

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 32.**

**LABOR.**

**CHAPTER 14.**

**VOLUNTARY APPRENTICES.**

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**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 14. VOLUNTARY APPRENTICES.**

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# CHAPTER 14. VOLUNTARY APPRENTICES.

## SUBCHAPTER I. GENERAL.

### § 32-1401. PURPOSE.

It is the purpose of this subchapter to open to young people in the District of Columbia the opportunity to obtain training that will equip them for profitable employment and citizenship; to set up, as a means to this end, a program of voluntary apprenticeship under approved apprenticeship agreements providing facilities for their training and guidance in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education; to promote employment opportunities for young people under conditions providing adequate training and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an apprenticeship council; to provide for the establishment of local joint trade apprenticeship committees to assist in effectuating the purposes of this subchapter; to provide for a director of apprenticeship within the District of Columbia; to provide for reports to the Congress and to the public regarding the status of apprenticeship in the District of Columbia; to establish a procedure for the determination of apprenticeship agreement controversies; and to accomplish related ends.

(May 21, 1946, 60 Stat. 204, ch. 267, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 36-401.

1973 Ed., § 36-121.

### § 32-1402. APPRENTICESHIP COUNCIL; MEMBERSHIP; TERM; COMPENSATION.

Without regard for any other provision of law with respect to the appointment of officers and employees of the United States or the District of Columbia, the Mayor of the District of Columbia shall appoint and the Council shall confirm an Apprenticeship Council, to be composed of 11 members, as follows: Three representatives from employer organizations, 3 representatives from employee organizations, and 3 public representatives, who are not members of either employee or employer organizations, chosen to make the Apprenticeship Council better reflect the composition of the District of Columbia labor force, including women and minorities who are traditionally under-represented in the trades, and 2 representatives of government, who shall be the Mayor of the District of Columbia and the Superintendent of Schools or their respective delegates. The terms of office of the members of the Apprenticeship Council first appointed by the Mayor shall expire as designated by the Mayor at the time of making the appointment: One representative each of employers, employees and the public being appointed for 1 year; 1 representative each of employers, employees and the public appointed for 2 years; and 1 representative each of employers, employees and the public for 3 years. Thereafter, each member shall be appointed for a term of 3 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. The compensation of each member not otherwise compensated by public money shall be paid not more than \$25 per day for each day spent in attendance at meetings of the Apprenticeship Council; provided, however, that any applicable laws passed by the Council of the District of Columbia shall supersede the provisions of this section.

(May 21, 1946, 60 Stat. 204, ch. 267, § 2; Mar. 3, 1979, D.C. Law 2-139, § 3205(ff), 25 DCR 5740; Mar. 6, 1979, D.C. Law 2-156, § 2, 25 DCR 6991.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 36-402.

1973 Ed., § 36-122.

*Legislative History of Laws*

Law 2-139, the "District of Columbia Government Comprehensive Merit Personnel Act of 1978," was introduced in Council and assigned Bill No. 2-10, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 17, 1978 and October 31, 1978, respectively. Signed by the Mayor on November 22, 1978, it was assigned Act No. 2-300 and transmitted to both Houses of Congress for its review.

Law 2-156, the "Amendments to an Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978," was introduced in Council and assigned Bill No. 2-325, which was referred to the Committee on Employment and Economic Development. The Bill was adopted on first and second readings on November 28, 1978 and December 12, 1978, respectively. Signed by the Mayor on December 29, 1978, it was assigned Act No. 2-325 and transmitted to both Houses of Congress for its review.

**§ 32-1403. DIRECTOR OF APPRENTICESHIP; ASSISTANCE AUTHORIZED.**

The Secretary of Labor shall appoint a Director of Apprenticeship who shall serve without compensation and who shall have no vote. Without regard for the provisions of any other law with respect to the appointment of officers and employees of the United States or the District of Columbia, the Director of Apprenticeship shall be chosen from among the employees of the Apprentice-Training Service actually engaged in formulating and promoting standards of apprenticeship under the provisions of Public Law No. 308 (29 U.S.C. §§ 50- 50b). The Apprentice-Training Service is further authorized to supply the Director or the Council with such clerical, technical, and professional assistance as shall be deemed by said Service to be essential to effectuate the purposes of this subchapter.

(May 21, 1946, 60 Stat. 204, ch. 267, § 3.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 36-403.

1973 Ed., § 36-123.

*Editor's Notes*

The Office of the Director of Apprenticeship was abolished pursuant to § 1- 202.04(d).

