

Opinion No. 58-42

February 27, 1958

BY: OPINION OF FRED M. STANDLEY, Attorney General Joel B. Burr, Assistant Attorney General

TO: Mr. E. P. Corcoran, Chief Inspector, Plumbing Administrative Board, 307 Lead Avenue, S. W., Albuquerque, New Mexico

QUESTION

QUESTION

Must a person be a party to an apprenticeship agreement with his employer, and which has been approved by the New Mexico Apprenticeship Council, in order to qualify under § 67-22-1 (a) of the New Mexico Statutes Annotated, 1953 Compilation, 1957 Pocket Supplement?

CONCLUSION

See opinion.

OPINION

ANALYSIS

Section 67-22-1 (a), N.M.S.A., 1953 Compilation, 1957 Pocket Supplement, defines a plumber apprentice as follows:

"The term 'apprentice' shall mean any person who is engaged, as his principal occupation, in learning and assisting in plumbing or gas fitting."

Chapter 219 of the Laws of 1957, being §§ 59-7-13 to 59-7-18, N.M.S.A., 1953 Compilation, 1957 Pocket Supplement, created an Apprenticeship Council, provided for apprenticeship agreements between employers and employees and further provided that said apprenticeship agreements be approved by the Apprenticeship Council. However, § 59-7-18 B of said Act contains the following provision:

"The provisions of this act shall apply only to such persons, firms, political subdivisions, corporations, employer associations, or organizations of employees **as voluntarily elect to conform with its provisions, so long as they shall wish it to apply.**"
(Emphasis supplied)

It, therefore, follows that your question will be answered in the affirmative if said person wishing to qualify as a plumber's apprentice is indentured to his employer and if said

person and his employer have elected to conform with Chapter 219 of the Laws of 1957.

In the absence of conformity with the above Act, the only requirements that must be satisfied are found in § 67-22-1 (a), supra, viz., that such person be a person who is engaged, as his principal occupation, in learning and assisting in plumbing or gas fitting.