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CHAPTER 21.

 VOLUNTARY APPRENTICESHIP

**SECTION 41‑21‑10.** Declaration of purpose.

The purposes of this chapter are: To open to people 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 and local apprenticeship committees to assist in effectuating the purposes of this chapter to provide for reports to the legislature and to the public regarding the status of apprenticeship training in the State; to establish a procedure for the determination of apprentice agreement controversies; and to accomplish related ends.

**SECTION 41‑21‑20.** Division of Apprenticeship created; appointment, terms, and compensation of Apprenticeship Council.

There is hereby created within the South Carolina Department of Labor, the Division of Apprenticeship to administer the South Carolina Voluntary Apprenticeship Act. The Division shall be governed by an Apprenticeship Council composed of three employers and three employees appointed by the Governor upon the advice and consent of the Senate and, in addition, the Director of the Department of Labor, Licensing, and Regulation or his designee, who shall serve ex officio. The Director of the Department of Labor, Licensing, and Regulation or his designee shall serve as chairman of the Council. The Director of the State Commission for Technical Education and the State Director of Vocational Education shall serve as ex officio nonvoting members of the Council. The terms of office of the members of the Apprenticeship Council first appointed by the Governor shall expire as designated by the Governor at the time of making the appointment; one representative each of employers and employees shall be appointed for one year; one representative each of employers and employees shall be appointed for two years; and one representative each of employers and employees shall be appointed for three years. Thereafter, each member shall be appointed for a term of three years and until his successor is appointed and qualifies. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member of the Council, not otherwise compensated by public funds, shall receive per diem, subsistence and mileage as provided by law for state boards, committees and commissions for his services when attending to official duties or assignments when funds provided by federal grants are available for this purpose.

**SECTION 41‑21‑30.** Meetings of Apprenticeship Council; functions.

The Apprenticeship Council shall meet at the call of the Director of the Department of Labor, Licensing, and Regulation or his designee and shall formulate policies for the effective administration of this chapter. The Apprenticeship Council shall establish standards for apprentice agreements, shall issue such rules and regulations as may be necessary to carry out the intent and purpose of this chapter, and shall perform such other functions as the Commissioner may direct.

**SECTION 41‑21‑40.** Powers and duties of Director of the Department of Labor, Licensing, and Regulation or his designee.

The Director of the Department of Labor, Licensing, and Regulation or his designee, with the advice and guidance of the Apprenticeship Council, is authorized to administer the provisions of this chapter; in cooperation with the Apprenticeship Council and local apprenticeship committees, to set up conditions and training standards for apprentice agreements, which conditions or standards shall be in no case lower than those prescribed by this chapter; the State Apprenticeship Council shall approve any apprentice agreement which meets the standards established under this chapter; to terminate or cancel any apprentice agreement in accordance with the provisions of such agreement; to keep a record of apprentice agreements and their disposition; to issue certificates of completion of apprenticeship; and to perform such other duties as are necessary to carry out the intent of this chapter, including other on‑job training necessary for emergency and critical civilian production; provided, that the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the appropriate educational agencies.

**SECTION 41‑21‑50.** Local apprenticeship committees.

A local apprenticeship committee may be appointed in any trade or group of trades in a city or trade area, by the Apprenticeship Council, whenever the apprentice training needs of such trade or group of trades justifies such establishment. Such local apprenticeship committee shall be composed of an equal number of employer and employee representatives. The function of a local apprenticeship committee shall be: To cooperate with school authorities in regard to the education of apprentices; in accordance with the standards set up by the apprenticeship committee for the same trade or group of trades, where such committee has been appointed, to work in an advisory capacity with employers and employees in matters regarding schedule of operations, application of wage rates, and working conditions for apprentices and to specify the number of apprentices which shall be employed locally in the trade under apprentice agreements under this chapter; and to adjust apprenticeship disputes, subject to the approval of the Apprenticeship Council. The local apprenticeship committee shall have authority to transfer, place, accept or reject apprentices as in its judgment will promote the best interest of the apprentice training program herein authorized.

