



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

CALIFORNIA APPRENTICESHIP COUNCIL THIRD
QUARTERLY MEETING
MINUTES - Amended
San Jose Airport Garden Hotel
July 31, 2014

Thursday – July 31, 2014

I. CONVENE REGULAR QUARTERLY MEETING

Commissioner Yvonne de la Peña standing in for CAC Chairperson Jack Buckhorn called the meeting or order at 9:05 a.m.

Commissioner Scott Gordon led the attendees in the Pledge of Allegiance.

A. Roll Call

Deputy Chief Glen Forman called the roll.

The following Commissioners were present: Susan Anderson, Yvonne de la Peña, Carl Goff, Richard Harris, Hector Velez, Barbara Blake, Frank Quintero, Van Ton-Quinlivan, Pat McGinn, Aram Hodess, Jim Hussey, Christopher Christophersen, Chip Martin, Scott Gordon, Christine Baker, and DAS Deputy Chief Glen Forman
Members absent: Paul Von Berg, Jack Buckhorn

II. EXECUTIVE SESSION

1. An Executive Session was not held during this quarter.

A. Announcements

B. Approval of previous minutes for May 2, 2014

A motion and a second were made to approve the minutes of the May 2, 2014 meeting. All were in favor. The motion carried.

C. Announcements

1. Governor's appointment of new CAC Commissioner – DIR Director Christine Baker.

Ms. Baker administered Commissioner Christopher Christophersen the Oath of Office for the California Apprenticeship Council.

D. DIR Director Christine Baker

Ms. Baker shared recent activities of the department. She reported that the department is being rebuilt to serve the public by clear and fair enforcement, with respectful and conscientious and accountable. Some of the ways to ensure the

changes are by education through outreach and updating procedures. A review of the workload and reviewing policy and procedures as well as productivity measures and organizational structure have been made. Recent efforts in DOSH (Department of Health & Safety) have been made to improve the infrastructure. In light of the changes that technology presents, the department is focusing to keep up with new information by reengineering public service improvements.

Ms. Baker also spoke of a \$300.00 fee that established to fund Public Works determinations enforcement. Information Systems is working to make available a system to pay online.

One of the changes in Worker's Compensation is now workers will go to independent medical review as opposed to judges for treatment determinations.

Ms. Baker concluded with accolades to the apprenticeship community for their collaboration through the transformations and the partnerships with both labor and management.

E. Communications

Deputy Chief Glen Forman reported no communications at this time.

III. BUSINESS SESSION

A. Legal Matters

1. Harley Morgan, et. al. v. State of California, et. al., Kern County Superior Court, Case No.280880, filed December 6, 2013 (SB 54 litigation)

Deputy Attorney General, Lucy Wang, reported on the matter of Harley Morgan v. State of California. A second amended complaint was filed on July 8, 2014. Options for moving forward are in the process of being reviewed. Ms. Wang will present a more comprehensive report at the next meeting as the matter is on-going.

B. CAC Appeal Panel Decisions

1. Alexander Mackenzie vs. Motion Picture Electrician JATC. DAS File No. 2014-05 – AP: CAC 2014 C-01

Commissioner Barbara Blake reported that the appeal panel, after review and discussion, unanimously determined the complaint filed by Mckenzie was not timely and therefore upheld the decision and the appeal was denied. Commissioner Richard Harris made a motion to accept the appeal panel decision to deny the appeal. Commissioner Aram Hodess seconded the motion. All were in favor. The motion carried.

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

1. Louie Moreno vs. Southern California Glaziers & Glassworkers Industry J.A.C. Case No. 2013-11

DAS Deputy Chief Glen Forman reported that it was determined that the case had no merit and is closed.

D. Automatic Orders of the Council

DAS Deputy Chief reported the following new programs:

- California Department of Corrections, Folsom State Prison – Greystone – Residential Wireman
- Bay Area Transit District Elevator/Escalator Apprenticeship Program – Transit Elevator-Escalator Maintenance Technician
- California Department of Corrections – Folsom Prison- Executive Administrative Assistant

E. Notice of Appeals During the Quarter

DAS Deputy Chief reported the following appeal:

- Alexander Mackenzie vs. Motion Picture Electrician JATC. DAS File No. 2014-05 – APP; CAC 2014 C-01

F. Chief's Report

Standing in for DAS Chief Diane Ravnik, DAS Deputy Chief Glen Forman gave the following report:

- DAS Staffing

The CAC meetings for the remainder of the year and 2015 have been established with the exception of the July 2015 meeting. This meeting is yet to be determined.

