



ADDRESS REPLY TO:
California Apprenticeship Council
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CALIFORNIA APPRENTICESHIP COUNCIL SECOND QUARTERLY MEETING
MINUTES
Radisson Hotel Airport Los Angeles
April 25, 2013

THURSDAY – April 25, 2013

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

CAC Chairperson Paul Von Berg called the meeting to order at 9:05 a.m.

A. Roll Call

The following Commissioners were present: Paul Von Berg, Julia Dozier, Yvonne de la Pena, Jack Buckhorn, Richard Harris, Barbara Blake, Pat McGinn, Van Ton-Quinlivan, Wayne Lindholm, Anne Quick, Scott Gordon, and Diane Ravnik

A quorum was present.

Members absent: Neil Struthers, Carl Goff, Les DenHerder and Donna Bechthold

B. CAC Chairperson Paul Von Berg announced that the meeting would recess to hold the 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.

1. Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee v. California Apprenticeship Council, San Francisco County Superior Court Case No. CPF 11510995, filed January 12, 2012.

Executive Session, April 25, 2013 (continued)

2. Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee v. California Apprenticeship Council, Court of Appeal of the State of California, First Appellate District, Case No. A132892, filed July 28, 2011.
3. Air Condition Trade Association v. Baker, et al., United States District Court, Eastern District, Sacramento Division, Case No. 2:12-15-00061, filed January 18, 2012.

III. RECONVENE QUARTERLY CAC MEETING

- A. Pledge of Allegiance was led by CAC Chairperson Paul Von Berg.
- B. Approval of previous minutes for January 24, 2013 meeting
Commissioner Julia Dozier asked the minutes to be amended as follows: Page 9, the first six lines of the third paragraph be deleted and replaced with:
“Commissioner Julia Dozier, California Community Colleges commented that she has found issues with funding as it relates to training, including in apprenticeship programs. She expressed that if a training organization could not get a turn around on their investment and have someone placed in the job market within three months, some funding organizations (including some Workforce Investment Boards prior to their new partnership with apprenticeship programs) were functioning as if this was not a suitable use of training funds.”
A motion and a second were made to to approve the January 24, 2013 minutes to be revised as Commissioner Dozier stated. All approved. The motion carried.
- C. Announcements
 1. There were no announcements at this time.
- D. Communications
The following communications were presented by DAS Chief Diane Ravnik:
 1. Letter from Lucy Wang, Deputy Attorney General, recommending the California Apprenticeship Council hold a closed session at its April 25, 2013.
 2. DAS Deputy Chief Glen Forman received an e-mail from Commissioner Donna Bechthold stating that she will not be attending this quarterly meeting due to picking up five projects from a subcontractor that closed their doors March 1st. As a result, she was able to pick up 67 men, and 15 were apprentices.

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II. BUSINESS SESSION

A. *Legal Matters -*

Deputy Attorney General, Lucy Wang gave the following report:

1. Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee v. California Apprenticeship Council, San Francisco County Superior Court Case No. CPF 11510995, filed January 12, 2011.

Lucy Wang, Attorney General's Office reported that PHCC recently filed a writ of supersedeas. Ms. Wang stated that she has a recommendation for an action by the CAC in response to that petition. Commissioner Jack Buckhorn made a motion for the Council move to withdraw or set aside its October 25, 2012, both in light in of the PHCC writ of supersedeas. A second was made. All approved. The motion carried.

2. Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee v. California Apprenticeship Council, Court of Appeal of the State of California, First Appellate District, Case No. A132892, filed July 28, 2011

Ms. Wang reported that the case was a published court of appeal decision came down on February 28, 2013, which upheld the CAC's decision based upon its determination of the needs statute and on the determination of whether or not there was a sufficient dispatch. It did not look into the issues of capacity and needs. It also did not make a determination as to what was the appropriate standard that applied to administrative writ, whether it was section 1085 or 1084.5.

