

13 NCAC 14 .0303 is amended under emergency procedures as follows:

13 NCAC 14 .0303 REGISTRATION OF APPRENTICE AND AGREEMENT

(a) A sponsor or an individual, or a person or organization on behalf of the individual, shall request that an apprenticeship agreement between the individual and his sponsor be registered by submitting to the director a copy of the apprenticeship agreement.

(b) If the director finds that:

- (1) The agreement is complete and applies to a registered apprenticeship program;
- (2) The agreement meets the requirements of Rule .0205 of this Chapter; and
- (3) The individual meets the minimum qualifications for an apprentice; then

The director shall approve the apprenticeship agreement and cause it to be recorded by the division, which constitutes registration of the agreement.

(c) If the director approves the apprenticeship agreement, he shall also and simultaneously cause the name of the individual who is to be trained under the agreement to be recorded by the division, which constitutes registration of the individual.

(d) The sponsor shall submit to the director the apprenticeship agreement of a probationary apprentice, although the agreement will not be registered.

(e) All apprenticeship registrations submitted after August 15, 2009, and all active apprenticeships registered prior to August 15, 2009, shall be subject to a registration fee and an annual fee in accordance with Rule .0901 of this Chapter.

*History Note: Authority G.S. 94-1; 94-2; 94-4; 94-8; 94-12;
Eff. February 1, 1984.
Emergency Amendment Eff. August 27, 2009.*

13 NCAC 14 .0309 is amended under emergency procedures as follows:

13 NCAC 14 .0309 CERTIFICATE OF COMPLETION

(a) Upon notification from a sponsor that an individual has completed his apprenticeship in the sponsor's registered apprenticeship program, the director shall issue to the individual, or to the sponsor for the individual, a certificate of completion or other written indicia signifying that the individual has completed his training and instruction in a registered apprenticeship program in a certain, identified trade and the date the training was completed.

(b) Notwithstanding Paragraph (a) of this Rule, the director shall not issue the certificate of completion if he decides upon satisfactory evidence that the apprentice is not fully trained because he did not complete the apprenticeship or because the apprenticeship program did not comply with the rules of this Chapter. In addition, the director shall not issue the certificate of completion if he determines that the fees authorized by Rule .0901 of this Chapter have not been paid. The director shall promptly give written notification to the sponsor and individual of his decision not to issue the certificate of completion and the reason(s) therefor.

(c) The sponsor or individual may appeal the director's decision within 30 days or receipt of notification in accordance with ~~Chapter 150B of the North Carolina General Statutes and 13 NCAC 1B.~~ Article 3 of Chapter 150B of the N.C. General Statutes.

(d) Upon request of a sponsor, the director may issue an honorary certificate of completion to recognize an individual who by training and experience was fully qualified as a journeyman prior to the registration of the sponsor's apprenticeship program.

*History Note: Authority G.S. 94-1; 94-2; 94-4;
 Eff. February 1, 1984.
 Emergency Amendment Eff. August 27, 2009.*

13 NCAC 14 .0508 is amended under emergency procedures as follows:

13 NCAC 14 .0508 DE-REGISTRATION OR CANCELLATION OF AGREEMENT

(a) The director may de-register an apprenticeship agreement or cancel the recordation of an OJT agreement only as follows:

- (1) During a probationary period, upon request of either party to the agreement;
- (2) After the probationary period:
 - (A) Upon mutual consent of the parties;
 - (B) Upon written request of the apprentice or trainee; or
 - (C) Upon a unilateral request of the sponsor for good and sufficient reason(s), as provided in Paragraphs (c) and (d) of this Rule; or
- (3) At any time when the apprenticeship or OJT program in which the apprentice or trainee is to be trained has been de-registered or had its approval withdrawn in accordance with the ~~rules~~ Rules of this ~~Chapter~~ Chapter; or
- (4) At any time for failure to pay the registration fee or annual fee in accordance with Rule .0901 of this Chapter.

(b) Whenever an apprenticeship agreement is de-registered or recordation of an OJT agreement is cancelled, the director shall:

- (1) Cause the de-registration to be recorded with the division or cause the cancellation to be indicated in the records of the division;
- (2) In addition and simultaneously de-register the individual by causing the individual's de-registration to be recorded with the division, in the case of an apprenticeship agreement; and
- (3) Promptly notify the parties to the agreement that the apprenticeship agreement and apprentice have been de-registered or that recordation of the trainee's OJT agreement has been cancelled and the effective date thereof, except when the sponsor has notified the apprentice or trainee as a result of the de-registration of or withdrawal of approval from the sponsor's program.

