



**SENATE PRIMARY & SECONDARY EDUCATION COMMITTEE
S.B. 166 - Opposition to Construction Mentorship Program**

Chair Brenner, Vice Chair Blessing, Ranking Member Fedor and members of the Senate Primary & Secondary Education Committee:

Thank you for the opportunity to express our collective opposition to the Construction Mentorship Program amendment added to Senate Bill 166.

Our organizations—Ohio Contractors Association, Associated General Contractors of Ohio, Mechanical Contractors Association of Ohio, National Electrical Contractors Association (Ohio), Construction Employers Association, Affiliated Construction Trades of Ohio, Ohio Laborers’ District Council, International Union of Operating Engineers - Local 18, Ohio State Building and Construction Trades Council, and the Indiana-Kentucky-Ohio Regional Council of Carpenters—represent over 1,000 commercial contractors and hundreds of thousands of tradespeople. Our members build and renovate Ohio’s roads, bridges, schools, manufacturing facilities, water and sewer lines, office buildings, underground utilities, apartments and dormitories, parking structures, and utility and wastewater treatment plants... to name a few.

Our organizations and members spend millions of dollars annually on apprenticeship training, safety training, workforce development, and public outreach to encourage students and adults to enter the construction trades.

The Construction Mentorship Program concept was considered during the operating budget deliberations two years ago (H.B. 166, 133rd General Assembly) and the previous general assembly as a stand-alone bill (H.B. 551, 132nd G.A.) In both cases, it was proposed in conjunction with and under the same rules as a Manufacturing Mentorship Program. After significant education and discussion with legislators about the differences between construction and manufacturing, their work environments, and existing laws that allow mentorships in construction, the construction-portion of the proposal failed.

For starters, current law does not prohibit contractors from mentoring 16 to 17-year-old minors to give them hands-on construction experience; the industry does so already in more controlled environments such as contractors’ shops, yards, or training facilities.

Secondly, construction and manufacturing – while both considered high hazard – are vastly different industries with vastly different workplaces. **The mentorship language contained in S.B. 166 does not account for the construction industry’s unique considerations related to the safety of the mentee (minor) and others on the active construction jobsite, insurance coverage for other contractors on the jobsite, and potential liability for the project owner and other contractors.**

SAFETY:

Unlike manufacturing facilities, most commercial, industrial, heavy and highway construction jobsites have multiple businesses and numerous different trades working on the same jobsite at the same time. **Employing minors with no construction experience and very limited training on the tools/equipment that they will use, as well as little training on other jobsite hazards, presents a significant safety risk not only to the minor, but also to the others working on the jobsite, many of whom may not be employed by the same company as the minor nor aware they are on site.**

A construction jobsite has a much less controlled environment than a manufacturing facility. The physical nature of the jobsite, as well as the workers and employers on the jobsite can change daily depending on how construction progresses. Jobsites can be located in cramped, confined spaces; underground; alongside a busy freeway or street; between high rises in tight urban settings; etc. This further increases the safety risks of the minor (mentee) and others working around him/her.

INSURANCE:

Many insurers refuse to provide coverage for construction jobsites that have minors on them. **This means that in addition to negatively impacting the insurance coverage of the contractor employing the minor (mentee) on a jobsite, the coverage of other contractors on that site could be impacted or even voided should an incident occur.**

LIABILITY/RISK:

A manufacturing facility generally has one owner/employer (the manufacturer) who employs everyone in the facility. Construction is very different. A jobsite includes multiple business entities: the project owner that is purchasing the construction services, a controlling contractor or multiple controlling contractors, subcontractors and material suppliers. Contracts are tiered, and it is not uncommon for an owner or controlling contractor to be unaware of a lower-tier subcontractor or supplier's workers (i.e. those employed by a subcontractor's subcontractor or supplier).

Should an accident or injury occur to a minor (mentee) on a jobsite, not only would the employer of the mentee be impacted, but also the controlling contractor(s) and project owner (workers' comp, insurance, OSHA citations, lawsuits, etc.). And those parties may not have known that a minor was working on the jobsite.

In conclusion, our groups invest heavily in recruiting students into the trades and providing meaningful exposure to the construction industry. We spend a significant amount of time and money to do so. However, any hands-on experience for minors needs to be done in a more controlled setting than an active, multi-employer jobsite.

As such, we urge S.B. 166 be amended to remove the Construction Mentorship Program language. We would be happy to work with this committee to come up with a separate, more feasible program for the construction industry.