POLICY NO. 2019-01: STUDENT APPRENTICESHIP & EMPLOYMENT

March 29, 2019

The Board of Registration of Cosmetology and Barbering ("Board") issues this Policy to complement the Board's current regulations.

POLICY

A. DEFINITIONS.

As used in this Policy, the following terms shall have the meanings indicated below, and all other terms shall have the meanings defined in the Board's statute, G.L. c. 112, s. 87T:

(1) **"Apprentice"** means a student enrolled in a Board-approved apprentice program and registered by the Board as an apprentice in compliance with this Policy.
(2) **"Apprentice program"** means a program for apprentice training offered by a licensed cosmetology or barber school that is approved and administered in compliance with this Policy.
(3) **"School hours"** means hours of the 1,000-hour cosmetology curriculum in 240 CMR 4.04(1)(d)(2) or barber curriculum in 240 CMR 8.03(6)(e) earned by apprentices and student employees in instruction by licensed instructors on licensed school premises.
(4) **"Shop hours"** means hours of the 1,000-hour cosmetology curriculum in 240 CMR 4.04(1)(d)(2) or the 1000-hour barber curriculum earned by apprentices working in Board-licensed shops in compliance with this Policy.
(5) **"Shop-employed student"** means a student enrolled in a Board-licensed school who is registered by the Board as a shop-employed student in compliance with this Policy.

B. APPRENTICE PROGRAMS

(1) An apprentice program may be operated only by a licensed school of cosmetology or barbering after approval by the Board.
(2) A student may be registered as an apprentice after the student has completed and earned 200 school hours and has been approved by the Board as an apprentice after a background check.
    (a) The school shall submit the apprentice application to the Board with a certification that the student has completed and earned 200 school hours.
    (b) No school shall permit a student to serve as an apprentice or perform any cosmetology or barber services in a shop until the Board has completed a background check, approved the student's application and issued a written registration to the apprentice and the school.
(3) An apprentice program must include at least 600 school hours.
(4) An apprentice program may include no more than 400 shop hours.

(5) It is the responsibility of the school to ensure that every apprentice completes all mandated hours of the 1,000-hour cosmetology curriculum in 240 CMR 4.04(1)(d)(2) or the 1000-hour barber curriculum.

(6) An apprentice registration shall expire after a maximum of twelve (12) months and shall not be renewable; and an apprentice registration shall expire automatically if the apprentice graduates or their enrollment in the school or the apprentice program is terminated in any way or for any reason; however an apprentice whose education was interrupted may apply to the Board for reinstatement for good cause.

(7) A school applying for approval of an apprentice program shall submit a completed application form and true copies of the following documents:

- (a) Apprentice program catalogue, which may be part of the school catalogue;
- (b) Apprentice enrollment agreement, which may be an addendum to the school enrollment agreement;
- (c) Apprentice placement agreement between the school and shops, which must inform the shop of all the obligations applicable to such shops under this Policy, and shall state in boldface that the shop and the apprentice supervisor shall be jointly responsible for all services for all services performed by the apprentice; this apprentice placement agreement must include all terms of this Policy applicable to shops, including all requirements of Sections D(1) through D(6) of this Policy; and;
- (d) Weekly report on which an apprentice and supervisor in the shop must certify the number of shop hours earned by the apprentice each week in subjects required by the cosmetology curriculum in 240 CMR 4.04(1)(d)(2) or the barber curriculum; and
- (e) Monthly Form for the school to certify to the Board the number of school hours and shop hours earned by the apprentice each month.

(8) An administrator or instructor of a school offering an apprentice program must visit in person every shop where apprentices may be placed.

- (a) The shop must be licensed by the Board;
- (b) The school must enter into an apprentice placement agreement with each participating shop on the form previously approved by the Board; and
- (c) The school and the shop must each retain a copy of the executed agreement on their licensed premises.

(9) Each week of the apprentice program the school must collect a certification of the hours worked by the apprentice in subjects required by the Cosmetology curriculum 240 CMR 4.04(1)(d)(2) or the Barber curriculum, signed by the apprentice and the supervisor.

(10) The school must report to the Board each month all school hours and all shop hours earned by each apprentice.

(11) A school may not give credit for shop hours to any student who is not approved and registered by the Board as an apprentice.

(12) A school must immediately report to the Board in writing when the apprentice graduates, withdraws, or their enrollment in the school or the apprentice program is terminated in any way or for any reason.

(13) When an apprentice has completed the 1000-hour curriculum required by the Board's regulations, the school shall certify to the Board all school hours and all shop hours earned by the apprentice in each subject required by the Cosmetology curriculum 240 CMR 4.04(1)(d)(2) or the Barber curriculum, including a minimum of 600 school hours and a maximum of 400 shop hours.

(a) The school shall also certify on the student's license application that the student is approved to take the licensing examination.

(14) The school shall maintain all records related to the apprentice program, including but not limited to the application to operate an apprentice program and the Board's approval of that application; all signed enrollment agreements and apprentice placement agreements; all certifications by the school and shops of school hours and shop hours earned by apprentices; and all communications regarding graduation, withdrawal, or termination. The school shall make such records available for inspection by the Board or its staff immediately upon request.

C. APPRENTICES

(1) A student enrolled in a Board-licensed school may apply to the Board for registration as an apprentice after he or she has completed 200 school hours.

(c) The school shall submit the application to the Board with a certification that the student has completed and earned 200 school hours; and

(d) No student shall serve as an apprentice or perform any aesthetics, cosmetology, manicuring or barber services in a shop until the Board has completed a background check, approved the student's application and issued a written registration to the apprentice and the school.