(c) After the probationary period, a sponsor shall give due notice to an apprentice or trainee of reasons why the apprentice's agreement should be de-registered or the recordation of the trainee's agreement should be cancelled, and the sponsor shall provide the apprentice or trainee a reasonable opportunity to take corrective action, unless the offer of the opportunity would be futile.

(d) After the apprentice or trainee has been given due notice and a reasonable opportunity to take corrective action, unless the offer of the opportunity would be futile, the sponsor may unilaterally request de-registration of the apprentice's agreement or cancellation of the recordation of the trainee's agreement. The director shall de-register or cancel recordation of the agreement upon written request of the sponsor unless the apprentice or trainee initiates a complaint as provided in either Section .0600 or .0800 of this Chapter, as applicable, within the time therein allowed. The sponsor shall have the burden of proof in any administrative hearing to show that there is good cause

for de-registration or cancellation and to show that a reasonable opportunity for corrective action was provided or would have been futile.

(e) The effective date of de-registration or cancellation shall be the date of receipt by the director of the sponsor's request, although the notation will not be made in the division's records until after the period has run during which the apprentice or trainee may initiate a complaint or until resolution of the complaint when the apprentice or trainee has initiated a complaint.

(f) Prior to taking any action pursuant to Paragraph (a)(4) of this Rule, the director shall notify the sponsor and the apprentice in writing of his intent to de-register or cancel an apprenticeship agreement for failure to pay the registration fee or annual fee. If the sponsor or apprentice fails to either pay the fee or request a review of such decision within 15 days, the director shall de-register or cancel the apprenticeship agreement and notify them of the availability of an administrative hearing and of judicial review in accordance with Article 3 of Chapter 150B of the N.C. General Statutes.

*History Note: Authority G.S. 94-1; 94-2; 94-4;
Eff. February 1, 1984
Emergency Amendment Eff. August 27, 2009.*

13 NCAC 14 .0901 is adopted under emergency procedures as follows:

TITLE 13

DEPARTMENT OF LABOR

CHAPTER 14 – APPRENTICESHIP AND TRAINING DIVISION

SECTION .0900 – APPRENTICESHIP FEES

13 NCAC 14 .0901 APPRENTICESHIP REGISTRATION AND ANNUAL FEES

(a) Except as provided in Paragraph (d) of this Rule, all apprenticeship registrations submitted after August 15, 2009, shall be subject to a registration fee of fifty dollars (\$50.00). The sponsor will receive an invoice for the registration fee after the agreement is approved by the director in accordance with Rule .0303 of this Chapter. The registration fee may be payable as thirty dollars (\$30.00) by the sponsor and twenty dollars (\$20.00) by the apprentice. In subsequent years, an annual fee of fifty dollars (\$50.00) shall be paid to the Department in accordance with Paragraph (b) of this Rule.

(b) Except as provided in Paragraph (d) of this Rule, all active apprenticeships registered prior to August 15, 2009, shall be subject to an annual fee of fifty dollars (\$50.00). The initial annual fee shall be paid by the sponsor on or before September 30, 2009. Thereafter, the annual fee shall be submitted on or before September 30th of each subsequent year until the apprenticeship is completed or the agreement is de-registered or cancelled in accordance with the Rules of this Chapter, whichever is earlier. The annual fee may be payable as thirty dollars (\$30.00) by the sponsor and twenty dollars (\$20.00) by the apprentice.

(c) Failure to pay the fees described in Paragraphs (a) or (b) of this Rule may result in the de-registration or cancellation of the apprenticeship agreement in accordance with Rule .0508 of this Chapter. In addition, a certificate of completion will not be issued pursuant to Rule .0309 of this Chapter if the fees described in Paragraphs (a) or (b) of this Rule have not been paid.

(d) The provisions of this Rule shall not apply to the State, a department or agency of the State, or any political subdivision of the State or an apprentice of the State, a department or agency of the State, or any political subdivision of the State.

*History Note: Authority G.S. 94-1; 94-2; 94-4; 94-12;
Emergency Adoption Eff. August 27, 2009.*