

**CALIFORNIA APPRENTICESHIP COUNCIL**

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**CALIFORNIA APPRENTICESHIP COUNCIL THIRD QUARTERLY MEETING  
MINUTES  
Four Points by Sheraton LAX  
April 28 – 29, 2011**

**Thursday– April 28, 2011**

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

CAC Chairperson Julia Dozier called the meeting to order at 11:10 a.m.

**A. Roll Call**

The following Commissioners were present: Julia Dozier, Scott Gordon, Dina Kimble, Carl Goff, John Foster, Kate Leyden, Pat McGinn, Jose Millan, Neil Struthers, Wayne Lindholm, Aram Hodess, Les DenHerder, Anne Quick, Jack Buckhorn, and Acting Chief Glen Forman standing in for Christine Baker.

A quorum was met.

Members absent: Richard Harris and Donna Bechthold

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

**Thursday– April 28, 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– April 28, 2011 (continued)**

**III. RECONVENE QUARTERLY CAC MEETING**

A. Pledge of Allegiance

B. Approval of Minutes for January 20 - 21, 2011

A motion and a second were made to approve the January 20 - 21, 2011 minutes as written. All were in favor. The motion carried.

E. Communications

1. Letter from Lucy Wang, Attorney General's office recommending the CAC to hold a closed executive session at the April 28, 2011 meeting.
2. Letter from Acting Chief Glen Forman DAS regarding memo dated March 15, 2011 on the California Division of Apprenticeship Standards Review of Industry Practices as they relate to possible multi-employer photovoltaic installer apprenticeship programs.

**IV. BUSINESS SESSION**

A. Legal Matters – Marguerite Stricklin

1. Ms. Stricklin, Attorney General's Office reported 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. Superior Court Case No. 34-2009-80000393, filed September 25, 2009 that the case is in the court of appeals, but the parties have not received a briefing schedule.
2. Ms. Stricklin also reported on the Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee vs. California Apprenticeship Council. She reported that the parties appeared before Judge Goldsmith in San Francisco Superior Court on March 1, 2011 for oral argument regarding Cement Mason's petition for writ of administrative mandamus. After the hearing, the parties each submitted statements of decision to the court, and the matter was deemed submitted. As of April 21, 2011, the parties have not received a decision in this matter.

## Thursday– April 28, 2011 (continued)

### B. CAC Appeal Panel Decisions

1. Michael Roy Erickson vs. Fresno, Madera, Kings, & Tulare Counties Electrical Industries J.A.T.C. – CAC 2011-C1  
Commissioner Millan, Chairperson for the appeal panel gave a brief background of the appeal and reported that the 3-member panel upheld the decision of the Administrator of Apprenticeship. Mr. Millan recommended that the appeal be affirmed by the full council.  
A motion and a second to support the decision of the 3-member panel in the matter of Michael Roy Erickson vs. Fresno, Kings, & Tulare Counties Electrical Industries J.A.T.C. were made. All council members present approved. The motion carried. The appeal was denied.
2. Joe Dodeward vs. Monterey & Plumbers & Pipefitters J.A.T.C. – CAC 2011-C2.  
Acting Chief Glen Forman reported that the appeal is still in process. A hearing was held on April 25, 2011 and the decision will be presented before the Council at the next meeting.
3. Paul J. Madronich vs. United Association Local 342 J.A.T.C. – CAC 2011-C3.  
Commissioner Leyden, Chairperson for the appeal panel reported that the 3-member panel agreed with decision of the Administrator of Apprenticeship that the determination was without merit.  
A motion and a second were made that the CAC uphold the Director's February 9, 2011 determination to uphold Madronich's complaint without merit and his termination from the apprenticeship program be approved. The motion was approved by all council members present. The motion carried. The appeal was denied.

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

1. Brandon Dutcher vs. City of Burbank Line Mechanic J.A.C. – Case No. 10-0145 - AP  
Acting Chief Glen Forman reported that the Administrator of Apprenticeship denied the complaint and affirmed the termination of Dutcher's Apprenticeship Agreement.
2. Oscar Marquez vs. Monterey & Santa Cruz Counties Plumbers & Pipefitters J.A.T.C – 2010-21.  
Acting Chief Glen Forman reported that the Administrator of Apprenticeship found that the complaint was without merit and that the determination by the JATC was upheld and the termination of Oscar Marquez from his apprenticeship program is approved.

**Thursday– April 28, 2011 (continued)**

D. Automatic Orders of the Council

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

E. Notice of Appeals to the Council During the Quarter

Acting Chief Glen Forman reported on the following:

1. Jon Dodeward vs. Monterey & Plumbers & Pipefitters J.A.T.C. – CAC 2011-C2 -  
A hearing was held on April 25, 2011 and the decision of the panel will be presented at the next meeting.
2. Paul J. Madronich vs. United Association Local 342 J.A.T.C. – CAC 2011-C3  
The decision by the council was made earlier in the meeting.

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 Audit Unit has been working in collaboration with the California Conference on Apprenticeship to make a presentation at their next conference in 2012. The Audit Unit will be explaining the new procedure of an audit and how it works among other aspects of the Audit Unit.  
See attached presentation.  
Don Davis, California Statewide Electrical JATC expressed warm congratulations to the Audit Unit for an exceptional accomplishment in the professionalism that the Unit has shown during the audits that have been conducted at their program. Commissioner Quick also recognized the Audit Unit for their professionalism.

