

CALIFORNIA APPRENTICESHIP COUNCIL

CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,
SECTIONS 205, 206, 207, 212, 212.2, 212.3

NOTICE OF PROPOSED RULEMAKING

The California Apprenticeship Council (“Council”) proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

Notice is hereby given that the Council will that the California Apprenticeship Council (“Council”), pursuant to rulemaking authority derived from Labor Code section 3071, in order to implement, interpret and make specific sections 3073.1, 3075.5, 3075.6 and 3075.7 of the Labor Code, proposes to amend Part IV, Sections 205, 206, 207, 212, 212.2, and 212.3 in Chapter 2 of Title 8 of the California Code of Regulations (“CCR”) concerning 1)the procedures for audits of general apprenticeship programs, and building and construction trades apprenticeship programs 2) the procedure for submitting information to the Division of Apprenticeship Standards, 3) the procedure for approval of new or expanded apprenticeship programs.

PUBLIC HEARING

The Council will hold a public hearing on January 13, 2014 from 10 a.m. to 2 p.m., at the Milton Marks Conference Center, Santa Barbara Room, Hiram Johnson State Building, 455 Golden Gate Avenue, San Francisco, California, 94102, and on January 8, 2014, from 10 a.m. to 2 p.m., at the Auditorium, 320 West 4th Street, Los Angeles, California, 90013. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest (below). The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by mail or personal delivery to Glen Forman, Acting Chief, Division of Apprenticeship Standards, 455 Golden Gate Avenue, 10th Floor, San Francisco, California 94102. Written comments may also be sent to Jane Reza (1) via electronic email to csuggest@dir.ca.gov or (2) via fax to (415) 703-5227. To be considered, written comments must be received by the Council no later than 5:00 p.m., January 13, 2014.

AUTHORITY AND REFERENCE

Labor Code section 3071, et. seq., authorizes the Council to adopt these proposed regulations. The proposed regulations implement, interpret and make specific sections 205, 206, 207, 212, 212.2, and 212.3 in Chapter 2 of Title 8 of the California Code of Regulations (“CCR”) in order

to comport with recent legislative changes to sections 3073.1, 3075.5, 3075.6 and 3075.7 of the Labor Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action seeks to clarify and make specific (1) the procedures for audits of general apprenticeship programs, and building and construction trades apprenticeship programs, (2) the procedure for submitting information to the Division of Apprenticeship Standards, and (3) the procedure for approval of new or expanded building and construction apprenticeship programs to comport with recent legislative changes to the Labor Code.

The recent legislative changes to sections 3073.1, 3075.5, 3075.6 and 3075.7 of the Labor Code require changes to the procedure for auditing apprenticeship programs, the method for submitting information about apprenticeship agreements to DAS and the procedure for approval of new and expanded apprenticeship programs in the building and construction trades. The broad objective of the recent legislative changes is to streamline and improve the audit process. The specific benefits anticipated from the regulation is that the regulations with comport with the changes to the Labor Code, and the changes to the approval process such as the submission of information to the Chief of the Division of Apprenticeship Standards will include more factual information, make it easier to submit program information and that the submitted information will be easier to access. All the proposed changes work towards a more efficient audit and program approval process.

The Council has determined that changes to sections 205, 206, 207, 212, 212.2, and 212.3 in Chapter 2 of Title 8 of the California Code of Regulations (“CCR”) are in order to ensure compatibility and consistency with these new legislative changes to the Labor Code.

No comparable federal regulations or statute exists. Please see the Initial Statement of Reasons for further information

DISCLOSURES REGARDING THE PROPOSED ACTION

The Council has made the following initial determinations:

- Costs or savings to state agencies or costs/savings in federal funding to the State: None.
- Local Mandate: None.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs/savings imposed upon local agencies: None.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Impact on the creation or the elimination of jobs or business, and the expansion of businesses within the State of California, or effect on small businesses: None.
- Significant effect on housing costs: None.

- Cost impacts on representative private person or small business: None. The agency is not aware of any cost impacts that a representative private person or small business would necessarily incur in reasonable compliance with the proposed action. The proposed action involves updating auditing procedures for apprenticeship programs which do not have a fiscal impact on small businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT:

The Board concludes the following: (1) it is unlikely that the proposed changes will create or eliminate any jobs, (2) it is unlikely that the proposed changes will create new businesses or eliminate existing businesses within the State of California, (3) it is unlikely the proposed changes will expand businesses currently doing business, and (4) the proposed changes will not impact the regulation of health and welfare of California residents and worker safety.

BENEFITS OF THE PROPOSED ACTION

The proposed changes to the audit process will allow a better and more efficient allocation of resources and will help programs identify areas for improvement. The regulations will make the transmittal of information to DAS more efficient and will allow participants in apprenticeship programs easier access to information about their programs. The regulations implement legislative changes to the new program or expanded program approval process by making specific some of the requirements for program approval. By requiring applicant programs to set out specific budget and planning metrics the actual ability of the proposed program to provide training will be more easily assessed. By improving the approval process the overall quality of training will be improved and both applicants and the public will benefit.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Council must determine that no reasonable alternative it considered or that otherwise has been identified and brought to the attention of the Council would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as the proposed action and less burdensome to affected private persons, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

The Council invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Jane Reza
California Apprenticeship Council
455 Golden Gate Ave, 9th Floor
San Francisco, CA 94122
Telephone: (415) 355-5468

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based to Ms. Reza at the above address.

The backup contact person for these inquiries is:

Glen Forman, Deputy Chief
Division of Apprenticeship Standards
Secretary, California Apprenticeship Council
455 Golden Gate Ave, 9th Floor
San Francisco, CA 94122
Telephone: (415) 703-4939

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at the above address. Rulemaking records may be accessed through the agency’s Internet website at www.dir.ca.gov. As of the date of this notice is published in the Notice Registrar, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Jane Reza at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Any such modifications will also be posted on the Council’s website.

Please send requests for copies of any modified regulations to the attention of the contact person(s) listed above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from Ms. Reza at the above address, or may be accessed on the website listed above.