

CALIFORNIA APPRENTICESHIP COUNCIL

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**CALIFORNIA APPRENTICESHIP COUNCIL THIRD QUARTERLY MEETING
MINUTES
Radisson Hotel - Sacramento
January 20 & 21, 2011**

Thursday– January 20, 2011

I. CONVENE REGULAR QUARTERLY MEETING TO ORDER IN ORDER TO RECESS TO CAC EXECUTIVE SESSION

CAC Chairperson Les DenHerder called the meeting to order at 11:10 a.m.

A. Roll Call

The following Commissioners were present: Les DenHerder, Scott Gordon, Dina Kimble, Julia Dozier, John Foster, Jose Millan, Neil Struthers, Wayne Lindholm, Aram Hodess, Carl Goff, Richard Harris, Kate Leyden, Pat McGinn, Donna Bechthold, Anne Quick, Jack Buckhorn, and Acting Chief Glen Forman.
A quorum was met.

B. The meeting was immediately adjourned to CAC Executive Session.

Thursday– January 20, 2011 (Convene Executive Session)

II. EXECUTIVE SESSION – Executive Boardroom

The Council recessed to a closed executive session pursuant to Government Code §11123(q) to discuss litigation to which the Council is or may become a party.

A. Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee vs. California Apprenticeship Council and the Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee. Superior Court Case No. 34-2009-80000393

B. Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee vs. California Apprenticeship Council, San Francisco Superior Court, Case No. CPF-10-510485, filed June 2, 2010

Thursday– January 20, 2011 (continued)

III. RECONVENE QUARTERLY CAC MEETING

A. Pledge of Allegiance

B. Installation of new CAC Chairperson

Commissioner DenHerder handed the gavel to newly appointed CAC Chairperson, Commissioner Julia Dozier.

Ms. Dozier presented Commissioner DenHerder with a plaque recognizing him for his service as CAC Chairman for 2010.

C. Director of Industrial Relations – John Duncan

Mr. Duncan introduced the newly appointed Secretary of Labor of the Workforce Development Agency, Marty Morgenstern.

Mr. Morgenstern brought greetings from Governor Brown. He stated that when he told the Governor he was on his way to attend the California Apprenticeship Council meeting the Governor stopped him and said he would like to attend a CAC meeting in the future. Mr. Morgenstern spoke about how strongly the Governor believes in apprenticeship, and wants an update on apprenticeship programs in California, and indicated that he would like to build California's apprenticeship programs. Mr. Morgenstern continued with speaking on the state of the economy, and how he is looking forward to seeing apprenticeship programs continue the work of current workers, which will bring California's economy back.

D. Approval of Minutes for October 28 & 29, 2010

A motion and a second were made to approve the October 28 & 29, 2010 minutes as written. All were in favor. The motion carried.

E. Communications

1. Letter from Lucy Wang, Attorney Generals' office recommending the CAC to hold a closed executive session at the January 20, 2011 meeting.

IV. BUSINESS SESSION

A. Legal Matters – Lucy Wang

1. Ms. Wang reported that in the matter of Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee vs. California Apprenticeship Council and the Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic J.A.T.C. there was a petition for writ of mandamus filed in Sacramento Superior Court. Judge Marlette granted the PHCCs petition for the writ of mandamus.

Thursday– January 20, 2011 (continued)

Pursuant to that order the CAC held an emergency meeting on December 15, 2010 in order to adopt a written statement of decision that comports with the finding of the majority of council members during the April 2009 meeting. The appeal discussed at the April 2009 meeting was in regards to whether or not PHCC would be allowed to expand into Kern County. Currently the case is scheduled for an appeal. The Plumbers have filed an appeal in that matter. There will be further activity in this litigation. Ms. Wang will have an additional report once there is a schedule.

