

Dutton, Barry - ETA

From: Wobbema, Michael <mwobbema@ndlegis.gov>
Sent: Friday, April 21, 2023 9:39 AM
To: Dutton, Barry - ETA
Subject: RE: Bill SB 2170

CAUTION: This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.

Mr. Dutton,

The Conference Committee for SB 2170 will be this afternoon at 2:00 pm in the Fort Lincoln room. Please be prepared to assist us in understanding where we have missed the target as you mentioned in your email.

Thank you.

Mike

Michael A. Wobbema
Colonel, US Air Force, Retired
Senator, North Dakota District 24
Chairman, Workforce Development Committee
Education Committee
mwobbema@ndlegis.gov / 701-595-1579

Let love be genuine. Abhor what is evil; hold fast to what is good. – The Apostle Paul
Romans 12:9 ESV

“To each their comes in their lifetime a special moment when they are figuratively tapped on the shoulder and offered the chance to do a very special thing, unique to them and fitted to their talents. What a tragedy if that moment finds them unprepared or unqualified for that which could have been their finest hour.” – Winston Churchill

From: Dutton, Barry - ETA <Dutton.Barry@dol.gov>
Sent: Monday, April 17, 2023 12:20 PM
To: Wobbema, Michael <mwobbema@ndlegis.gov>; Axtman, Michelle <maxtman@ndlegis.gov>
Subject: Bill SB 2170

Senators,

As you can see by my signature line, I am the State Director of Apprenticeship for the U. S. Department of Labor. I have been in this position for over 17 years and am the only individual in the State of ND authorized to develop and register apprenticeship programs for Federal recognition. My job is to ensure the welfare of apprentices as well as employers by ensuring they follow FLSA, EEO and Affirmative Action provisions.

Our federal region is composed of the following states: ND, SD, WY, CO, OK, AR, UT, and Texas we are also responsible for LA, MT, and NM.

I was recently alerted to testimony on SB 2170 which I found startling. Some testimony was anti-government, some emotional, some exaggerated, and lots of conjecture and incorrect information. Very few individuals that testified in favor of this bill understood apprenticeship or what can and cannot be done by youth on construction sites. They also do not understand the ramifications of placing 16-year-olds on construction sites.

I heard testimony that other states have similar laws that have been proposed. I do not know of any State that has tried to "nullify" Federal law or "nullify" the laws and regulations that OSHA is tasked with enforcing. The FLSA has been in effect since 1938.

I am in favor of allowing youth to work and learn the construction field as that is what I have done my entire life(except for military service and deployments) I worked construction from the time I was 17 until 33. At 33 I became a Firefighter in Bismarck and rose to the rank of Captain within 4 years through a Registered Apprenticeship program. So, I understand the value of apprenticeship.

It seems no one in the State bothers to consult my office before trying to craft legislation on apprenticeship. They will call me afterwards and when they find out the information, they have related to others is incorrect. Somehow, I become the "bad guy" and it's the "Federal Governments" fault.

The United States passed child labor laws under FLSA in 1938 to ensure that when youth worked on jobs, they were safe and didn't jeopardize their health or well-being. The FLSA also provides limited exceptions.

If companies want Youth to work on their jobs, they must develop strong mentorship programs and well thought training programs to development these youth, this is the reason for Registered Apprenticeship. These youth can do a lot more than employers think they can, but the employers must develop programs which comply with Federal law. Most now are just concerned about the bottom line and not being able to find workers. Placing youth on construction sites without a well thought out training program, and dedicated mentors will not solve North Dakotas workforce challenges.

I have attached the links to the U. S. Department of Labors Wage and Hour Division which had guidance on Youth employment and the law. [Child Labor | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/eis/whd/child-labor) I have also attached a highlighted copy of Child Labor Bulletin No. 101 and if you take notice of pages 24 and 25, I believe you will get the answers you need for reviewing this bill.

Also, if the state is interested in developing a State Apprenticeship Council, I have the attached 29 CFR 29 and specifically highlighted section 29.13 which lays out the entire process for becoming a Sate Apprenticeship Agency. Even if the State was to become a SAA, they (ND) will still have to follow FLSA regulations. (Page 64431)

I don't know why the sate would expend monies in a study of this process as it's already laid out in our regulations. It would be a waste of taxpayer's money. The State already has my office which is charged with developing, monitoring, and providing technical assistance for Registered apprenticeship. Federal Apprenticeship opens the doors to Federal monies in the way or grants, funding through Job Service and Veterans benefits to apprentices through the VA.

William B. Dutton, ND State Director
U. S. Department of Labor/Office of Apprenticeship
304 E. Broadway Ave. #334
Bismarck, ND 58501
Office: 701.250.4700
Cell: 701.220.1749
dutton.barry@dol.gov

“Audentes Fortuna Juvat”