B. CAC Appeal Panel Decisions

1. There were no appeal panel decisions.

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

1. Charles Hopkins vs. Joint Apprenticeship Committee for Operating Engineers for the 46 Northern Counties in California DAS complaint No. 2012-12. DAS Chief Diane Ravnik stated the Administrator of Apprenticeship, Christine Baker, upheld the termination of Mr. Hopkins.

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D. Automatic Orders of the Council
DAS Chief Diane Ravnik announced the approval of the following apprenticeship programs:

1. Cross Wind Machining, Inc. – Occupation, CNC Machinist
Chief Diane Ravnik also reported that the LEA for the program was in attendance.

E. Notice of Appeals During the Quarter
Chief Ravnik stated there were no appeals filed during this last quarter.

F. Chief's Report -
Chief Ravnik gave the following report:

- The remainder of the 2013 CAC meetings will be held in San Jose on July 24 & 25, and San Diego on October 23 - 24, 2013.

DAS Staffing

- Chief Ravnik announced two new staff members to the Training Fund Checks Unit; Rashaad Nunnally and Eric Rose.

Apprenticeship Training Fund Check Processing

Chief Ravnik reported that the unit received approximately 8,000 checks and \$2.5M has been sent to accounting.

General Activities

- Chief Ravnik continued her report stating that the department continues to collaborate with the California Workforce Investment Board (CWIB) and the Employment Training Panel (ETP) and that both have been recently featured in the CAC Newsletter.
- Chief Ravnik spoke briefly on a recent California Workforce Investment Board (CWIB) meeting in which a presentation was given by Mark Smith, Director of the San Diego BCTC “Multi-Craft Core Curriculum” (MC3) pre-apprenticeship program.
- Ms. Ravnik announced that the CAC newsletter is now available and noted that DIR Director Christine Baker recognized the collaboration between DAS, CWIB, the PUC (Public Utilities Commission, and the IOUs (investor-owned utilities) which will help highly skilled workers find well-paying employment in the green economy, by providing them with specialized job training.
- Chief Ravnik gave an overview of the March 6, 2013 combined meeting of the Legislation and Related Supplemental Instruction committees which was focused on the Governor’s education budget proposal to move all apprenticeship RSI funding to the Community Colleges.

Commissioners Yvonne de la Peña and Julia Dozier will give a more detailed report at today's Forum – The Future of RSI. John Dunn, California Department of Education and Cris McMullough,

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California Community Colleges Chancellor's Office will also be part of a panel discussion.

DAS Field Activities/Outreach

- Field consultants continue outreach to Veterans around the State. Senior Consultant Don Merrill represents DAS on both the Interagency Council on Veterans (ICV) Employment and Education Committees and working with CALVETS. Consultant Andrew Lee participated in "Oakland Chinatown's Lunar New Year Bazaar," and in numerous other outreach events, including Alameda County Office of Education 2013 Summit, this year focused on first generations of African Americans, Latinos, Asians and Pacific Islanders.
- Chief Ravnik recognized Commissioner Anne Quick for her EOA committee presentations which focused on women from the trades, recruiting, retention and leadership. Commissioner Quick will present her committee report at today's meeting.

Apprentice Complaints

- Chief Ravnik reported that the division currently has 16 open complaints, one of which is a determination by the Administrator.

New Apprenticeship Programs

- Chief Ravnik reported one new apprenticeship program - CrossWind Machining, Inc., in Grass Valley, CA, for the occupation – CNC Machinist

Statistics

- Chief Ravnik gave a brief overview of the statistics within the last quarter and additionally noted that there are currently 3,682 veterans active, 223 of which registered in 2013, and 90 have completed.

G. DAS Audit Report

Deputy Chief Glen Forman reported that the division has 22 open audits and seven have been closed in the last quarter. He further reported that the eighth of the eight audit reports for this quarter only one is still open. Mr. Forman named the seven closed audits. Detailed report is an attachment to these minutes.

