSTRUCTION TRAINING (No. Hrs. per Yr.)												
21. APPRENTICE WAGES FOR RELATED INSTRUCTION TRAINING			("X" one) a. <input type="checkbox"/> will be paid b. <input type="checkbox"/> will not be paid		22. PRESENT JOURNEYMAN'S WAGE RATE \$		23. EFFECTIVE DATE OF WAGE RATE (Mo., Day, Yr.)											
24. APPRENTICE WAGES - The apprentice schedule of pay shall be listed for each advancement period. The work processes listed in the standards (item 3 above) are a part of this agreement.																		
PERIOD	TERM (Mo./Yr.)	%	DOLLAR AMOUNT (in dollars & cents)	PERIOD	TERM (Mo./Yr.)	%	DOLLAR AMOUNT (in dollars & cents)											
a.	b.	c.	d.	a.	b.	c.	d.											
1				6														
2				7														
3				8														
4				9														
5				10														
25. SIGNATURE OF COMMITTEE (if applicable)				DATE SIGNED		26. SIGNATURE OF AUTHORIZED OFFICIAL (Employer/Sponsor)		DATE SIGNED										
a.																		
SIGNATURE OF COMMITTEE (if applicable)				DATE SIGNED		28. REGISTRATION AGENCY												
b.																		
27. NAME AND ADDRESS OF DESIGNEE TO RECEIVE COMPLAINTS (if applicable)						29. SIGNATURE (Registration Agency)		DATE REGISTERED										