As of August 1, 2014, DAS initiated a major realignment of the DAS Audit Unit staff. DAS is restructuring its Audit Unit and staff to better utilize staff resources consistent with the statutory changes to the audit process that were made in SB 54 (Apprenticeship Oversight). Rachel Freeman now assumes supervisory responsibility for the San Jose District Office in addition to her continuing responsibilities for the Fresno District Office. A more detailed report of the movement is attached to these minutes.

- Statewide Initiatives in Support of Apprenticeship:

A brief report was given on the recent State of the Union address in which President Obama announced his support for the expansion of apprenticeship around the country by a goal to double the current 400,00 apprentices nationally (of which California has fully 1/8 of all apprentices in the country) in the next 5 years. This has generated a series of industry Roundtables which were held in the month of June in different cities around the country in targeted industries of Advanced Manufacturing, Healthcare, Transportation/logistics, Construction, Energy and Information Technology. More detailed information is attached to these minutes.

DAS Chief Diane Ravnik sent apologies in her report for not attending the meeting as she was participating in the annual NASTAD (National Association of State and Territorial Apprenticeship Directors) meeting in the city of Boston.

Chief Ravnik recently initiated a “New Initiatives in California Apprenticeship” campaign among DAS staff, setting a goal of 20 new apprenticeship programs in under-served industries over the next fiscal year. This new goal was initiated by the recent award of a CWIB “Accelerator Grant” to DEIU’s statewide training trust. Part of DAS’s contribution to this grant is a review of existing DAS forms.

Chief Ravnik’s report continues on the high priority of energy efficiency for the State of California. The final report of the “Workforce Education and Training Strategic Planning Project” highlighted the need to retain an apprenticeship-trained workforce to achieve the greatest level of energy efficiency. See attached Chief’s Report for further details.

In a recent reviewing of files, DAS Deputy Chief Glen Forman found a “State Certificate of Apprenticeship Registration”. Many years ago this awarded to all new apprenticeship program sponsors. DAS would like to re-institute this practice. It will begin with all new programs, upon approval and also respond to written requests from existing program sponsors.

See attached Chief’s Report for more detailed information.

G. DAS Audit Report

Rachel Freeman, DAS Senior consultant stated that the DAS Audit Unit Reorganization was explained earlier in this report. For detail audit activities see attached for further details.

H. Old Business

There was no old business to report.

I. New Business

There was no new business to report.

IV. CAC STANDING COMMITTEE REPORTS

- A. CAC/CCA Liaison Committee – Report from July 30, CCA Chairperson Scott Lewis
Mr. Lewis reported that the committee established that the Hyatt Regency Monterey Hotel would be the location of the 2016 California Conference on Apprenticeship.

The committee also discussed possibilities for the networking events. A dinner cruise and a murder mystery dinner cruise were among the added suggestions. Mr. Lewis reported that he is prepared to secure all online registration payment for the 2016 conference.

The committee discussed the possibility of limiting the amount of new inductees to the Hall of Fame. The presentation of the Hall of Fame recipients is being revisited to take place before or after dinner – but not during. This will allow more focus on the inductees. This will be added to Public Relations & Publicity Committee for discussion.

B. Legislation Committee – Report from July 30, 2014 – Chairperson Yvonne de la Peña

Commissioner de la Peña reported that the minutes of the March 21, 2014 meeting will be tabled to the next meeting in October.

Discussions on the 2014-15 budget proposal on how it was negotiated out and that no categoricals received any increases. The committee anticipates a better outcome in the next fiscal year and will continue their efforts in speaking with legislators about apprenticeship. Ms. de la Peña expressed the importance of educating the legislators on the impact that apprenticeship has and how it works. It was also noted that during the difficult process of securing more monies, the gathering and presenting of more data did not substantiate the increase that was anticipated. She further stated that even if you do not have a contract for the hours you have, turn them into your LEA as over cap hours. This will capture how many unfunded hours there are.

The committee also discussed “Common Administrative Practices” (see attachment to these minutes). This document was produced by the Chancellor’s office from the previous budget year. The document will be reviewed by the Legislation committee at the next meeting for approval. Upon approval it will be brought forward to the full CAC for approval.