**§ 32-1404. MEETINGS OF APPRENTICESHIP COUNCIL; RULES AND REGULATIONS; REPORTS.**

The Apprenticeship Council shall meet at the call of the Director, or the chairman thereof, and shall aid in formulating policies for the effective administration of this subchapter. Subject to the approval of the Secretary of Labor, the Apprenticeship Council shall establish standards for apprenticeship agreements in accordance with those prescribed by this subchapter, shall issue such rules and regulations as may be necessary to carry out the intent and purposes of this subchapter, and shall perform such other functions as are necessary to carry out the intent of this subchapter. Not less than once every 2 years the Apprenticeship Council shall make a report through the Mayor of its activities and findings to the Congress and to the public.

(May 21, 1946, 60 Stat. 205, ch. 267, § 4.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 36-404.

1973 Ed., § 36-124.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia,

respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 32-1405. ADMINISTRATION OF SUBCHAPTER; RESPONSIBILITY OF BOARD OF EDUCATION.**

The Director, under the supervision of the Secretary of Labor and with the advice and guidance of the Apprenticeship Council, is authorized to administer the provisions of this subchapter in cooperation with the Apprenticeship Council and local joint trade apprenticeship committees, to set up conditions and training standards for apprentices, which conditions or standards shall in no case be lower than those prescribed by this subchapter; to act as secretary of the Apprenticeship Council and of joint trade apprenticeship committees; to approve, if, in his opinion, approval is for the best interest of the apprentice, any apprentice agreement which meets the standards established by or in accordance with this subchapter; to terminate or cancel any apprenticeship agreement in accordance with the provisions of such agreement; and to perform such other duties as are necessary to carry out the intent of this subchapter; provided, that the administration and supervision of related and supplemental instruction for apprentices, coordination of the instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the District Board of Education.

(May 21, 1946, 60 Stat. 205, ch. 267, § 5.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 36-405.

1973 Ed., § 36-125.

### **§ 32-1406. APPRENTICESHIP COMMITTEES.**

Local joint trade apprenticeship committees in any trade or group of trades may be approved by the Apprenticeship Council. Such apprenticeship committees shall be composed of an equal number of employer and employee representatives appointed by the groups or organizations they represent, or the committee may consist of the employer and not less than 2 representatives from the recognized bargaining agency. In a trade or group of trades in which there is no bona fide employee organization, the Apprenticeship Council may appoint a joint trade apprenticeship committee from persons known to represent the interests of employers and of employees, or the Council may act itself as such joint committee. Subject to the review of the Council, and in accordance with standards established by or under authority of this subchapter, joint trade apprenticeship committees may set up standards to govern the training of apprentices and give such aid as may be necessary in effectuating such standards.

(May 21, 1946, 60 Stat. 205, ch. 267, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 36-407.

1973 Ed., § 36-126.

### **§ 32-1407. "APPRENTICE" DEFINED.**

The term "apprentice," as used herein, shall mean a person at least 16 years of age who has entered into a written agreement, hereinafter called an apprenticeship agreement, with an employer, an association of employers, or an organization of employees, which apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous employment for such person and for his participation in an approved program of training through employment and through education in related and supplemental subjects.

(May 21, 1946, 60 Stat. 205, ch. 267, § 7; Mar. 6, 1979, D.C. Law 2-156, § 4, 25 DCR 6991.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 36-408.

1973 Ed., § 36-127.

### **§ 32-1408. APPRENTICESHIP AGREEMENTS--CONTENTS.**

Every apprenticeship agreement entered into under this subchapter shall contain:

- (1) The names and signatures of the contracting parties, including the apprentice's parent or guardian if he be a minor;
- (2) The date of birth of the apprentice;
- (3) A statement of the trade, craft, or business which the apprentice is to be taught and the time at which the apprenticeship will begin and end;
- (4) A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction shall be not less than 144 hours per year;
- (5) A statement setting forth a schedule of the processes in the trade or industry divisions in which the apprentice is to be taught and the approximate time to be spent at each process;
- (6) A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated;
- (7) A statement providing for a period of probation during which time the apprenticeship agreement shall be terminated by the Director at the request in writing of either party, and providing that after such probationary period the apprenticeship agreement may be terminated by the Director by mutual agreement of all parties thereto, or canceled by the Director for good and sufficient reasons;
- (8) A provision that all controversies or differences concerning the apprenticeship agreement which cannot be adjusted by conference between the apprentice and the employer or under the terms of the apprenticeship standard shall be submitted to the Director for determination as provided for in § 32-1409;
- (9) A provision that an employer who is unable to fulfill his obligation under the apprenticeship agreement may, with the approval of the Director or under the direction of the joint trade apprenticeship committee, transfer such contract to any other employer; provided, that the apprentice consents and that such other employer agrees to assume the obligations of said apprenticeship agreement; and
- (10) Such additional terms and conditions as may be prescribed or approved by the Council not inconsistent with the provisions of this subchapter.

