

**CALIFORNIA APPRENTICESHIP COUNCIL**

1515 Clay Street, Suite 301  
Oakland, CA 94612  
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ADDRESS REPLY TO:  
California Apprenticeship Council  
P. O. Box 420603  
San Francisco, CA 94142-0603



**CALIFORNIA APPRENTICESHIP COUNCIL**

**2019 THIRD QUARTERLY MEETING**

Handlery Hotel San Diego  
950 Hotel Circle North  
San Diego, CA 92108

**Minutes**

**Thursday, July 25, 2019**

**9:00 A.M.**

**I. CONVENE QUARTERLY CAC MEETING**

A. Pledge of Allegiance

B. Roll Call

Present: Jack Buckhorn, Jim Hussey, Richard Harris, Larry Hopkins, Frank Quintero, Nick Esquivel, Derrick Kualapai, Yvonne DeLaPena, Frank Schetter, Dick Zampa, Chip Martian, Nick Esquivel, Scott Gordon, DAS Chief Eric Rood

Absent: Paul Von Berg, Louis Ontiveros, Chris Christophersen, Susan Anderson

C. Executive Session

The Council may recess to closed executive session pursuant to Government Code section 11126(q) to discuss litigation to which the Council is or may become a party.

D. Approval of minutes of previous meeting

A motion and a second for approval of the April 25, 2019 meeting minutes. All approved. The motion carried.

E. Announcements

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Deputy Chief Glen Forman requested MITC nominations to be submitted as soon as possible. If nominations are not received then the CAC Chair can make appointments at his discretion.

**F. Communications**

Chief Eric Rood discussed the following communications that were received during the quarter.

- Chancellors Designee for the California Apprenticeship Council and Interagency Advisory Committee on Apprenticeship Sheneui Weber
- Letter from Jeff Armstrong regarding forum topic.
- Letters from DAS Chief to IACA and CAC members
- PRA request from Carrie Bushman

Discussed Bagley Keene Act and the dismissal of two Ad-Hoc committees due to the advice that was received by the CAC's legal counsel.

**III. BUSINESS SESSION****A. Legal Matters - Deputy Attorney General Heather Hoesterey**

Nothing to Report

**B. Apprenticeship Complaint Findings / Decisions by the Administrator of Apprenticeship**

1. Filiberto Hernandez v. J.A. & T.C. Plumbing, Pipe Fitting & Refrigeration Industry of San Mateo DAS Case No. 2018-20  
*Hearing was held and this determination was upheld.*

**B. Notice of Appeals during the Quarter**

None

**C. CAC Appeal Panel Decisions**

None

**F. Chief's Report – DAS Chief Eric Rood**

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(Please see the attached)

#### G. Old Business

Discussed Non- Building Trades Proposed Standards that have received comments.

- Central Valley Maintenance Apprenticeship Committee
- Westside Works Apprenticeship Program
- Advanced Manufacturing and Transportation Apprenticeships of California (AMTAC)

Eric Rood and Lucy Wang stated that this item would be discussed and a recommendation will be made at the next CAC meeting in terms of program approval. These programs have possible work processes overlap. We would allow these programs to review the comments and the discussion of all information and comments. These are pre-program approvals.

Eric Rood stated that Advanced Manufacturing and Transportation Apprenticeships of California (AMTAC) has withdrawn and is resubmitting proposed standards without including a refrigeration technician program.

Comments were made by the public.

- Suggested that members of the apprenticeship community go to the website and subscribe to get the standards e-mailed to you.  
<https://www.dir.ca.gov/das/email/DAS.asp>

States there are nine programs that have comments filed. It was recommended to adopt a process of determination. States that they will hold a special called meeting prior to October to review with a report made to the full council.

#### H. New Business

- Resolution on the US DOL Proposed regulations on industry-recognized apprenticeship programs (IRAPs). (Please see the attached)

This item was proposed and discussed at the Standards, Rules, Regulations & Operating Procedures Committee meeting and this Resolution was recommend to adopt to the full council.

Jim Hussy made a motion and a second for adoption of the Resolution on the US DOL Proposed regulations on industry-recognized apprenticeship programs (IRAPs) by the CAC.

Suggested changes for the document were made.