2. Ms. Wang also reported on the Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee vs. California Apprenticeship Council. Ms. Wang stated that this is also a petition for a writ of mandamus that was filed in San Francisco Superior Court. The hearing date in this matter is scheduled for February 9, 2011. The petitioners filed their opening papers in mid-December. The Council will be filing their opposition on January 20, 2011. Ms. Wang will have a further update at the next CAC meeting in April.

B. CAC Appeal Panel Decisions

Acting Chief Glen Forman reported that there are not any appeals ready for this meeting.

C. Apprentice Complaint Findings / Decisions by the Administrator of Apprenticeship

Acting Chief Glen Forman reported on the following Complaint Findings that were all found in favor of the program:

1. Abdul Bath v. Yuba, Shasta, Colusa Counties Plumbers J.A.T.C. 2010-28
2. Jerry C. Valdez v. Santa Cruz Counties Plumbers & Pipefitters J.A.T.C. 2010-22
3. Michael R. Erickson v. Fresno, Madera, Kings & Tulare Counties Electrical Industries J.A.T.C.

D. Automatic Orders of the Council

1. Acting Chief Glen Forman reported that there were no Automatic Orders of the Council at this time.

Thursday– January 20, 2011 (continued)

E. Notice of Appeals to the Council During the Quarter

CAC Chairperson Dozier reported that she will assign a three member panel for the following Appeal:

1. 2010-C4 Michael R. Erickson v. Fresno, Madera, Kings, & Tulare Counties Electrical Industries J.AT.C. (DAS 2010-34)

F. DAS Audit Reports – Rachel Freeman, DAS Unit Manager & Senior Consultant for the Fresno District Office made the following report:

1. Ms. Freeman announced that the merger of the Northern California Carpenters is complete and closed the audit report.
2. There are four audits in the final stages and completion should be by the end of February 2011.
3. With the completion of the CDCR audit the unit is now getting back to implementing the revised audit process. Once the audit procedure is in place, Ms. Freeman recommended that the audit unit hold a presentation at a future CAC meeting to inform the commissioners about the unit's work.

G. Old Business

1. Review of Minimum Industry Training Criteria (MITC) for the Trades

Chairperson Dozier reminded everyone that the Council does not discuss jurisdictional issues; however it is incumbent on the Council to approve or disapprove the MITC. Of the 23 MITCs that are to be reviewed, Ms. Dozier asked the Council to first bring forward the ones they would like to discuss.

2. Commissioner Millan stated a concern about some of the language in the “green construction” components of a number of the descriptions. He stated it would be helpful to have a more explicit specific description of what “green construction” means as it applies to a particular trade or craft. There were further discussions and comments by the public on this issue.
3. Commissioner Harris moved to approve the standards as written.
4. There was further discussion as to the conformity of the rules under which they were established and suggestion that they be sent back to the sub-committees and resubmit at the next meeting.
5. Commissioner McGinn seconded Commissioner Harris' motion to approve the MITCs as written.
6. Legal counsel, Fred Lonsdale reminded the Council and audience that the industry training criteria are only minimums for apprenticeship programs. If a program wishes to increase its training Related and Supplemental Instruction hours. It is always acceptable for a program to add more training hours or include more “green technology”

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as long as the training or technology falls within that apprenticeship program’s specific occupation’s criteria.

7. After all comments were heard Chairperson Dozier continued with the motion on the floor. A roll call vote was taken to approve the MITCs as written. The vote was 11 yeas and 4 nays. The motion carried.

H. New Business

“I Built It – Green”

Renee Bacchini presented the new “I Built It – Green” DVD.

V. Forum

Public Works Enforcement – DIR/DAS

Pacia Parker, Senior Consultant began her presentation by asking everyone to share with their committees and contractor associations the change in regulation 230.1: contractors who bid projects that were advertised for bid after June 30, 2009, are required to employ sufficient apprentices to meet the ratio. Whether a contractor is signatory to an approved program or not, if they do not have sufficient apprentices on their job, they are required to contact all the programs that are listed on the DAS website as approved to train in their craft in the county where the project is and solicit apprentices.