(May 21, 1946, 60 Stat. 206, ch. 267, § 8.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 36-410.

1973 Ed., § 36-128.

### **§ 32-1409. APPRENTICESHIP AGREEMENTS--REGISTRATION AND APPROVAL; EXTENSION INTO MAJORITY OF APPRENTICE.**

No apprenticeship agreement shall be registered or approved by the Director under the provisions of this subchapter unless it conforms with the standards established by or in accordance with this subchapter and is in the best interests of the apprentice. Where a minor enters into an agreement for a period of training extending into his majority, and such agreement has been approved by the Director, then such apprenticeship agreement shall, if the parties therein so provide, have the same force and effect during the period covered by the majority of such minor as if such agreement were entered into during the majority of such minor.

(May 21, 1946, 60 Stat. 206, ch. 267, § 9.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 36-411.

1973 Ed., § 36-129.

### **§ 32-1410. APPRENTICESHIP AGREEMENTS--VIOLATIONS; HEARINGS;**

## **DETERMINATIONS; APPEALS.**

(a) Upon the complaint of any interested person or upon his own initiative, the Director may investigate to determine if there has been a violation of the terms of an apprenticeship agreement made under this subchapter, and he may hold hearings, inquiries, and other proceedings necessary to such investigation and determination. The parties to such an agreement shall be given a fair and impartial hearing after reasonable notice thereof. All such hearings, investigations, and determinations shall be made under authority of reasonable rules and procedures prescribed by the Apprenticeship Council, subject to the approval of the Secretary of Labor.

(b) The determination of the Director shall be filed with the Council. If no appeal therefrom is filed with the Council within 10 days after the date thereof, as herein provided, such determination shall become the order of the Council. Any person aggrieved by any determination or action of the Director may appeal therefrom to the Council, which shall hold a hearing thereon after due notice to the interested parties. Any person aggrieved by the action of the Council may appeal as provided in the District of Columbia Administrative Procedure Act (§§ 2-501 to 2-510).

(May 21, 1946, 60 Stat. 206, ch. 267, § 10; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 583, Pub. L. 91-358, title I, § 163(e).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 36-412.

1973 Ed., § 36-130.

## **§ 32-1411. APPLICATION OF SUBCHAPTER.**

The provisions of this subchapter shall apply to any person, firm, corporation, or craft in the District of Columbia which has voluntarily elected to conform with its provisions.

(May 21, 1946, 60 Stat. 207, ch. 267, § 11.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 36-413.

1973 Ed., § 36-131.

## **§ 32-1412. "SECRETARY OF LABOR" DEFINED.**

As used or referred to in this subchapter the term "the Secretary of Labor" shall mean the administrator of that department or agency of the United States government authorized to administer the provisions of Public Law No. 308 (29 U.S.C. §§ 50-50b).

(May 21, 1946, 60 Stat. 207, ch. 267, § 12.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 36-414.

1973 Ed., § 36-132.

## **§ 32-1413. SEVERABILITY.**

If any provision of this subchapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the subchapter, and the application of such provision to other persons and circumstances, shall not be affected thereby.

(May 21, 1946, 60 Stat. 207, ch. 267, § 14.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 36-415.

1973 Ed., § 36-133.

## **SUBCHAPTER II. REGISTRATION REQUIREMENT FOR CONTRACTORS.**

### **§ 32-1431. REGISTRATION OF APPRENTICESHIP PROGRAM REQUIRED.**

(a)(1) All prime contractors and subcontractors who contract with the District of Columbia government to perform construction, renovation work, or information technology work with a single contract, or cumulative contracts, of at least \$500,000, let within a 12-month period shall be required to register an apprenticeship program with the District of Columbia Apprenticeship Council; and

(2) All beneficiaries of projects in excess of \$1 million funded in whole or in part with funds which, in accordance with a federal grant or otherwise, the District of Columbia government administers, and in which the District of Columbia is a signatory to any agreement of a contractual nature, shall be required to register an apprenticeship program with the District of Columbia Apprenticeship Council.

(b) Beginning July 1, 2005, 35% of all apprenticeship hours performed pursuant to apprenticeship programs required by subsection (a) of this section shall be performed by District of Columbia residents.