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In the Title “programs in the construction, firefighting and emergency medical services industries.”

Suggested changes after the third where as, would read “apprenticeship programs in the construction, firefighting, emergency medical services industries.”

A motion to amend to add 29 CFR 29 be changed to 29 CFR Part 29, 29 CFR 30 be changed to 29 CFR Part 30.

A motion and a second for adoption of the Resolution with the discussed amendments. All approved. The motion carried.

- Proposed Changes to §230. Notification of Contract Award Information

A motion and a second for adoption of the Proposed Changes to §230. The rulemaking process will begin after adopting theses changes All approved. The motion carried.

- Formation of Minimum Industry Training Criteria (MITC) committees.

- Ironworkers statewide Minimum Industry Training Criteria (MITC).

- Glen stated that the Ironworkers have completed their MITC corrections. MITC
- The board will approve or deny and their MITC’s will be posted to the website.
- Committees require two northern and two southern representative of both labor and management.

A motion and a second for adoption of Ironworkers Minimum Industry Training Criteria (MITC). All approved. The motion carried.

- No additional discussion on the Non- Building Trades Proposed Standards that have received comments
- California Rural Water Association (reposted May 23, 2019)
- Hawthorne Machinery Co. Technician Apprenticeship Program (HTAP)

#### **IV. FORUM**

**Equal employment opportunity (EEO) training for Apprenticeship programs**  
presented by Susan Lovelace from Urban, Laquer, Clifford & Hodge

Susan Lovelace gave an overview on California recently signed AB 2358, a bill that seeks to address potential discrimination and harassment in building and construction trade apprenticeship programs.

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AB 2358 contains broad anti-discrimination language; it was designed to encourage women in particular to pursue building and construction careers, beginning with apprenticeships.

AB 2358 expressly prohibits discrimination in building and construction trade apprenticeship programs on the basis of enumerated categories including sex, gender, race, national origin, religious creed, and disability. AB 2358 also requires these apprenticeship programs to affirmatively promote equal opportunity in several ways:

- *Programs must include an equal opportunity pledge in their apprenticeship standards, publications and bulletin boards; incorporate equal opportunity policies into orientations and information sessions; and provide equal opportunity notices to contractors annually.*
- *Programs also must provide interactive anti-harassment and anti-discrimination training to all apprentices, instructors, and employees and implement procedures for handling and resolving complaints of harassment or discrimination.*
- *Programs must designate one or more individuals to monitor all apprenticeship activity for equal opportunity compliance and to maintain compliance records, in order to promote coordination and accountability.*

AB 2358 authorizes the California Apprenticeship Council within the Department of Industrial Relations ("DIR") Division of Apprentice Standards to issue rules and regulations to implement these provisions, broadening the DIR's authority to oversee nondiscrimination efforts. Finally, the law establishes that failure to comply with these equal opportunity requirements may be grounds for an audit by the DIR, and potentially the withdrawal of state approval of an apprenticeship program.

Women make up a small minority of building and construction trade apprentices today, but their numbers will likely grow as AB 2358 and more laws like it are enacted to promote equal opportunity and protect women and other groups from the potential for discrimination based on sex, gender, race, national origin, religious creed, and disability, at the workplace.

Susan stated that anti-harassment training materials are available for apprenticeship sponsors on the ApprenticeshipUSA EEO website at <https://www.doleta.gov/oa/eo>. These materials include:

- A short, introductory animated video with associated knowledge checks, which sponsors can download to use as part of their anti-harassment training.
- A sample Power Point presentation that includes scenarios that can be customized for each sponsor's program, as well as discussion questions to engage participants and managers and illustrate key learning points.

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In keeping with the apprenticeship EEO regulations, these resources should be used in a training setting that allows trainees to participate actively.

A handout was distributed to the apprenticeship community by Susan regarding EEO Training for Apprenticeship Programs and relevant links.

Questions and comments were taken from the public.

**V. EDUCATION AGENCIES REPORT**

A. California Community Colleges – Nick Esquivel Coordinator of Apprenticeship Programs, California Community Colleges Chancellor's Office

Nick Esquivel advised the apprenticeship community of the appointment of Sheneui Weber. Sheneui Weber, former chief operating officer for advancement and economic development for the Long Beach Community College District, has been appointed vice chancellor of workforce and economic development for the California Community Colleges Chancellor's Office.