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H. Old Business

1. There was no old business to report at this time.

I. New Business

1. There was no new business to report at this time.

Comments from the Public

Jack Davis, Davis, Cowell & Bowe LLP, commented on the previous report regarding the PHCC case and stated that it would be helpful for the apprentice community to hear what the decision was that was the subject of the motion – what were the allegations of the PHCC and what the decision means.

Response by Carrie Bushman, Cook, Brown LLP stated that in December of 2010 the CAC had issued a decision denying the Kern JATCs appeal of PHCCs approved expansion into Kern County. The Kern JATC then filed a writ in which they were successful. The San Francisco Superior Court granted their writ and as part of that, ordered the CAC to set aside the December 2010 decision. PHCC then immediately filed a notice of appeal, which, in our position, automatically stayed the writ that was issued by the San Francisco Superior Court. In spite of that, at the Council's October 2012 quarterly meeting, the council voted to follow the judge's writ and vacate the December 2010 decision. PHCC then filed what is called a writ of supersedeas, arguing that, the October 2012 action violated the automatic stay that went into play when we filed the appeal. Ms. Bushman stated that the vote today, in response that writ that PHCC filed, was to reverse the October 2012 vote to vacate the December 2010 decision, therefore reinstating that December 2010 decision to maintain the status quo while our appeal is pending. (the decision denying the appeal, and therefore granting the expansion is back in affect.) , but PHCC is not taking any action to expand while all of this is proceeding.

J. DLSE – Lance Grucela - Deputy Labor Commissioner

Mr. Grucela gave an overview of the Division and the changes that were made as a result of the recent passage of SB 1038 with regards to Public Works Enforcement of violations of apprenticeship requirements and the Electrician Certification Units. He stated that in 2012 the Public Works Unit has opened over 1300 cases and collected over \$7.2 M in unpaid wages and over \$1.2 M in penalties for various labor code violations. Since SB 1038 was implemented the Division has received over 550 complaints of apprenticeship violations, collected over \$97,000.00 in unpaid training fund contributions and assessed approximately \$200,000.00 in penalties.

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Comments and Questions from the Public

- It was asked about the status on the electronic certified payroll records admissions systems.
Mr. Grucela stated that a new system was put into place last week. Contractors are able to upload certified payroll records. The system allows contractors to upload pdf documents as opposed to inputting data.
- He was asked if electronic reporting is a requirement, and if so, will it be available to the public, and are paper records made be retained by the contractor permissible.
Mr. Grucela stated that the requirement is that the contractor submits the payroll records to the CMU (Compliance Monitoring Unit) and in the regulation it allows DLSE to take care of it electronically, assuming there is a system up and running, that is what the department is requiring. In the interim the department needed to be flexible and accept paper records to make it possible for the contractors to submit their records. Nothing has changed with regards with the public requesting payroll records. They can make the requests from the awarding agency.
- It was asked that when the department audits for an apprentice complaint, do they also audit for prevailing wage violations and vice versa.
Mr. Grucela stated that the Division does as part of the one stop shop operation. He further stated that the level of investigation into the various issues varies on a case by case basis. Generally, all issues will be looked at to ensure contractors are in compliance.
Mr. Grucela also stated that the future complaints for Northern California are to be set to:
DLSE-BOFE Public Works
Attn: Chris Kim / Complaints Unit
2031 Howe Avenue, Suite 100
Sacramento, CA 95825

III. FORUM – Future of RSI – Commissioner Yvonne de la Peña

Commissioner de la Peña reported that the Related Supplemental Instruction and Legislation committees combined their committees to discuss where the apprenticeship community stands with regards to the budget process and how it relates to consolidation of apprenticeship at the Chancellor’s office. She further reported that there are no actions to be taken at this time, only informational. Commissioner de la Peña gave an overview of the Special called combined March 6, 2013 meeting. In conclusion of her report she posed the question, does the apprenticeship community say yes to support the Governor’s proposal but can we make

these amendments or can we proposed these changes so that we can ensure apprenticeship doesn't have any unattended consequences. See

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attachment of Special Called Combined meeting minutes for further details.