(c)(1) Any prime contractor, subcontractor, or beneficiary that fails to comply with subsection (b) of this section shall be subject to a monetary fine in the amount of 5% of the direct and indirect labor costs of the contract.

(2) Fines for a violation of subsection (b) of this section shall be imposed by the Contracting Officer. The Contracting Officer may waive or reduce any fine if the Contracting Officer finds that:

(A) A good faith effort to comply with the requirements of this section has been demonstrated by the prime contractor, subcontractor, or the beneficiary;

(B) The prime contractor, subcontractor, or the beneficiary enters into a special workforce development training or placement arrangement with the Department of Employment Services or the DC Workforce Investment Council;

(C) The Department of Employment Services certifies that there is an insufficient number of District residents in the labor market possessing the skills required for the apprenticeship positions needed under the contract; or

(D) The prime contractor, subcontractor, or the beneficiary is located outside the Washington Standard Metropolitan Statistical Area and none of the contract work is performed inside the Washington Standard Metropolitan Statistical Area, which is comprised of the District of Columbia, Calvert, Charles, Howard, Montgomery and Prince George's Counties in Maryland, Arlington, Fairfax, Loudon, Prince William and Stafford Counties in Virginia and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia.

(3) Any fine resulting from a violation of this subsection shall be remitted to the District of Columbia Public Schools to be used solely for the support of vocational education programs, subject to appropriations by Congress.

(d) The prime contractor, subcontractor, or the beneficiary shall submit to the Department of Employment Services, for every month following the execution of the contract, a compliance report for the project that includes:

(1) The apprenticeship programs required by subsection (a) of this section that are registered with the District of Columbia Apprenticeship Council;

(2) The total number of apprenticeship hours required for the project;

(3) The total number of apprenticeship hours performed by District of Columbia residents; and

(4) The total number of apprentices hired for the reporting period and the cumulative total number of apprentices hired, including, for each, the:

(A) Name;

(B) Residence;

(C) Apprenticeship position; and

(D) Hire date.

(e) Nonprofit organizations with 50 employees or less shall be exempt from subsections (a) and (b) of this section.

(f) For purposes of this section, the term:

(1) "Beneficiary" means a signatory to a contract for a project in excess of \$1 million funded in whole or in part with funds which, in accordance with a federal grant or otherwise, the District of Columbia government administers, and in which the District of Columbia is a signatory to any agreement of a



contractual nature.

(2) "Information technology work" means the occupations of computer programmer, programmer analyst, desktop specialist, technical support specialist, data base specialist, network support specialist, and any other related occupation as the District of Columbia Apprenticeship Council may designate by regulation.

(Mar. 6, 1979, D.C. Law 2-156, § 5, 25 DCR 6991; Apr. 3, 2001, D.C. Law 13-257, § 2, 48 DCR 764; Apr. 8, 2005, D.C. Law 15-295, § 2, 52 DCR 1479.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 36-409.

1973 Ed., § 36-127.1.

##### *Effect of Amendments*

D.C. Law 13-257 designated the existing text as subsec. (a) and added subsecs. (b) and (c).

D.C. Law 15-295 rewrote this section which had reads follows:

"(a) Ninety days after March 6, 1979, all prime contractors and subcontractors who contract with the District of Columbia government to perform construction or renovation work with a single contract or cumulative contracts of at least \$500,000, let within a 12-month period, shall be required to register an apprenticeship program with the District of Columbia Apprenticeship Council.

"(b) Ninety days after April 3, 2001, all contractors who contract with the District of Columbia government to perform information technology work with a single contract or cumulative contracts of at least \$500,000, let within a 12 month period shall be required to register an apprenticeship program with the District of Columbia Apprenticeship Council.

"(c) For purposes of this section, the term 'information technology work' shall include the occupations of computer programmer, programmer analyst, desktop specialist, technical support specialist, data base specialist, network support specialist, and any other related occupations as the District of Columbia Apprenticeship Council may designate by regulation."

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-156, see Historical and Statutory Notes following § 32-1402.

Law 13-257, the "Information Technology Apprenticeship Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-760, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on December 22, 2000, it was assigned Act No. 13-544 and transmitted to both Houses of Congress for its review. D.C. Law 13-257 became effective on April 3, 2001.

Law 15-295, the "Apprenticeship Requirements Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-884, which was referred to the Committee on Public Services. The Bill was adopted on first and second readings on November 9, 2004, and December 7, 2004, respectively. Signed by the Mayor on December 29, 2004, it was assigned Act No. 15-691 and transmitted to both Houses of Congress for its review. D.C. Law 15-295 became effective on April 8, 2005.