Nick discussed the current budget for the Chancellors' Office for apprenticeship is set at \$79,442,000 of that \$64,000,000 is for RSI and additional \$15 million for the California Apprenticeship Initiative.

The current budget for Community colleges districts the current RSI budget is \$28.6 million.

For California Department of LEA's RSI budget is \$35.7 Million.

The hourly reimbursement rate for Montoya funds has increasing to \$6.45.

3% increase on both K-12 and community colleges; On the community college side this represents a \$845,000 increase.

P3 reporting period has just ended. Nick stated he is still waiting to receive reports from a few community college districts and LEA's.

The California Community College Chancellor's Office announced the availability of \$10,000,000 in Proposition 98 funds for the California Apprenticeship Initiative (CAI) New and Innovative Grant Program. California Apprenticeship Initiative – New and Innovative Grant Program, RFA 19-191.

This grant opportunity is part of the Fiscal Year 2018-19 \$15,000,000 CAI, which seeks to create new and innovative apprenticeship opportunities in priority and emerging industry sectors or areas in which use of apprenticeship training does not currently exist. The RFA Release Date was July 2, 2019, 2019.Bidders Conference is scheduled for August 2019 and application deadline September 2019.

Nick stated that next RFA will be released in November.

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Questions and comments from the public.

**VI. CAC STANDING COMMITTEE REPORTS**

- A. CAC/CCA Liaison Committee – Report from July 24,2019– CCA Chairperson Alex Beltran

Roll Call, Introductions, Motion to approve minutes, motion to approve coffee expenses.

Stated that they will be meeting with the Regency Monterey Resort and Spa regarding a labor dispute that is currently pending at their location.

- B. Forums – Report from July 24,2019– Chairperson Paul Von Berg

Meeting called to order. Chair Paul Von Berg was not able to attend. Jack Buckhorn chaired the meeting. Minutes were approved. Suggestions for future forum topics. It was suggested that Nick Esquivel would provide a Forum on RSI vs. FTE.

- C. Legislation Committee – Report from July 24,2019– Chairperson Yvonne de la Peña

Meeting called to order. Minutes were approved. Reviewed the budget signed by the governor. Discussed P1, P2 and P3 timeline. Reviewed the bill list and legislative time line.

Nick stated that they have moved to a fully online platform for requesting what RSI need is for

- D. EEO-Report from July 24,2019– Chairperson Susan Anderson

Commissioner Susan Anderson was not able to attend. Jack Buckhorn called the meeting to order. Minutes were approved. A presentation was given called “Changing the Culture through Communications” by Madison Hull, Political and Communications Director, District Council 16 and Brooke Fishel, Director of Labor Relations, Northern California Allied Trades (Contractor Association). The presentation was two very well done video presentations. Discussed Women is leadership roles. Comments from the apprenticeship community were made.

- E. Standards, Rules, Regulations & Operating Procedures Committee – Report from July 24,2019 Chairperson Jim Hussey

Meeting called to order by Jim Hussey. A quorum was present. A motion second and carried to approve previous meeting minutes.

Process was proposed to create a 3-person panel procedure to review comments for CAC consideration of appeals on non-traditional apprentice program applications. This was based off the model that is used for appeal panel decisions for apprentices.



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The committee is making a recommendation to the CAC that the chair can make the Chair to create 3-person panels to review comments on non-traditional apprentice program applications. That the members of these apprenticeship panels are commissioners and the commissioners can be from management, labor or the public sector representatives.

A motion was made to create 3-person panels to review comments on non-traditional apprentice program applications. That the members of these apprenticeship panels are commissioners and the commissioners can be from management, labor or the public sector representatives. Seconded and approved.

Hearings will be publicly noticed. The 3-person panels will review and make recommendations to the full CAC at the fourth quarterly meeting.

Approval of pre-apprenticeship program applications was discussed. No recommendations of procedure or processes moving forward.

Under New Business, we reviewed Labor Code 1777.5(b)(2) language regarding apprentice pre-employment requirements. We suggested a presentation from DLSE regarding reporting any issues with employers requiring prerequisites that should not be there.

