

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF APPRENTICESHIP STANDARDS  
1515 Clay Street, Suite 301  
Oakland, CA 94612  
Tel: (415) 703-4920  
Fax: (510) 286-1448



June 5, 2019

Operating Engineers Joint Apprenticeship  
Committee for Southern California  
Larry L. Hopkins, Director of Training  
2200 S. Pellissier Place  
Whittier, CA 90601

Re: Apprentice Ratio Exemption Request Pursuant to Labor Code Sec. 1777.5

Dear Mr. Hopkins:

Your request for an exemption from the ratio of one hour of apprentices employment for each five hours of journey level labor performed on Public Works projects, subject to Labor Code Section 1777.5, has been reviewed.

The Operating Engineers' Program request for an exemption was based on a perceived lack of feasibility for an hourly apprentice ratio because the equipment requirement of the occupation is not conducive to employment of apprentices on an hourly ratio basis, especially on the many projects where only one or two pieces of earth moving equipment are being utilized.

Upon request, Labor Code Section 1777.5 authorizes the Division of Apprenticeship Standards (DAS) to order a minimum ratio of not less than one apprentice for each five journeymen where the hourly ratio is not feasible for a particular occupation.

We have reviewed your request and have concluded that the limited number of movable equipment pieces needed to complete the work on some projects and the fact that most equipment requires only one operator creates difficulty in training apprentices on a ratio of one hour of apprentice work to five hours of journey level work. On jobs where there are fewer than five journey level workers it is difficult to assure proper supervision of apprentice work, and use of the hourly ratio may produce situations where an apprentice would be required to work with a particular type of equipment that would not be suitable.

The area of operation for the Operating Engineers Joint Apprenticeship Committee for Southern California includes the counties of Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura, therefore this request only covers these counties (Southern California) as we have not been asked to consider whether such an exemption would be appropriate in northern California.

Therefore, based on the authority vested in the DAS by Labor Code section 1777.5, the Operating Engineers Joint Apprenticeship Committee for Southern California is granted an exemption from the one to five hourly apprentice ratio for all Operating Engineers classifications on Public Work projects in Southern California, and contractors are required to utilize a minimum ratio of not less than one apprentice for each five journeymen in the Operating Engineers classifications in order to comply with Labor Code section 1777.5.

Effective June 5, 2019 and will remain in effect until revoked by the Administration of Apprenticeship.

Sincerely,

A handwritten signature in black ink, appearing to read "E Rood". The signature is fluid and cursive, with the first letter "E" being particularly large and stylized.

Eric Rood

Chief

Division of Apprenticeship Standards

(415) 703-4920

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF APPRENTICESHIP STANDARDS  
455 Golden Gate Avenue, 10<sup>th</sup> Floor  
San Francisco, CA 94102  
Tel: (415) 703-4920  
Fax: (415) 703-5477

www.dir.ca.gov



ADDRESS REPLY TO:  
Div. of Apprenticeship Standards  
P. O. Box 420603  
San Francisco, CA 94142-0603

May 16, 2011

Operating Engineers Joint Apprenticeship  
Committee for Southern California  
Bert Tolbert, Administrator  
2200 S. Pellissier Pl.  
Whittier, CA 90601

Re: Apprentice Ratio Exemption Request Pursuant to Labor Code Sec. 1777.5

Dear Mr. Tolbert:

Your request for an exemption from the ratio of one hour of apprentices employment for each five hours of journey level labor performed on Public Works projects, subject to Labor Code Section 1777.5, has been reviewed.

The Operating Engineers' Program request for an exemption was based on a perceived lack of feasibility for an hourly apprentice ratio because the equipment requirement of the occupation is not conducive to employment of apprentices on an hourly ratio basis, especially on the many projects where only one or two pieces of earth moving equipment are being utilized.

Upon request, Labor Code Section 1777.5 authorizes the Division of Apprenticeship Standards (DAS) to order a minimum ratio of not less than one apprentice for each five journeymen where the hourly ratio is not feasible for a particular occupation.

We have reviewed your request and have concluded that the limited number of movable equipment pieces needed to complete the work on some projects and the fact that most equipment requires only one operator creates difficulty in training apprentices on a ratio of one hour of apprentice work to five hours of journey level work. On jobs where there are fewer than five journey level workers it is difficult to assure proper supervision of apprentice work, and use of the hourly ratio may produce situations where an apprentice would be required to work with a particular type of equipment that would not be suitable.

The area of operation for the Operating Engineers Joint Apprenticeship Committee for Southern California includes the counties of Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura, therefore this request only covers these counties (Southern California) as we have not been asked to consider whether such an exemption would be appropriate in northern California.

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*P. O. Box 420603*  
*San Francisco, CA 94142-0603*

Therefore, based on the authority vested in the DAS by Labor Code section 1777.5, the Operating Engineers Joint Apprenticeship Committee for Southern California is granted an exemption from the one to five hourly apprentice ratio for all Operating Engineers classifications on Public Work projects in Southern California, and contractors are required to utilize a minimum ratio of not less than one apprentice for each five journeymen in the Operating Engineers classifications in order to comply with Labor Code section 1777.5.