Commissioner de la Peña introduced Cris McCullough, Dean, Policy Alignment and Outreach. Ms. McCullough gave accolades to Commissioners Dozier and de la Peña for their effortless research and reporting on the recent Governor's proposed budget as it relates to apprenticeship.

Ms. McCullough gave a brief overview of her history of apprenticeship throughout her career. This lifetime of passion and commitment has currently brought her to the California Community Colleges Chancellor's Office and works alongside Commissioner Van Ton-Quinlivan.

Ms. McCullough drew attention to the article written by Ms. Ton-Quinlivan in the recent CAC newsletter which states the community colleges' position on apprenticeship with regards to the Governor's proposal to shift the administration of apprenticeship funding from the DCE to CCCCCO. She spoke with the attendees about the issue of flex stating that in the 2009 Budget Act the CCCCCO was in flex. She expressed that the flexing created a large issue for them and now that the issue of flex has been raised again the CCCCCOs first proposal is to see the apprenticeship program at the community colleges un-flexed and they would not like to see the programs in CDE flexed. She further stated that the CCCCCO would like to see the apprenticeship programs have the ability to work with community colleges and have the expertise in interest in serving them. The CCCCCO would like to create standard contract templates to ease the contracting relationship between the programs and the community colleges. At this time every program is having to negotiate with the community college and by creating this standard contract template the CCCCCO feels they can facilitate the template so the contracts more consistent.

Ms. McCullough gave accolades to Don Simonich, San Joaquin County Office of Education, for his article in the recent CAC newsletter. She stated that he clearly explains the complexity of working with an LEA and apprenticeship programs.

She continued her reported stating that the CCCCCO would like to see the Montoya funding rate be the same whether you are a community college or K-12. She expressed that they lost 50% of their programs as a result of the impact of flex. Therefore, their programs are not getting the mandated \$5.04 per hour. She also stated that the CDE lost 22%, which leaves them with less money to serve apprenticeship. Ms. McCullough expressed that the commitment to apprenticeship in the Chancellor's office is not new and that Ms. Ton-Quinlivan is on several committees that advocate apprenticeship. She also announced that as a result of Ms. Ton-Quinlivan's recent appointment to the U.S. Department of Labor Advisory Committee on Apprenticeship by the United States Secretary

of Labor, Hilda Solis, she was honored by President Obama's "Champions of Change" program.

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Ms. McCullough closed in commenting that whether the programs transfer or not, the CCCCCO is dedicated to strengthen apprenticeship and continue the search on how to emerge from the flex issue with a stronger and more vital apprenticeship program that will serves everybody's needs.

John Dunn – California Department of Education

Mr. Dunn stated that the CDE position, in terms of adult education and apprenticeship, it has been expressed that they are strongly opposed to the Governor's proposal. He further stated that he has been finding ways on what needs to be done regardless of which track the issue will take. With regards to the position of the LEOs, Mr. Dunn has expressed to them that when flex is put into adult education, it is not clear what course will be taken because not all LEAs are adult schools. He will continue dialogue with the LEOs. One of the concerns he had with one of the LEOs report was how things might move forward is, if it is flexible within adult programs and how would the CDE do what they currently do now and reallocate. For those programs that are under capped for the year that money goes back into a pot and comes back out to new programs that might have been over capped for the year and pick up some money the following February. He is currently working on options if it goes to adult education and how to protect it so it does not get flexed.

Mr. Dunn reported that the Los Angeles County Office of Education is hosting the next Roadshow, which will be held tomorrow, April 26th. The morning portion of the agenda will be on the RSI and LEA issues. He closed his report with stating that there is a current Senate proposal, SB 69 which addresses local control funding formula. Mr. Dunn will look to see if it will affect apprenticeship and keep everyone posted.

Commissioner de la Peña reported that AB 88 also changes funding formula for K-12. It would abolish the CDEs statutes for apprenticeship and adds accountability measures. Ms. de la Peña stated that the Legislation committee will be reporting on these bills.