Resolution on the US DOL Proposed regulations on industry-recognized apprenticeship programs (IRAPs) was recommended for adoption, which the CAC approved.

## **VII. REPORT OF ADMINISTRATIVE and COOPERATING AGENCIES**

### **A. Division of Labor Standards Enforcement (DLSE) Public Works Unit**

Report for fiscal year ending June 30, 2019 DLSE was able to excess \$6,533,836 Penalties for apprenticeship violations \$2,894,454.62 we were able to collect, training funds assessed \$ 627,063.56 and we were able to collect \$292,034.27. Stated that we have been hosting many seminars throughout the state one is focused on public contractors.

Discussed the complaint process for DLSE

### **B. U.S. Department Of Labor Employment and Training Administration Office of Apprenticeship (USDOL/ETA/OA) Nora L. Carlton, California State Director**

Norma stated Labor Secretary Alexander Acosta retired July 19<sup>th</sup>. Eugene Scalia is acting secretary until an appointment is made. Norma introduced Arthur Page, Apprenticeship Training Representative.

The Department of Labor will award \$183 million in grants to educational institutions to "develop and expand apprenticeships through partnerships with companies that provide matching funds," in sectors where apprenticeships are lacking or nonexistent, such as technology, health care, and advanced



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manufacturing. The grants will be allocated to 23 qualifying educational entities, making the path towards the middle class increasingly available through apprenticeship programs and not solely via four-year college degrees.

The U.S. Department of Labor published a Funding Opportunity Announcement (FOA) of approximately \$100 million for the Apprenticeship: Closing the Skill Gap grant program. The purpose of this grant program is to promote apprenticeships as a significant workforce solution in filling current job vacancies and closing the skills gap between employer workforce needs and the skills of the current workforce.

C. Tradeswomen Inc. Meg Vasey, Executive Director

Meg stated that 40% of woman in apprenticeship are in the service sector; 37% of women in the government sector (non-firefighter); Tradeswomen Inc. tends to push for women in higher wage apprenticeship. Tradeswomen, Inc. is one of California's first organizations for women in the trades. Their mission is outreach, recruitment, retention and leadership development for women in blue-collar skilled craft jobs.

Meg stated that there has been some gains in a couple of apprenticeship programs where they have gone from 1 to 3% woman. She stated the electricians program has almost 10% women. Meg mentioned the next Women Build Nations Conference, October 4-6, 2019 in Minneapolis.

D. Women in Non-Traditional Employment (W.I.N.T.E.R) Nettie Dokes, Pre-Apprenticeship Instructor

W.I.N.T.E.R will be having its annual gala on October 24, 2019 in Southern California.

W.I.N.T.E.R had a new cohort that started July 1<sup>st</sup>. A recent cohort was just completed in June and one of the graduates was just accepted in the painters union.

E. California Association for the Advancement of Apprenticeship Training (CAAAT) Tracey Barrett, President

(Please see report attached.)

F. Employment Training Panel (ETP) - Peter Cooper

Stated that chairperson Barry Broad's has served on the Employment Training Panel since 2002. Governor Gavin Newsom appointed Broad to the California Agricultural Labor Relations Board on May 30.

Peter discussed the ETP's Apprenticeship Program Video. Which he stated is available on their website. Employment Training Panel's Apprenticeship Program is supporting job retention in California, through training.

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G. California Apprenticeship Coordinators Association (CACA) Lupe Corral, President

Lupe Corral reported that their meeting was held yesterday. Minutes were approved and those present gave self-introductions. Minutes and treasury report were approved. Regional reports were given.

DAS Chief Eric Rood gave a brief report regarding the e-newsletter.

Update was given regarding the "thin green line" flag. Those who work in the building trades now have a flag to show support for the construction industry. The "thin green line" flag has been adopted as a symbol for safety as well as a show of support when an accident, injury or death occurs in the field.

<https://www.dir.ca.gov/das/e-News/2019/Support-the-Building-Trades-With-Thin-Green-Line-Flag.pdf>

## IX. ADJOURNMENT

A motion and a second were made to adjourn the meeting. All were in favor. The meeting adjourned.