(2) An apprentice registration shall expire after a maximum of twelve (12) months and shall not be renewable. An apprentice registration shall expire automatically if the apprentice graduates or their enrollment in the school or the apprentice program is terminated in any way or for any reason; however an apprentice whose education was interrupted may apply to the Board for reinstatement for good cause.

(3) At all times while on shop premises, an apprentice must have in his or her possession a copy of his or her approved registration as an apprentice, and must wear a name tag with the

Apprentice's First and Last Name and the word "Apprentice" both in 22 point font or larger, conspicuously located so as to be visible by clients.

(4) An apprentice may not participate in any services in a shop for which he or she has not previously received theory and practical training during school hours.
(5) No apprentice barber shall perform a shave with a straight-edge razor in a shop before he or she has completed and earned 800 school hours.
(6) Apprentices may not provide any Mobile Services as defined in the Board's Policy on Mobile Cosmetology and Barber Services.
(7) An apprentice who has earned at least 600 school hours and no more than 400 shop hours may apply to the Board for examination and licensure as a cosmetologist.
(8) An apprentice whose enrollment in the school or apprentice program has ended for any reason must immediately report that termination to the Board in writing and surrender to the school or to the Board his or her written registration as an apprentice.
(9) An apprentice shall receive credit only for shop hours worked at Board-licensed shops through a Board-approved apprentice program.

D. SHOPS PARTICIPATING IN APPRENTICE PROGRAMS

(1) Shops may not engage apprentices as independent contractors or unpaid workers, but must engage apprentices as employees of the shop.
(2) The entry wage rate for every apprentice shall be not less than the minimum wage prescribed by applicable law and shall not be a wage rate for a tipped employee.
(3) Every shop participating in an apprentice program must designate one or more apprentice supervisors, who shall be Board-licensed cosmetologists, barbers, or instructors (but not junior instructors) and must have at least three (3) years of experience in the profession;
    (a) No apprentice may work in a shop without an apprentice supervisor present; and
    (b) An apprentice supervisor may not supervise more than two (2) apprentices in the shop at the same time.
(4) The holder of the shop license and the supervisor present in the shop shall be jointly responsible for all services performed in the shop by an apprentice.
(5) An apprentice's supervisor shall certify to the school each week all hours worked by the apprentice in subjects required by the Cosmetology curriculum 240 CMR 4.04(1)(d)(2) or the Barber curriculum, using a form approved by the Board.
(6) The shop shall report to the school in writing any termination for any reason of an apprentice's services in the shop.
(7) Every shop participating in an apprentice program must enter into an apprentice placement agreement with the school sponsoring the apprentice program.

(a) The apprentice placement agreement must include all terms of this Policy applicable to shops, including all requirements of Sections D(1) through D(6) of this Policy; and
(b) The school and the shop must each retain a copy of the executed agreement on their licensed premises.

E. SHOP-EMPLOYED STUDENTS WHO ARE NOT APPRENTICES

(1) A student enrolled in a Board-licensed cosmetology or barber school who is neither enrolled in an apprentice program nor registered as an apprentice may apply to the Board for registration as a shop-employed student.
   (a) The school shall submit the application to the Board with a certification that the student is enrolled in good standing at the school; and
   (b) No student shall serve as a shop-employed student before the Board has completed a background check, approved the student's application and issued a written registration of the shop-employed student to the student and the school.
(2) The shop must by licensed by the Board;
(3) Shop-employed students may not work at a shop during their scheduled school hours.
(4) Shop-employed students may not perform any aesthetics, barber, cosmetology, or manicuring services other than basic skills, defined as shampooing, blow drying, roller sets, manicures and pedicures until they have completed and earned 500 school hours.
(5) After a shop-employed student has completed and earned 500 school hours, they may perform haircuts in addition to basic skills, and may not perform any other services, including but not limited to services involving chemical processes.
(6) It is the shop's responsibility to verify that a shop-employed student has completed 500 or more hours before that student performs haircuts.
(7) A school may not credit any shop-employed students with any hours worked in a shop toward the of the 1,000-hour cosmetology curriculum required for licensure under the Board's regulations.
(8) At all times while on shop premises, a shop-employed student must have in his or her possession a copy of his or her approved registration as a shop-employed student and must wear a name tag with the

Student's First and Last Name and the word "Student" both in 22 point font or larger,

conspicuously located so as to be visible by clients.
(9) A shop-employed student shall be an employee of the shop and not an independent contractor or unpaid worker of any kind, and the entry wage rate for every shop-employed student shall be not less than the minimum wage prescribed by applicable law and shall not be a wage rate for a tipped employee.

(10) Every shop engaging one or more shop-employed students must designate one or more supervisors, who shall be Board-licensed cosmetologists, barbers, or instructors (but not junior instructors).

(a) No shop-employed student may work in a shop without a supervisor present;

(b) A supervisor may not supervise more than two (2) shop-employed students in the shop at the same time; and

(11) Apprentices may not provide any Mobile Services as defined in the Board's Policy on Mobile Cosmetology and Barber Services

(12) The holder of the shop license and the supervisor present in the shop shall be jointly responsible for all work performed in the shop by shop-employed students.

(13) A shop-employed student registration shall expire after a maximum of twelve (12) months and shall expire automatically when the student graduates or their enrollment in the school ends or is terminated in any way or for any reason, including terminations that occur earlier than the expiration date of the registration; however a shop-employed student whose education was interrupted may apply to the Board for reinstatement for good cause.

(14) A school must immediately report to the Board in writing the termination of enrollment of any shop-employed student in any way or for any reason.

(15) A shop-employed student whose enrollment in the school has ended in any way or for any reason must immediately report that termination to the Board in writing and surrender to the school or to the Board their written registration as a shop-employed student.