

Opinion No. 66-140

December 14, 1966

BY: OPINION OF BOSTON E. WITT, Attorney General Myles E. Flint, Assistant Attorney General

TO: Wendell L. Boswell, Director, State Apprenticeship Council, Room 1010, 505 Marquette Avenue, N. W. Albuquerque, New Mexico

QUESTION

QUESTION

Is it permissible under the New Mexico State Apprenticeship Act, Sections 59-7-13, et seq., N.M.S.A., 1953 Compilation, for the State Apprenticeship Council to enter into contracts with the U.S. Department of Labor for the development and servicing of On-the-Job Training projects?

CONCLUSION

See analysis.

OPINION

{*183} ANALYSIS

The specific duties allocated to the State Apprenticeship Council are set forth in Section 59-7-16, N.M.S.A., 1953 Compilation as follows:

"DUTIES OF THE COUNCIL. -- The council shall formulate standards to safeguard the welfare of apprentices, giving consideration to standards advocated by the bureau of apprenticeship of the United States department of labor, and shall formulate such additional policies as may be necessary to carry out the intent and purposes of the act [59-7-13 to 59-7-18]. The council shall prescribe its own rules of procedure."

It is clear that this agency only has powers to establish standards and policies concerning the carrying on and encouraging of apprenticeship programs. The Council under the above statute does not have authority to actually engage in the operation of an apprenticeship program. This is further borne out by Section 59-7-13, {*184} N.M.S.A., 1953 Compilation, which provides as follows:

"DECLARATION OF POLICY. -- It is declared to be the policy of this act [59-7-18]: to encourage the development of an apprenticeship system through the voluntary co-operation of management and labor and interested state agencies, and in co-operation with other states and the federal government; to provide for the establishment and

furtherance of standards of apprenticeship to safeguard the welfare of apprentices; and to aid in the maintenance of an adequate skilled labor force."

To the extent that the Apprenticeship Council intended to enter into contracts with the U.S. Department of Labor under which it would agree to operate an on-the-job training project itself, it is our opinion that under present law the Council is not authorized to conduct such operations and therefore, such contracts would not be proper.

From an examination of both the statutory sections quoted above, it appears obvious that the primary function of the Apprenticeship Council is to encourage the development and operation of apprenticeship programs which meet acceptable standards as to quality and content. Furthermore, Section 59-7-13, supra, specifically states that it is contemplated that the Council would cooperate with not only other states but the Federal Government as well. It is therefore our opinion that the State Apprenticeship Council may, pursuant to its statutory authority, enter into contracts with the U.S. Department of Labor under which it would undertake to promote on-the-job training programs in the development and establishment of such training programs, and in providing advisory and technical assistance to businesses which undertake to establish on-the-job training programs and other programs of that nature.