G. Old Business

Acting Chief Glen Forman reported that there was no old business at this time.

H. New Business

Acting Chief Glen Forman reported that there was new business at this time.

1. Commissioner Leyden asked the Acting chief what changes are being made to the apprentice appeals process. The Acting chief stated that he could only report on general information, but that changes to the policy are primarily to the process of the appeal, and how it will be handled. At the time of receiving an appeal, the hearing officer will have the opportunity to dismiss the appeal at that time. Mr. Forman further stated that a complaint must be found to have merit before it will go through the appeal process. It is not clear at this time how the appeal rights will follow through after that. Additionally, there will be a timeline during which an appeal must be filed. Acting Chief Forman indicated that another change that will take place is that appeal board

## **Thursday– April 28, 2011 (continued)**

hearings will no longer be required to have a court reporter, but rather an electronic record will be adequate. At this time the Deputy Attorney General Lucy Wang is in the process of gathering the final information to be sent to the Office of Administrative Law. The office of Administrative Law will have 60 days to return and the changes will become effective at that time.

2. Acting Chief Glen Forman announced that the Governor released an executive order on April 26, 2011 regarding a moratorium on most travel for state employees. The exception will be for “mission critical” travel; however, employees will need prior approval from the Director of DIR and then the agency in Sacramento. The result of this is that some programs might not see their consultants as frequently as they have in the past. The Department of Industrial Relations is in the process of establishing who will be directly affected by this executive order. The Department will be reporting back to the Labor Agency for approval for specific situations to show that they are indeed “mission critical”. Once granted this approval, consultants will be able to continue to travel as required for their assigned programs.

### **V. FORUM**

Enforcement of Apprentice Requirements on Public Works Projects  
Pacia Parker, DAS Senior Consultant gave a PowerPoint presentation.  
Please see attached for detailed information.

### **VI. Comments from the Public**

1. Commissioner Quick inquired as to the training that DIR consultants get in order to do their job. Acting Chief Glen Forman stated that training is ongoing. Additionally, the Division has been in the process of putting together systems electronically to make it easier for consultants to communicate with each other and document data about interactions with their programs. one of the electronic systems used is called SharePoint.
2. John Bullock, Carpenters Training Committee for Northern California, asked if there is a way to schedule the meetings for a shorter time frame, as some of the meetings and agendas do not last as long as the scheduled time.

Commissioner Millan commented that there are times when the agenda has a heavy schedule and there are people lined up to speak and have their comments heard, and it could be unappreciated if there was not enough time for everyone to get their say. He did suggest that perhaps some advanced planning could be taken into consideration when a light agenda is presented.

Acting Chief Glen Forman stated that it is possible to revise the length of time for CAC meetings. he and the CAC Chairperson, when reviewing the agenda

**Thursday– April 28, 2011 (continued)**

items to be discussed at an upcoming meeting will also determine how long it will take to take care of all issues and reports and consider shortening the CAC meeting if appropriate.

3. Darell Lawrence announced that the California Coordinators Association will meet directly after the CAC meeting.

**VII. Adjournment**

A motion and second were made to adjourn the meeting. All were in favor. The meeting adjourned at 2:30 P.M.

**FRIDAY – April 29, 2011 (reconvened)**

**I. RECONVENE QUARTERLY CAC MEETING TO ORDER**

A. Roll Call

The following Commissioners were present: John Foster, Dina Kimble, Julia Dozier, Jack Buckhorn, Kate Leyden, Pat McGinn, Carl Goff, Jose Millan, Anne Quick, Scott Gordon, and Acting Chief Glen Forman standing in for Christine Baker.

A quorum was met.

The following Commissioners were absent: Richard Harris, Donna Bechthold, Neil Struthers, Aram Hodess, Les DenHerder, and Wayne Lindholm.

B. Announcements

Commissioner Dozier announce that there will be Latino Workforce Outreach and Education Conference in the city of Carson on Sunday, July 17, 2011 at the California State University, Dominguez Hills. The conference will be focused on safety, health & worker rights. There will be safety and health training programs, labor protections workshops, informational booths, materials, products and assistance. Workshops will be held in both English and Spanish. She suggested that those programs that have apprentices who primarily speak Spanish share the information about the conference with them.

C. 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 April 27, 2011 – CCA Liaison Co-Chair Jose Padilla – the report will be posted to the website.

## **FRIDAY – January 21, 2011 (reconvened)**

- B. Related Supplemental Instruction Committee – Report from April 27, 2011 – Chairperson Pat McGinn – the report will be posted to the website.
- C. Legislation Committee – Report from April 27, 2011 – Chairperson Dina Kimble – the report will be posted on the website.
- D. Public Relations & Publicity Committee – Report from April 27, 2011 – Chairperson Scott Gordon – the report will be posted on the website.
- E. Standards, Rules, Regulations & Operating Procedures – Report from April 28, 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 could not attend due to scheduling conflicts.
  
- B. California Community Colleges – Barry Noonan  
The report will be an attachment to the CAC minutes.

### **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 – Mr. Davis was not available due to travel restrictions.
- 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) Douglas Sawyer – the report will be an attachment to the CAC minutes.
- E. Women in Non traditional Employment roles (W.I.N.T.E.R.) – No representative was available.

### **V. Adjournment**

There was a motion and a second to adjourn the meeting. All were in favor. The motion carried. The meeting adjourned at 9:51 A.M.