

COMMITTEE ON WORKFORCE DEVELOPMENT,
CONSUMER AFFAIRS, AND CULTURE

5/10/2018-AMENDED AND REPORTED OUT TO THE FLOOR
04/05/2018-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 32-0179

Thirty-Second Legislature of the Virgin Islands

March 7, 2018

An Act amending title 24 Virgin Islands Code, chapter 10, sections 221, 228 and 230, relating to the apprenticeship standards

PROPOSED BY: Senators Janelle K. Sarauw, Marvin A. Blyden, Myron D. Jackson,
Positive T. A. Nelson, and Janette Millin Young
Co-sponsors: Jean A. Forde and Novelle E. Francis

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 24 Virgin Islands Code, chapter 10 is amended as follows:

(a) Section 221:

(1) Paragraph (1) by striking “as defined in section 230(a)(6)” and inserting
“as provided in the regulations authorized to be promulgated pursuant to section 230(g).”

(2) Paragraph (2) by striking all the language after “Apprentice Program” and
inserting new language that reads: “means a plan containing terms and conditions for the
qualifications, recruitment, selection, employment and training of apprentices, including
such matters as the requirement for a written apprenticeship agreement, as provided in the

1 regulations authorized to be promulgated pursuant to section 230(g) and under title 29
2 Code of Federal Regulations, Part 30.”;

3 (3) Paragraph (4) by striking “State Apprenticeship Agency acting as the
4 Registration Agency” and inserting “Virgin Islands Department of Labor”; by striking
5 “of the Department of Labor”; by striking “apprenticeship” and inserting “such”; and by
6 striking “and evidenced by a Certificate of Registration or other written indicia” and
7 inserting a new sentence that reads: “Approval is evidenced by a Certificate of
8 Registration.”

9 (4) Paragraph (8) by striking “to assist” and inserting “to provide advice and
10 guidance on the operation”; and

11 (5) By re-numbering the remaining paragraphs accordingly and by adding a
12 new paragraph (5) that reads:

13 “(5) “Sponsor” means any person, association, committee, or organization
14 operating an apprenticeship program and in whose name the program is registered and
15 approved.”

16 (b) Section 228:

17 (1) In first sentence of subsection (a) by striking “The Council is hereby
18 empowered to develop” and by inserting “The State Apprenticeship Council, at the
19 direction of the Department of Labor, shall assist in the development of”; in the second
20 sentence by striking “The Council” and by inserting “The State Apprenticeship Council
21 shall provide advice and guidance to the Department of Labor in the establishment of”;
22 and

23 (2) Subsection (b) by inserting “State Apprenticeship” before “Council” and
24 by striking “Provided; that such” and inserting “but” and by striking “act in such

1 coordination” and by inserting “coordinate functions and activities for the apprenticeship
2 program.”

3 (3) By striking subsection (i).

4 (c) Section 230:

5 (1) By striking the introductory language and inserting new introductory
6 language that reads: “(a) The Commissioner of Labor shall administer this chapter with
7 the advice and guidance of the State Apprenticeship Council. The Commissioner shall.”;

8 (2) In the introduction language by striking the “(a)” before “promote” and by
9 inserting “(1)”; by striking “promote” and inserting “Promote”;

10 (3) In the first sentence of paragraph (6) by inserting “as provided in the
11 regulations to be promulgated pursuant to subsection (g)” after “occupations”; and

12 (4) By re-numbering the paragraphs (1) through (8), respectively, paragraphs
13 (2) through (9), respectively.

14 (5) By adding a subsection (g) that reads:

15 “(g) The Commissioner of Labor shall promulgate regulations necessary for
16 the administration and enforcement of this chapter. In consultation with the Department
17 of Planning and Natural Resource, the United States Department of Labor Office of
18 Apprenticeship, semi-autonomous agencies, and the procurement divisions of the
19 legislative and judicial branches of the Government, the Commissioner shall also ensure
20 that regulations are promulgated that are designed to ensure that all contracts executed
21 between private firms and the Government of the Virgin Islands contain provisions
22 requiring apprentices to be hired by the contracting firm or any of its subcontractors for
23 all occupations for which standards have been established, and the priority for hiring
24 apprentices be given to veterans of the Armed Forces of the United States.”

SECTION 2. Title 3 Virgin Islands Coded, chapter 20 is amended by re-designating subsection (b) as subsection (c) and adding a new subsection (b) that reads:

“(b) The Department shall perform a Territory-wide bi-annual analysis to determine the vocational skills and training, educational, and professional needs of employers in the public and private sectors, including companies that are beneficiaries under the Economic Development Authority’s programs, small business and new emerging industries. The analysis must identify and set forth employment trends from 2012 forward, and forecast future employment needs of employers. The Commissioner shall assign a senior staff member with the requisite training on collecting, analyzing, and interpreting data to perform the analysis. The analysis must be made available to the Commissioner of the Department of Education, to the chairperson of the committee of jurisdiction at Legislature of the Virgin Islands, the Economic Development Authority, the Virgin Islands Board of Education, and the Board of Vocational Education.”

SECTION 3. The first analysis provided for in section 2 must be completed not later than 90 days after the enactment of this act and bi-annually thereafter.

SECTION 4. The Department of Labor shall submit a report to the members of the Legislature of the Virgin Islands and make a presentation to the Legislature six months after the effective date of this act on the status of the apprenticeship program, the status of regulations for the administration and enforcement of the program, and the objectives and future goals of the program.

BILL SUMMARY

This bill amends title 24 Virgin Islands Code, sections 221 and 228 to reference the regulations that the Department of Labor is authorized to promulgate in section 230, subsection (g). The amendment to section 230 authorizes the Department of Labor to promulgate

regulations to administer and enforce chapter 10 of title 24. Specially, section 230, subsection (g) mandates that the Department of Labor promulgate regulations providing that contracts between the Government of the Virgin Islands and private firms include a provision requiring that those private firms hire apprentices, with first preference to veterans.

Section 2 provides that a senior staffer at the Department of Labor competent to perform a job-market analysis must perform a bi-annual analysis of the job market and provide the completed analysis to the Department of Education, the Board of Education, the Economic Development Authority and the Board of Vocational Education. The first of the bi-annual analyses must be completed not later than 90 days after the effective date of this act.

Section 4 of the act provides that the Department of Labor must submit a report and make a presentation to the Legislature not later than six months after the effective date of this act advising the Legislature on the status of the apprenticeship program, the status of the promulgation of the regulations and the future goals and objectives of the apprenticeship program.

BR No. 18-0948/February 23, 2018/SLR

[..\..\..\AMENDS\32nd Legislature\32nd Legislature\JANETTE MILLIN-YOUNG\32-670\32-670 to Bill No, 32-0179 Millin Young.docx](#)

[S:\AMENDS\32nd Legislature\32nd Legislature\JANELLE K. SARA UW\32-691\32-691-Sarauw.docx](#)

[..\..\..\AMENDS\32nd Legislature\32nd Legislature\JANELLE K. SARA UW\32-648\32-648-Sarauw.docx](#)

[..\..\..\AMENDS\32nd Legislature\32nd Legislature\JANELLE K. SARA UW\32-665\32-665.docx](#)