Review of new and pending legislation was discussed. SB 173 – Education funding: adult education – Liu. Commissioner de la Peña will continue to follow up reports on upcoming legislation.

C. Equal Opportunity in Apprenticeship – Report from July 30, 2014 – Chairperson Susan Anderson

Commissioner Anderson reported on the presentation of Delaney Matson. Delaney is a 29 year-old electrician apprentice and is currently in her last year of the Inside Wireman apprenticeship. Her positive attitude, dedication and work ethic make her an ideal role model of a successful woman in the trades. Ms. Matson shared her experiences and challenges as an apprentice as well as the benefits it has provided. She was proud to say she owns a house and a Harley. There were many questions and discussion on her experience and how the apprenticeship community could use her story to encourage other young women to register into an apprenticeship program. Commissioner de la Peña reported on the 2014 Fire Fighter Career Expo Recruitment of Women for Fire Service. This event will be held in Sacramento in September. There was general discussion about boot camps, recruiting female veterans and other ways to expand the efforts to increase the percentage of women participating in apprenticeship programs.

D. Related Supplemental Instruction – Report from July 30, 2014 – Chairperson Pat McGinn

Commissioner McGinn reported that John Dunn, California Community Colleges Chancellor's Office (CCCCO) gave a review on what was happening with the K-12 community college mergers and where the apprenticeship community stands in that process. Mr. Dunn also spoke on the present budget issue of not receiving funding. He also spoke on the process of AB 86 – is to provide grant funds to regional consortium to create and implement a plan to better provide adults in its region. Commissioner McGinn concluded his report with an invitation to all plant sponsors to prepare a report on their staff development that they provide their instructors. Commissioner McGinn has extended the invitation to John Dunn, CCCCCO along with the Academic Senate, to join in a collaboration of ideas on instructor qualifications.

E. Standards, Rules, Regulations & Operating Procedures – Report from July 30, 2014 – Chairperson Aram Hodess

Commissioner Hodess reported on a letter from a program coordinator that was sent to CAC Chair Jack Buckhorn regarding a request for guidance on following work processes in apprenticeship standards. The author of the letter explained that too often apprentices on public works projects were employed in work *not* defined in those programs' standards. Other speakers from other various programs, both joint and unilateral, explained that they experienced similar problems. It was made clear that the issue affected both union and non-union employers. Without objections, it was agreed that apprentices were to be employed only at the work of the apprenticable craft or trade in which they were registered. DAS Deputy Chief Glen Forman referenced California Code of Regulations Section 2301.1. Meg Vasey, Tradeswomen, Inc. suggested that the CAC issue a public advisory on the issue. Comments were made that coordinators need to monitor apprentice employment to discourage this type of violation. There was a question asked of DLSE's enforcement policy obligation on the issue. A representative of DLSE will be contacted on their position.

He continued his report on discussions of how to encourage public works contractors who are not bound to an employed benefit plan to pay the fringe portion of prevailing wage for an apprentice into those apprentices' fringe plans. Commissioner McGinn explained that the DAS 140 was confusing and could be causing employers *not* to feel that they had to make the contributions or that they could make the contributions into their benefit plans. Mr. McGinn suggested clarification of the DAS 140. Commissioner Hodess suggested employers need to better understand the fringe benefits are not taxable. Anne Quick, ABC Nor Cal explained that many employers were afraid of having to open their books to a trust fund audit if they agreed to pay fringes to an employee benefit plan. She also spoke on subscription agreements and it will be brought up at the next committee meeting for continued discussion. The topic of evaluations was also brought forward. This will also be forwarded onto the next committee meeting.

V. EDUCATION AGENCIES REPORT

A. California Community Colleges – John Dunn Coordinator of Apprenticeship Programs, California Community Colleges Chancellor’s Office

Mr. Dunn stated that the restoration of RSI funds did not go through as anticipated. On a positive note, both houses of the legislature decided to augment, not only the RSI categorical, but also several other categoricals within the community colleges. In the end this was taken out. Commissioner Yvonne de la Peña and DAS Chief Diane Ravnik will continue to keep dialogue open with legislators to keep the momentum moving forward. Mr. Dunn has sent out allocation forms to all LEAs to inform them how much funding they will receive. During this process Mr. Dunn has been visiting different creative ways to ensure apprenticeship programs can get funded or find other sources of funding.