Ms. Parker continued saying that the DAS is looking to do more serious enforcement to ensure that all contractors are using the proper ratio of apprentices on all their public works. Ms. Parker provided hand-outs of her presentation along with the DAS 210 complaint form. One should fill out the DAS 210 form or write a letter that includes the requirements listed in the California Code of Regulations 230.1 to file a complaint.

Acting Chief Glen Forman clarified that Thursday’s Education Agencies’ Reports will be given on Friday, January 21, 2011.

VI. Adjournment

A motion and second were made to adjourn the meeting. All were in favor. The meeting adjourned at 4:15 P.M.

FRIDAY – January 21, 2011 (reconvened)

I. RECONVENE QUARTERLY CAC MEETING TO ORDER

A. Roll Call

The following Commissioners were present: Les DenHerder, John Foster, Dina Kimble, Julia Dozier, Jack Buckhorn, Richard Harris, Kate Leyden, Pat McGinn, Donna Bechthold, Jose Millan, Anne Quick, Scott Gordon, and Acting Chief Glen Forman standing in for John Duncan.

A quorum was met.

The following Commissioners were absent: Neil Struthers, Aram Hodess, Carl Goff, and Wayne Lindholm.

C. Announcements

Acting Chief Glen Forman reported there were no announcements at this time.

D. Communications

Acting Chief Glen Forman reported there were no communications at this time.

II. CAC STANDING COMMITTEE REPORTS

A. CAC/CCA Liaison Committee – Report from January 19, 2011 – CCA Liaison Co-Chair Jose Padilla – the report will be posted to the website.

B. Related Supplemental Instruction Committee – Report from January 19, 2011 – Chairperson Pat McGinn – the report will be posted to the website.

C. Legislation Committee – Report from January 19, 2011 – Chairperson Dina Kimble – the report will be posted on the website.

D. Public Relations & Publicity Committee – Report from January 19, 2011 – Chairperson Scott Gordon – the report will be posted on the website.

E. Electrician Curriculum Certification Committee – Report from January 19, 2011 – Chairperson Glen Forman – the report will be posted on the website.

F. Equal Opportunity in Apprenticeship – Report from January 20, 2011 – Chairperson Julia Dozier – the report will be posted to the website.

G. Standards, Rules, Regulations & Operating Procedures – Report from January 20, 2011 – Chairperson Aram Hodess –the report will be posted on the website.

III. EDUCATION AGENCIES REPORT

A. California Department of Education – John Dunn

Mr. Dunn reported that the department is on Tier 2 of the “categorically flexibility” and that it is still not flexible. He stated that in terms of the budget he is hopeful to be able to keep the 15.5M. After listening to comments out in the field it appears that the economy has come to such a low point that the department will probably be under cap this year. He continued by saying that he spoke with a few LEAs and let them know that he has been developing some common guidelines for LEAs on how they interact with sponsors. If anyone would like more information on working with their LEA please contact Mr. Dunn.

He continued his report stating that the Governor appears to be apprenticeship friendly and that some progress is being made at training people for skilled jobs with a job attached to it.

B. California Community Colleges – Barry Noonan

The report will be an attachment to the CAC minutes.

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IV. REPORTS OF ADMINISTRATIVE and COOPERATING AGENCIES

- A. Division of Apprenticeship Standards – Chief’s Report – Acting Chief Glen Forman – the report will be an attachment to the CAC minutes.
- B. Office of Apprenticeship (OA) – Rick Davis; Department of Labor – the report will be an attachment to the CAC minutes.
- C. California Apprenticeship Coordinators Association (CACA) - Darell Lawrence – the report will be an attachment to the CAC minutes.
- D. California Association of the Advancement of Apprenticeship Training (CAAAT) Christine Hall – the report will be an attachment to the CAC minutes.

V. Adjournment

There was a motion and a second to adjourn the meeting. All were in favor. The motion carried. The meeting adjourned at 10:35A.M.