Ms. de la Peña stated that the May revise is the key of course if something happens. Another key point is to see what finances' response to the Labor Agency's thoughts on apprenticeship are and if they are open to entertain the proposals and if so it would give a clearer indication as to which proposal should be getting put forward.

Comments from the Public

Patrick Knighton, Electrical Training Center, San Diego asked if the funding goes to the community colleges, and if for apprenticeship, what protects the apprenticeship program from getting charged by the community college? Commissioner de la Peña stated that the community colleges have language to try to invest best practices adopted

on contracts. It is her understanding that in in-direct costs there is a section that requires standardization. Part of the amendments will be to

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add a section on standardized contracts between sponsors and community colleges and to ensure that there is a best practices and a model. She further stated that because programs are different from each other in regards to indirect costs for services, she believes it would not benefit the apprenticeship community to have something in statute that says they can exceed a certain percentage. Ms. de la Peña expressed the importance of accountability whoever is overseeing the process and that the LEA has to have some accountability back to who is directing those dollars to them.

Ms. McCullough further clarified that CCCCCO proposed, if CDE programs come over and they stay in adult education (non-credit), those rates that are being paid go through the Chancellor's office. The CCCCCO asks for contractual authority to be able to contract with the LEAs to maintain the relationships – curriculum. She further stated that on the community college, one of the proposals has been; as part of Title 5 that says that a community college has the right to offer a program, if it is in their district and nobody else can come in, the CCCCCO recommended, for the position of apprenticeship, that apprenticeship be allowed to be anywhere in the state, which means that the program is now negotiating with the college to say, if it cannot be agreed to the rate, you could go to another community college that is able to give you that rate. You would not be locked in jurisdictionally, which has caused some programs to feel they have been held hostage by a college. It was recommended that the CAC make a decision to oppose flex and ask for allowance for the transition.

Commissioner Jack Buckhorn commented that the CAC has taken a strong position against the flex issue. Through the efforts that have been taken, Mr. Buckhorn expressed the importance of the apprenticeship community to continue to speak to the legislature about apprenticeship.

DAS Chief Diane Ravnik gave accolades to Commissioner Yvonne de la Peña and her staff for their commitment to apprenticeship relating to the recent issues with the Governor's proposed budget regarding the RSI monies. She further expressed the importance of the contribution Cris McCullough and John Dunn have made on behalf of the apprenticeship community.

IV. CAC STANDING COMMITTEE REPORTS

The full Standing Committee reports are posted on the website

- A. CCA/CAC Committee – Report April 24, 2013 – Chairperson Scott Payne – Mr. Lewis reported that the 2014 California Conference on Apprenticeship will be held at the Hilton San Diego Resort & Spa in Mission Bay. Don Simonich is making arrangements for one of the networking events.

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- B. Equal Opportunity in Apprenticeship – Report from April 24, 2013 – Chairperson Commissioner Anne Quick – Commissioner Quick reported that the committee had discussions on women in the trades from three presenters - Bonnie Whitmore; Southwest Carpenters, Tammy Castillo; Operating Engineers, and Meg Vesay; Tradeswomen Inc. One major theme was ‘equal pay for equal work’ from all three presenters. Ms. Castillo spoke on how she encourages journey level workers to mentor the next generation of apprentices. Ms. Quick gave accolades to the Operating Engineers JATC for their 8% of women apprentices. When Ms. Whitmore speaks to women on apprenticeship she often hears them say it is hard work – Ms. Whitmore tells them it is *smart work*. Ms. Vesay spoke about replenishing the industry.

- C. Special Called Combined Legislation Committee and Related Supplemental Instruction Committees – Discussion Summary of March 6, 2013. Commissioner Julia Dozier made a motion to accept the Discussion Summary of March 6, 2013 as minutes for today. Commissioner Pat McGinn seconded the motion. All were in favor. The motion passed.

