

Opinion No. 53-5818

September 24, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: C. W. Burrell, Secretary-Director New Mexico State Apprenticeship Council Box 1726 Santa Fe, New Mexico

{*227} This is in reply to your letter of September 9th, in which you inform us that the New Mexico State Apprenticeship Council, under § 51-1009 N.M.S.A., 1941 Comp., pocket supplement, have prepared no rules or regulations concerning the matter of waivers.

You have also requested an opinion from this office as to whether, under §§ 57-1001 to 57-1012 N.M.S.A., 1941 Comp., p.s., the members of the New Mexico State Apprenticeship Council have the authority to waive the right of registration of the Apprenticeship Training Program of the Potash Industry of New Mexico, in order to permit these industries to register for programs with the United States Department of Labor, Bureau of Apprenticeship, Washington, D. C.

There is nothing in §§ 57-1001 to 57-1012, inclusive, N.M.S.A., 1941 Comp., p.s., which specifically authorizes the New Mexico State Apprenticeship Council to waive the right of registration of the Apprenticeship Training Program of the Potash Industry in New Mexico, or any other program, in order to permit this industry to register their programs with the United States Department of Labor, Bureau of Apprenticeship, Washington, D. C., and from your own letter you state that you have no rules or regulations permitting you to waive the right to register any of these programs to facilitate registration with the United States Department of Labor.

We find, under § 57-1003, N.M.S.A., 1941 Comp., p.s., that it is the duty of the director, under the supervision of the Labor Commissioner, and with the advice and guidance of the Apprenticeship Council, to administer the provisions of this act, in cooperation with the Apprenticeship {*228} Council in local and state joint apprenticeship committee, to set up conditions and training standards for apprenticeship agreement, which conditions or standards shall in no case be lower than those prescribed by this act. As long as the standards prescribed by the United States Department of Labor, Bureau of Apprenticeship, Washington, D. C., are presumed to be of a higher standard than the standards set up by this act, it would help in the creation of a uniformity of programs and in conformity with acceptable standards uniform with nationwide apprenticeship practices.

It is therefore the opinion of this office that the members of the New Mexico State Apprenticeship Council have the implied authority to waive the right of registration of the Apprenticeship Training Program of the Potash Industry in New Mexico in order to permit this industry to register its program with the United States Department of Labor,

Bureau of Apprenticeship, Washington, D. C., as long as the standards of the Department of Labor of the United States are equal or higher than the standards as set up by this act for apprenticeship agreements or conditions.

We trust that this fully answers your inquiry.

By: Hilario Rubio

Assist. Attorney General