



ADDRESS REPLY TO:
California Apprenticeship Council
P. O. Box 420603
San Francisco, CA 94142-0603

STANDARDS, RULES, REGULATIONS & OPERATING
PROCEDURES
COMMITTEE MEETING
MINUTES

Chairman Aram Hodess

San Jose Airport Garden Hotel

Wednesday, July 30, 2014

3:30 P.M. – 4:30 P.M.

Room – Woodside

I. Call to Order/Roll Call

- Commissioner Aram Hodess called the meeting to order at 3:35 p.m.
- Members present Aram Hodess, Pat McGinn, Chris Christophersen, Jim Hussey, Susan Anderson, and DAS Deputy Chief Glen Forman standing in for Chief Diane Ravnik
Members absent: Chip Martin, Paul Von Berg, and Carl Goff

II. Review/approve January 29, 2014 minutes

- A motion and a second to approve the January 29, 2014 minutes were made. All were in favor. The motion carried.

III. Apprentices working outside their scope of work

- Chairperson Aram Hodess addressed an issue that was brought forward to the committee by Greg Vincelet in a letter dated May 1, 2014. The issue was regarding apprentices, on a public works project, working outside their scope of work. Mr. Vincelet asked for guidance with the issue. After comments from the attendees on their experiences, DAS Deputy Chief Glen Forman read the section in the Labor Code (§ 3098) that states “An apprentice registered in an approved apprenticeship program in any of the building and construction trades shall be employed only as an apprentice when performing any construction work for an employer that is a party, individually or through an employer association, to any apprenticeship agreement or standards covering that individual.” He further stated that it is an enforcement issue with the Department of Labor Standards Enforcement (DLSE).

It was asked to make a motion to have DLSE attend the next committee meeting. Chairman Hodess stated that a representative from DLSE would be at tomorrow's CAC meeting.

IV. New Business

- Payment of Fringe Benefits for Apprentices

Chairman Hodess stated that the prevailing wage has two components: a wage component and a benefits component. The requirements are met by paying the prevailing wage and the benefits for apprentices for the plan they are participating in, or you can pay the total prevailing wage on the check. When you pay on the check the apprentice does not get the benefits.

Mr. Hodess asked the attendees if they are experiencing a lot of employers that are requesting dispatch of an apprentice but refusing to pay the fringes. Commissioner McGinn stated that many employers are checking Box 3 on the DAS 140 Form because they think it sounds right. They are not sure what it means.

Jack Davis, Davis, Cowell & Bowe LLP suggested that DAS re-draft the DAS 140 Form in a more clear way that tells a contractor that they agree to the above reference job that *I* (the contractor) will make fringes benefit contributions for the apprentices work. He also suggested that the State could direct contractors that are subject to the prevailing wage requirements issue separate checks – actual wage checks, and separate checks for the fringe benefit component of the prevailing wage to the apprentice if the apprentice asks for it.

Anne Quick ABC Northern California stated that there is a growing fear of the non-union contractors is when they get an apprentice dispatched from a union apprenticeship program and are asked to contribute into their trust fund and sign a subscription agreement at some point they are going to review into the payroll record reviews periodically for monies that have been contributed on behalf of the apprentice, and/or journeyman. The fear is that the unions will come in look through their books. Ms. Quick suggests to the attendees and committee to first and foremost, to look out for the apprentice.

Deputy Chief Glen Forman asked the attendees to send him any suggestions on revising the language on the DAS 140.

V. Adjournment: A motion and a second were made to adjourn meeting. All were in favor. The motion passed. The meeting adjourned at 4:25 p.m.