**SECTION 41‑21‑60.** “Apprentice” defined.

The term “apprentice,” as used herein, shall mean a person at least sixteen years of age who is covered by a written agreement, acting as employer’s agent, and approved by the Apprenticeship Council, which apprentice agreement provides for not less than four thousand hours of reasonably continuous employment for such person for his participation in an approved schedule of work experience and for at least one hundred forty‑four hours per year of related supplemental instruction. The required hours for apprenticeship agreements may vary in accordance with standards adopted by local apprenticeship committees, subject to approval of the State Apprenticeship Council.

**SECTION 41‑21‑70.** Terms of apprenticeship agreements.

Every apprentice agreement entered into under this chapter shall contain:

(1) The names of the contracting parties;

(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 one hundred forty‑four hours per year; provided, that in no case shall the combined weekly hours of work and of required related and supplemental instruction of the apprentice exceed the maximum number of hours of work prescribed by law for a person of the age and sex of the apprentice;

(5) A statement setting forth a schedule of the processes in the trade or industry division 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; provided, however, the apprentice shall receive compensation which shall not be less than the minimum wage prescribed by the Federal Fair Labor Standards Act;

(7) A statement providing for a period of probation of not more than five hundred hours of employment and instruction extending over not more than four months, during which time the apprentice agreement shall be terminated by the Commissioner at the request in writing of either party, and providing that after such probationary period the apprenticeship agreement may be terminated by mutual agreement of all parties thereto, or cancelled for good and sufficient reason. The Council, at the request of an apprentice committee, may lengthen the period of probation;

(8) A provision that all controversies or differences concerning the apprentice agreement which cannot be adjusted locally shall be submitted to the Council for determination;

(9) A provision that an employer who is unable to fill his obligation under the apprentice agreement may, with the approval of the Commissioner, transfer such contract to any other employer; provided, that the apprentice consents and that such other employer agrees to assume the obligations of the apprentice agreement;

(10) Such additional terms and conditions as may be prescribed or approved by the Commissioner, not inconsistent with the provisions of this chapter.

**SECTION 41‑21‑80.** Approval and execution of apprenticeship agreements; agreements binding on minors.

No apprentice agreement under this chapter shall be effective until approved by the Commissioner. Every apprentice agreement shall be signed by the employer, or by an association of employers or an organization of employees and by the apprentice and, if the apprentice is a minor, by the minor’s father; provided, that if the father be dead or legally incapable of giving consent, then by the guardian of the minor. Where a minor enters into an apprentice agreement under this chapter for a period of training extending into his majority, the apprentice agreement shall likewise be binding for such a period as may be covered during the apprentice’s majority.

**SECTION 41‑21‑90.** Execution of agreements by associations of employers or organizations of employees.

For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this chapter may, in the discretion of the Apprenticeship Council, be signed by an association of employers or organization of employees instead of by an individual employer. In such case, the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for such apprentice with one or more employers who will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in the agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the apprentice, subject to the approval of the Commissioner, to such employer who shall sign a written agreement with the apprentice and, if the apprentice is a minor, with his parent or guardian, contracting to employ the apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the agreement entered into between the apprentice and employer association or employee organization.

**SECTION 41‑21‑100.** Apprenticeship provisions in collective agreements are not invalidated; application of chapter; coercion prohibited.

Nothing in this chapter or in any apprentice agreement approved under this chapter shall operate to invalidate any apprenticeship provision in any collective agreement between employers and employees, setting up higher apprenticeship standards; provided, that none of the terms or provisions of this chapter shall apply to any person or craft unless, until and only so long as such person or craft voluntarily elects that the terms and provisions of this chapter shall apply. Provided, further, no person whether presently employed or seeking employment shall, in any manner, be forced or coerced into entering into any apprenticeship training program provided for under this chapter. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of one hundred dollars. Each day’s violation shall constitute a separate offense. Any person or craft terminating an apprenticeship agreement shall notify the Director of the Department of Labor, Licensing, and Regulation or his designee.