

*corrected*  
Secretary of State

Amended Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on

March 24, 2006 by the  
Date prior to or same as filing date

Bureau of Labor and Industries, Apprenticeship and Training Division  
Agency and Division

OAR Ch. 839  
Administrative Rules Chapter Number

Marcia L. Ohlemiller  
Rules Coordinator

800 NE Oregon Street, #32, Portland, Oregon 97232  
Address

971-673-0784  
Telephone

to become effective

April 18, 2006  
Date upon filing or later

Rulemaking Notice was published in the March 2006 *Oregon Bulletin*.\*\*  
Month and Year

**RULE CAPTION**

Approval of New Committees and Standards

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

**ADOPT:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

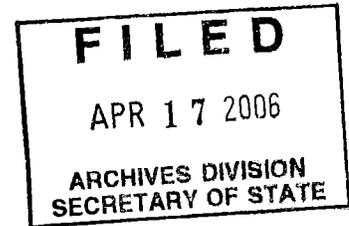
**AMEND:**

OAR 839-011-0084

**REPEAL:**

**RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND & RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.



BLI 16-2004

ORS Ch. 660  
Stat. Auth.

Other Authority

ORS 660.135(1)  
Stats. Implemented

**RULE SUMMARY**

Amends requirements for approval of new local joint committees and clearly states prerequisites for approval of new standards and committees by the Oregon State Apprenticeship and Training Council. Establishes timelines for objections to applications for new committees. Formally establishes a probation period of three years after approval for new committees.

Authorized Signer

Dan Gardner  
Printed name

4/19/06  
Date

\*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

\*\*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

Handwritten mark

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OAR 839-011-0084

**REPEAL:**

Temporary rule OAR 839-011-0084

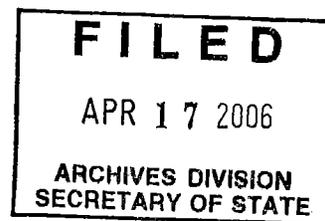
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ARC 930-2005

**839-011-0084**

**Approval of New Committees and Standards**

(1) Any additional committees or standards in an area already served by a committee in the same trade, craft or occupation shall be established in the same manner as any other joint committee.

(2) All employers and their qualified employees shall be afforded the opportunity to participate, on a non-discriminatory basis, in existing programs.

(3) The Council will approve the creation of a new local joint committee or new standards for an existing committee only if the applicant for the new program or new standards can first demonstrate to the Oregon State Apprenticeship and Training Council, by a preponderance of evidence, that the application is in conformity with the following requirements:

(a) The applicant shall submit documentation showing committee composition pursuant to ORS 660.135, .145.

(b) The applicant shall submit standards in a format approved by the Council that meet or exceed any existing statewide guideline standards (ORS 660.137(1), .226, .155) for the occupation. Where no state guideline standards exist, proposed standards shall meet or exceed national guideline standards approved by the United States Department of Labor. Where no state or national guideline standards exist, standards will be approved at the discretion of the Council when the proposed occupation is clearly identified and commonly recognized throughout an industry.

(c) The applicant shall submit an administration plan that includes:

(i) Written designation of the program administrator;

(ii) Documented assurances that the committee will be adequately funded to support its administration and the presentation of related instruction;

(iii) Detailed statements of direct costs to apprentices/trainees (including instruction, books, tuition); and

(iv) Assurances that training agents and prospective training agents will be provided with a written statement of costs for program participation.

(d) The applicant must demonstrate the ability to track required training, educational and affirmative action information (i.e., work progress reports, apprentice/trainee rotation system, employer's apprentice/trainee evaluation forms, grading sheets, applicant logs) and provide the Council with copies of the forms and documents that will be used to track such information.

(e) The applicant shall submit a plan detailing how the committee will ensure that participating employers will provide work in all areas covered by the program standards (ORS 660.137 (5)), including:

(i) Training in all counties listed in proposed geographical area;

(ii) Training in all work processes set forth in the standards;

(iii) Committee expectations of supervising journey workers and a plan for the supervision of apprentices/trainees in the ratio set forth in the standards (ORS 660.126(1)(c), (f));

(iv) Training agent qualifications and duties (ORS 660.137 (5)); and

(v) A plan for training participating employers on their duties and responsibilities.

(f) The applicant shall submit a complete related training curriculum, including instructor qualifications, class outlines and expected competencies, grading procedures and completion criteria. This submission shall include:

(i) An explanation of the curriculum delivery method and a description of the related training facilities;

(ii) Certification of the curriculum and instructional delivery plan by either a state education certifying authority or nationally recognized industry association (ORS 660.137(2)(c), .126(1)(j), .157); and

(iii) Assurances that classroom and related instruction can be delivered throughout the geographic area. The applicant must submit a contract or other documentation demonstrating that actual instructional resources are in place. The committee's geographic area must be one that can be reasonably served by the committee with respect to employers and the location of the related training services (ORS 660.126(1)(a)).

(g) The applicant must submit operating policies and procedures and assurances that the program will be operated in accordance with the same;

(h) The applicant shall submit a plan to recruit, evaluate and select apprentice/trainee applicants, including an application form that meets Council requirements.

(4) All objections to the approval of a new committee or new standards shall be submitted to the Council in writing at the meeting where the application is being considered for approval, specifically detailing any objections to the application. Council may rule on the application and objections thereto at that time or grant the applicant 30 days after the Council meeting to submit a written rebuttal to the objections to the Director. Council shall direct the Director to investigate and evaluate the objections and rebuttal and provide a report to Council within 45 days of receipt of the rebuttal statement. At the next Council meeting after the initial submission, Council shall either approve or deny the application and provide a specific written explanation for its actions.

(5) All new programs shall serve a probationary period of three years after approval by Council. Failure to clearly demonstrate the ability to operate a satisfactory program during the probationary period, based upon periodic program reviews conducted by the Division, shall result in cancellation of the program by Council.