Effective April 4, 2011 and will remain in effect until revoked by the Administration of Apprenticeship.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glen K. Forman", with a long horizontal flourish extending to the right.

Glen K. Forman  
Acting Chief  
Division of Apprenticeship Standards  
(415) 703-4939

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DIVISION OF APPRENTICESHIP STANDARDS  
455 Golden Gate Avenue, 10<sup>th</sup> Floor  
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ADDRESS REPLY TO:  
Div. of Apprenticeship Standards  
P. O. Box 420603  
San Francisco, CA 94142-0603

March 3, 2011

Operating Engineers Joint Apprenticeship  
Committee for Southern California  
Bert Tolbert, Administrator  
2190 S. Pellissier Pl.  
Whittier, CA 90601

Dear Mr. Tolbert,

I have received your application for an exemption for your program. Because of the time it will take to be processed, I am extending the date of my revocation letter to April 3, 2011.

Until this exemption is approved, the current exemption is in full effect.

Yours truly

A handwritten signature in blue ink, appearing to read "Glen K. Forman".

Glen K. Forman  
Acting Chief  
Division of Apprenticeship Standards  
(415) 703-4939

Enc.

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DIVISION OF APPRENTICESHIP STANDARDS  
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ADDRESS REPLY TO:  
Div. of Apprenticeship Standards  
P. O. Box 420603  
San Francisco, CA 94142-0603

February 2, 2011

Operating Engineers Joint Apprenticeship  
Committee for Southern California  
Bert Tolbert, Administrator  
2190 S. Pellissier Pl.  
Whittier, CA 90601

Dear Mr. Tolbert,

This letter is to inform you that I am revoking your exemption to apprentice to journeyman hours ratio in Labor Code Section 1777.5 which was approved April 3, 2003 (attached). Your exemption will be revoked effective with projects with a bid date on or after March 3, 2011. I am taking this step because of the amount of time that has passed since the exemption was granted. I believe it is appropriate for the program to reevaluate its request in light of current conditions and training needs. There has also been some confusion concerning the scope of the exemption on public works projects.

If after considering the matter and you wish to reapply for an exemption, please contact me as soon as possible.

Please notify your contractors of this change.

Yours truly

A handwritten signature in blue ink, appearing to read "Glen K. Forman", written over a horizontal line.

Glen K. Forman  
Acting Chief  
Division of Apprenticeship Standards  
(415) 703-4939

Enc.

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF APPRENTICESHIP STANDARDS  
455 GOLDEN GATE AVENUE, 8<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94102  
(415) 703-4920



ADDRESS REPLY TO:  
P.O. Box 420603  
San Francisco, CA 94142

April 3, 2003

Operating Engineers Joint Apprenticeship  
Committee for Southern California  
Bert Tolbert, Administrator  
2200 S. Pellissier Pl.  
Whittier, CA 90601

**Re: Apprentice Ratio Exemption Request Pursuant to Labor Code Sec. 1777.5**

Dear Mr. Tolbert:

Your request for an exemption from the ratio of one hour of apprentices employment for each five hours of journey level labor performed on Public Works projects, relative to Labor Code Section 1777.5, has been reviewed.

The Operating Engineers' Program request for an exemption because of a perceived lack of feasibility for an hourly apprentice ratio is based on two points: 1) Extensive travel, as required in the Southern California Counties, will adversely impact an apprentice, especially on short jobs. 2) The equipment requirement of the occupation is not conducive to employment of apprentices on an hourly ratio basis, especially on the many projects where only one or two pieces of earth moving equipment is being utilized.

Upon request, Labor Code Section 1777.5 authorizes the Division of Apprenticeship Standards (DAS) to order a minimum ratio of not less than one apprentice for each five journeymen where the hourly ratio is not feasible for a particular occupation.

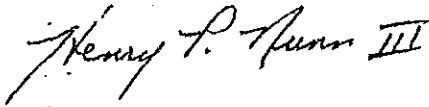
Extensive travel is a condition that the entire construction industry must contend with. Construction work locations and the length of time to complete the project vary considerably. It is an accepted fact that all workers, including apprentices, of the building and construction trades must travel in order to be a part of the industry.

The travel argument is rejected as the basis for an exemption because it applies to an entire broad industry rather than a particular occupation. Accepting this rationale would open the exemption door for any program that requires the apprentices to travel to the job.

However, the limited number of movable equipment pieces on some projects needed to complete the work and the fact that most equipment requires only one operator emphasizes the difficulty encountered in training apprentices on a ratio of one hour to five.

Therefore, based on the authority vested in the DAS by Labor Code Section 1777.5, the Operating Engineers Joint Apprenticeship Committee for Southern California is granted an exemption from the one to five hourly apprentice ratio on Public Works project and is ordered to utilize a minimum ratio of not less than one apprentice for each five journeymen in the Operating Engineers classifications. **This exemption will remain in effect until revoked.**

Sincerely,



Henry P. Nunn III  
Chief, DAS

**Effective Date: January 1, 2003**

cc: Deputy Chief  
Area Administrators  
M. Poindexter, Sr. App. Consultant  
V. Aguirre, App. Consultant  
E. Nedza, App. Consultant