- D. Occupational Safety & Health Committee – Report from April 24, 2013 – Chairperson Richard Harris – Commissioner Harris reported that the committee continued discussions on two of four fatal accidents involving freeway construction workers. The committee passed a motion to write a letter to Cal Trans to make efforts to improve safety measures on freeway construction projects.

- E. Standards, Rules, Regulations & Operating Procedures _ Report from April 24, 2013 – Chairperson Pat McGinn – Commissioner McGinn reported that Deputy Attorney General McGinty gave an overview of the Rule Making process. Commissioner stated that he is open to any suggestions for agenda items for the next meeting.

V. EDUCATION AGENCIES REPORT

- A. California Department of Education - John Dunn
Mr. Dunn reported that as issues are changing, he has been working on identifying different LEAs that might have a specific skills set. He reported the Butte County Office of Education is helping the CDE with a machinist programs as these programs could have a different need. He thanked those that signed up for the Roadshow. It will be held at the Los Angeles County Office of Education.

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- B. California Community Colleges – Cris McCullough – Dean of Policy Outreach & Alignment – Chancellor’s Office
Ms. McCullough reported that Paul Barth is working as interim Apprenticeship Coordinator and Specialist and that the CCCCCO is in the process of filling the position as a permanent one. The position would be responsible for the apprenticeship program, Prop 39, energy, transportation, and renewables programs. Ms. McCullough offered the position to anyone that is interested. She is available for the remainder of the day.
- A. Ms. McCullough reported that the award given to Commissioner Van Ton-Quinlivan was for establishing an initiative in the California Community Colleges called “Doing What Matters for Jobs in the Economy”. The initiative targets investments that would identify community colleges into sectors and regions that would move the economy forward. Ms. Ton-Quinlivan is joined in collaboration with DAS Chief Diane Ravnik, CWIB Executive Director Tim Rainey, John Bowers, Executive Council with the American Federation of Labor, and Peter Cooper, Director of Employment Training Panel.
Ms. McCullough gave recognition to Lynn Shaw as the new co-chair of the Los Angeles/ & Orange County Regional Consortium.

VI. REPORT OF ADMINISTRATIVE and COOPERATING AGENCIES

- A. California Apprenticeship Coordinators Association (ACAC) – Darrell Lawrence
Mr. Lawrence reported on their April 24, 2013 meeting. Reports were received by DAS, Southern California Area Surveyors, Carpenters, Cement Masons, and Electricians in the San Diego area is setting up satellite training centers. The North Bay Coordinators Association is preparing for their annual “Hands On Apprenticeship Career Fair” for local high school on May 17th. The “Women’s Hands On Construction Career Fair will be held at 1:00 p.m. until 3:00 p.m. This event will be held at the Fairfield Carpenters Training Center.
The South Bay Coordinators will be hosting their “Women Building California” recruitment event on June 27th at the Pipe Trades Training Center in San Jose.
The Central Valley area will begin the first phase of the high speed rail between Madera and Modesto in the summer of 2013.
- B. California Association for the Advancement of Apprenticeship Training (CAAAT) – Douglas Sawyer – Mr. Sawyer reported that ABC San Diego chapter annually offers an apprenticeship scholarship program to high school seniors in a construction related program. This year, five students received scholarships.

ABC Southern California Chapter is sending three of their top students to their national craft championship competition. The completion will be held in Birmingham, Alabama.

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- C. Tradeswomen Inc. – Meg Vasey – Executive Director
Ms. Vasey reported that Tradeswomen Inc. co-sponsored with the California State Building Trades, Building California Conference.
Tradeswomen Inc. has partnered with PG&E on an outreach program that offered a class on PGE&E trades training.

Comments from the Public

Darrel Lawrence suggested that a virtual plaque of all Hall of Fame recipients be placed on the website.

IX. ADJOURNMENT

A motion and a second were made to adjourn the meeting. All were in favor. The meeting adjourned at 2:02 p.m.