

DIVISION OF APPRENTICESHIP STANDARDS
INITIAL STATEMENT OF REASONS
FOR PROPOSED ACTION TO AMEND
CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,
SECTIONS 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, and 295.0
AND TO ADOPT SECTIONS 296.0, 296.1, 296.2, 296.3, and 296.4.

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INITIAL STATEMENT OF REASONS

The Legislature enacted Labor Code sections 3099 *et seq.* in 1999 to establish a program for certifying electricians. In a prior rulemaking, the Division of Apprenticeship Standards [“DAS”] adopted regulations to implement and enforce this section. The Legislature has enacted changes since the original establishment of the program. The DAS is charged with issuing regulations to implement these changes. These regulations are put forth pursuant to that directive.

PURPOSE AND RATIONALE:

The amendments to Section 290.1 implement Labor Code sections 3099 and 3099.4 by defining additional terms to be employed within this set of implementing regulations. These regulations use some technical terms relating to the electrical industry. The amendments are reasonably necessary to define the scope of technical terms, provide reference to applicable, and enable shortened forms of terms and titles to be employed throughout this set of regulations. The amendments also provide for alphabetizing all definitions and eliminating subsection numbers, which is reasonably necessary to provide for ease of reference.

The amendments to Section 291.1 implement Labor Code sections 3099 and 3099.2 by specifying the forms in which credit may be granted for the experience required to be eligible to take the certification examination. The amendments are reasonably necessary to add clarity to the process of applying for and obtaining credit for experience.

The amendments to Section 291.2 implement Labor Code sections 3099 – 3099.3 by adding information that simplifies the application process, requiring applicants to indicate whether they are requesting the examination in Spanish, providing time periods within which DAS must act on a certification application and within which an applicant may take the examination once they are deemed eligible to do so, and reflecting the statutory provisions regarding when registered apprentices and electrician trainees may be eligible to take the examination. These amendments are reasonably necessary to provide clear procedures and deadlines to guide individuals and DAS throughout the application process.

The amendments to Section 291.3 implement Labor Code sections 3099 – 3099.3 to permit the Chief DAS to delegate requests for special accommodations on account of disability for the examination and reflect that DAS is to provide the certification examination and information about certification in non-English language pursuant to Labor Code section 3099.3 (a) and (b). These amendments are reasonably necessary to permit the Chief DAS flexibility in handling requests for special accommodation as required by law, and to guide the interested public and DAS regarding availability of information and the examination in non-English languages.

The amendment to Section 291.4 implements Labor Code section 3099 by specifying that an application furnishes no more than a one-year period of eligibility to sit for the

examination. This section is reasonably necessary to further the purpose of application in having individuals tested and certified at the earliest possible opportunity, and for the examination to test the individual's knowledge and experience in electrical work, not in the individual's ability to "test."

The amendments to Section 291.5 implement Labor Code sections 3099, 3099.2 and 3099.4 by specifying timelines and educational requirements for the certification renewal procedure, and by reflecting the statutory grace period for renewal provided to individuals who became certified before the mandatory deadline. These amendments are reasonably necessary to add certainty to the renewal procedure.

The amendment to Section 292.0 implements Labor Code section 3099.4 by specifying the amount of fee for registering as an electrician trainee pursuant to the statute, and is reasonably necessary for this information to appear in a logically and reasonably accessible location..

The amendments to Section 293.0 implement Labor Code sections 3099 and 3099.2 by specifying timelines and events for proceedings where action is taken to suspend or revoke certification. These amendments are reasonably necessary to add certainty to the procedures by which actions to suspend or revoke certification may be taken by the DAS and may be challenged by the certified electrician.

The amendments to Section 295.0 implement Labor Code sections 3099 and 3099.4 by providing that the DAS make the names of electrician trainees publicly available pursuant to statutory directive, and specifying that DAS shall include zip codes on its list of certified electricians and trainees, charge the trainees with keeping their addresses on file with DAS current, and update its list yearly in order to keep it current. These amendments are reasonably necessary to implement the statutory purpose to have such a list available to the public in a useful and up-to-date form.

New Section 296.0 implements Labor Code sections 3099 and 3099.4 by describing the curriculum committee newly created by statutory enactments, its powers, duties, composition, and administration. It also implements these sections by setting forth the duties of the curriculum committee and the DAS regarding curriculum standards for electrician certification, provides a procedure by which an educational provider may obtain approval for its curriculum to permit its students to be eligible for registration as electrician trainees, clarifies that educational providers may offer curriculum that covers all or part of the curriculum standards, requires the providers to specify in its publications what elements of the standards its curriculum covers, and requires DAS to provide the names of education providers with approved curriculum to the public. This section is reasonably necessary to effectuate the statutory changes to the program that create an alternative method by which an individual may pursue the work experience and instruction necessary to become a certified electrician, which includes enrollment in a curriculum that has been approved by the curriculum committee according to specified standards adopted by the curriculum committee.

New Section 296.1 implements Labor Code section 3099.4 by setting forth the standards and procedures by which an individual may acquire and maintain registration as an electrician trainee. This section is reasonably necessary to effectuate same.

New Section 296.2 implements Labor Code sections 3099 and 3099.4 by specifying what is meant by the eligibility requirement of “enrollment in an approved curriculum” for registration as an electrician trainee. It also provides procedures for the DAS to be informed of the electrician trainee’s enrollment status, and requires the DAS to cancel the trainee’s registration if enrollment ceases. This section is reasonably necessary to carry out the legislative intent that the electrician trainee status be for individuals pursuing the work experience and instruction necessary to become certified electricians.

New Section 296.3 implements Labor Code sections 3099 and 3099.4 by specifying the responsibilities of employers of electrician trainees when certification would otherwise be required for the work and specifying the penalty and procedures by which the Chief DAS may impose a penalty on employers who fail to provide adequate supervision to electrician trainees. This section is reasonably necessary to carry out the legislative intent that the work experience of electrician trainees constitute meaningful on-the-job training, and to provide certainty for the employers of electrician trainees regarding their legal responsibilities and the potential penalties and procedures for failure to comply.

New Section 296.4 implements Labor Code sections 3099 and 3099.4 by specifying the procedures by which the Chief DAS may deny or cancel registration of an electrician trainee, and by which such denial or cancellation may be appealed. This section is reasonably necessary to provide certainty for electrician trainees regarding the legal requirements for maintaining registration, and the potential penalties and procedures for failure to comply.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

None of the proposed regulations mandates the use of specific technologies or equipment.

TECHNICAL, THEORETICAL, EMPIRICAL, OR OTHER STUDIES:

The proposed regulations are not based on a consideration of any technical, theoretical, empirical or other studies.

ALTERNATIVES:

The Division has not formally considered alternatives to the proposed action. The public is invited to provide comments and suggestions regarding alternatives during the comment period. The proposed action is not expected to have an adverse impact on small business, as the regulations do not impose any significant economic impact independent of the statutes which they implement.