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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 258  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Powell

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### SUMMARY

- Requires a licensing authority to grant an initial occupational license to an applicant who (1) completes successfully a registered apprenticeship program that is related to the occupation or profession for which the licensing authority issues a license, (2) satisfies requirements unrelated to education or experience, and (3) passes an examination.
- Prohibits a licensing authority from requiring an applicant who applies for a license under the bill to pass an examination if the licensing authority does not require all applicants to pass an examination for an initial license.
- Prohibits a licensing authority from establishing a passing score for an applicant who applies for a license under the bill that is higher than the passing score required for all other applicants who are required to take the examination for initial licensure.

### DETAILED ANALYSIS

#### Overview

The bill requires a licensing authority to grant an initial occupational license to an applicant who completes successfully a registered apprenticeship program that is related to the occupation or profession for which the licensing authority issues a license to practice under Ohio law and satisfies other requirements.

A “licensing authority” under the bill is a state agency that issues a license to practice an occupation or profession under Ohio law. A “license” is an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage

in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction.<sup>1</sup>

## **Registered apprenticeships and occupational licensing**

### **Registered apprenticeship programs**

A “registered apprenticeship program” under the bill includes any of the following programs:

- A program that trains an individual for one or more occupations through paid on-the-job training and related instruction that has been registered by the U.S. Department of Labor’s Office of Apprenticeship as meeting certain minimum standards under federal law;
- An apprenticeship program registered by the Ohio Department of Job and Family Services (JFS);
- An apprenticeship program registered by a state apprenticeship agency of another state that has been authorized to register apprenticeship programs for federal purposes under the laws of that state.<sup>2</sup>

A “state apprenticeship agency” is a state government agency that is authorized by the U.S. Department of Labor’s Office of Apprenticeship to register and oversee apprenticeship programs in that state. A “registration entity” means the U.S. Department of Labor’s Office of Apprenticeship, JFS, or a state apprenticeship agency of another state.<sup>3</sup>

### **Requirements**

The bill requires a licensing authority to grant an initial occupational license to an applicant who has done all of the following:

- Received a certificate from a registration entity showing that the applicant has successfully completed a registered apprenticeship program that is related to the occupation or profession for which the applicant seeks a license;
- Passed an examination for an initial license unless the licensing authority does not require all applicants for an initial license to pass an examination;
- Satisfied any other requirements unrelated to education or experience that the licensing authority requires an applicant to satisfy to obtain an initial license.<sup>4</sup>

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<sup>1</sup> R.C. 4743.09(A), by reference to R.C. 1.60, not in the bill.

<sup>2</sup> R.C. 4743.09(A), by reference to R.C. Chapter 4139 and the “National Apprenticeship Act of 1937,” 29 United States Code 50, and 29 Code of Federal Regulations (C.F.R.) Parts 29 and 30.

<sup>3</sup> R.C. 4743.09(A).

<sup>4</sup> R.C. 4743.09(B).

A licensing authority must adopt any administrative rules in accordance with the Administrative Procedure Act that it determines are necessary to implement the bill.<sup>5</sup>

## Prohibitions

The bill prohibits a licensing authority from doing both of the following regarding an examination for initial licensure:

- Requiring an applicant who applies for a license under the bill to pass an examination if the licensing authority does not require all applicants to pass an examination for an initial license;
- Establishing a passing score for an applicant who applies for a license under the bill that is higher than the passing score required for all other applicants required to take the examination for an initial license.<sup>6</sup>

## Covered occupations

Based on the current list of registered apprenticeship programs that exist in Ohio,<sup>7</sup> the following occupations appear to be covered by the bill to the extent that, to obtain a license to practice any of those occupations, an applicant must satisfy requirements related to education and experience:

- Steam engineer, high pressure boiler operator, and low pressure boiler operator;<sup>8</sup>
- Historical boiler operator;<sup>9</sup>
- Professional engineer (the bill allows an applicant to use the completion of a registered apprenticeship program to satisfy the education requirement for a professional engineer registration; the applicant still must complete the internship required under continuing law to obtain a registration);<sup>10</sup>
- Nonresidential specialty contractors including heating, ventilating, and air conditioning (HVAC), refrigeration, electrical, plumbing, and hydronics contractors (a license is required only for the individual who is responsible for the means, method, and manner of trade work being performed on a construction project; a tradesperson is not required to be licensed);<sup>11</sup>

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<sup>5</sup> R.C. 4743.09(C), by reference to Chapter 119, not in the bill.

<sup>6</sup> R.C. 4743.09(B).

<sup>7</sup> A list of registered apprenticeship occupations in Ohio is available at <http://jfs.ohio.gov/apprenticeship/program/index.stm>.

<sup>8</sup> R.C. 4104.19.

<sup>9</sup> R.C. 4104.35.

<sup>10</sup> R.C. 4733.11.

<sup>11</sup> R.C. 4740.06 and R.C. 4740.01 and 4740.13, not in the bill.

- First responder, emergency medical technician, and paramedic;<sup>12</sup>
- Automotive body and related repairer (only the operator of a motor vehicle collision repair business needs to be licensed; individual employees do not need to be licensed to engage in that work);<sup>13</sup>
- Heavy and tractor-trailer truck drivers;<sup>14</sup>
- Police patrol officer;<sup>15</sup>
- Municipal firefighter;<sup>16</sup>
- Veterinary assistant and laboratory animal caretaker.<sup>17</sup>

## Background – apprenticeships

An apprenticeship is paid on-the-job training designed to prepare a participant for an occupation. A participant who completes a registered apprenticeship program is awarded a portable, nationally recognized credential from the U.S. Department of Labor that signifies the individual’s occupational proficiency.<sup>18</sup> In Ohio, JFS oversees the apprenticeship system in conformance with federal law and is responsible for registering apprenticeship programs and apprentices.<sup>19</sup> To voluntarily register an apprenticeship program, the sponsoring organization must show that the program meets certain requirements with respect to an apprenticeable occupation. An apprenticeable occupation involves progressive skills attainment that is applicable to similar occupations in an industry.<sup>20</sup>

## HISTORY

Action	Date
Introduced	05-23-19

H0258-I-133/ks

<sup>12</sup> R.C. 4765.30.

<sup>13</sup> R.C. Chapter 4775, not in the bill.

<sup>14</sup> R.C. Chapter 4506, not in the bill.

<sup>15</sup> R.C. 109.71 to 109.804, not in the bill.

<sup>16</sup> R.C. Chapter 4765.

<sup>17</sup> R.C. Chapter 4741, not in the bill.

<sup>18</sup> U.S. Department of Labor, Employment and Training Administration, *What is Apprenticeship?* <https://www.doleta.gov/OA/apprenticeship.cfm> (June 3, 2019).

<sup>19</sup> 29 C.F.R. 29.2 and 29.13(j) and Ohio Administrative Code (O.A.C.) 5101:11-1-01(OO).

<sup>20</sup> R.C. 4139.06, not in the bill, and O.A.C. 5101:11-1-01(D), (Y), and (NN) and 5101:11-3-01.