Mr. Dunn continued a discussion on instructor qualifications. He stated that AB 2070, which was taken out, which would have changed the minimum qualifications for apprenticeship instructors at community colleges. This created a great interest with the Academic Senate. Career tech educators, San Jose City College, and the apprenticeship community have been in collaboration with them as well. Mr. Dunn is extending an invitation to the Academic Senate to speak at the next CAC meeting and take a tour of the Southwest Carpenters Training Center in Buena Park. He asked the attendees to send him information on what they do to make sure their instructors are highly qualified. He will forward the information onto the Academic Senate.

Registered Apprenticeship College Consortium (RACC) is an initiative from the Department of Labor in Washington D.C. that will provide college credit for prior learning to journeymen who want to continue their college education. All the courses that were taken as an apprentice would count towards future community college classes. Two community colleges have already signed up to participate as well as several apprenticeship programs that are working through the application process. He looks forward to seeing as many program sponsors as possible to join the RACC. Mr. Dunn will make further reports as the initiative moves forward. The Department of Labor has a \$100M grant application that is expected to become available by early August. These monies are for current programs to help them expand and generate more apprentices as well as creating new programs. It is not clear at this time who can apply. Ground work is being set in place throughout the state to ensure a smooth transition.

Prop 39 – California Clean Energy Jobs Act - \$5M have been sent to community colleges to help with workforce investment and training to create better energy efficiency training at community colleges. These monies should be available this fall. Monies are to be used to make improvements in their programs, professional development for instructors, additional equipment, better training for students, or curriculum approval processes at the college. Contact Mr. Dunn for further questions.

AB 86 – Adult Education Initiative that is designed to create a discussion and regional consortia to talk about how to serve the adult population. In the past adult education has been on the side of K-12.

CCCCO has an MOU with DAS for completion data collection. The information enables the Chancellor’s office to input into their system and create reports for the

legislature on the success of the completion of an apprenticeship program that have gone through the community colleges.

Mr. Dunn concluded his report giving accolades to the CAC/CCA committee for the successful CCA conference in San Diego.

Commissioner Van ton-Quinlivan rounded out Mr. Dunn's report by speaking on her educator role in apprenticeship programs through various federal entities. The National Advisory Committee continues their hard work designing the Registered Apprenticeship College Consortium (RACC). Ms. Ton-Quinlivan attended the White House Summit on Apprenticeship and expressed the passion in which U.S. Secretary of Labor Thomas Perez put registered apprenticeship front and center in terms of the public policy by putting \$100M to raise visibility for the programs. Mr. Perez also signed the Workforce Innovation and Opportunity Act (WIOA) which will build closer ties among key workforce partners, business leaders, workforce boards, labor unions, community colleges and non-profits and state and local officials. Commissioner Ton-Quinlivan also stated that also at the signing Vice President Joe Biden brought forward the 7 "Jobs Driven Principals". Among the seven principals, she stated that the second of seven was "earn and learn". This example is apprenticeships, pre-apprenticeships, internships, co-ops, workface learning. In terms of advocacy she suggested to the apprenticeship community to create opportunities for internships through high schools and or colleges, which in turn would be worth the investment. The legislators are looking at the community as a whole in terms of jobs as opposed to an individual. Her second suggestion was for the apprenticeship community to work on making it easier for the community to find the apprenticeship programs. She reported the community colleges are in the process of gathering the information of all certificates, AA degrees and making 3-minute video vignettes. They will be connecting these to mobile apps for the community. The vignettes would allow the programs to show a brief glimpse of their trade and what is available to the community and how to find an entry to them.

VI. REPORT OF ADMINISTRATIVE and COOPERATING AGENCIES

A. Division of Labor Standards Enforcement (DLSE) – Public Works Unit – Christopher Kim, Senior Deputy – DLSE

Mr. Kim reported on the statistics for fiscal 2013-14. During this time period the department has issued more than 400 civil penalties for various apprenticeship violations. This resulted in an assessment of \$4.7M.

As of July 1, 2014 a fee of \$300.00 for a contractor to register for any public works projects. The registration is available online. In a recent inquiry, there have 528 registered contractors in the system. It is anticipated an estimated 30,000 more contractors are yet to register.

The department has also updated the website to be more user friendly and more current with today's updated technology. One of the updates made available to the public is access to search for contractors that have registered. Another updated feature is a link for contractors to search for debarments that have been put in place.

- B. Employment Training Panel (ETP) – Peter Cooper
DAS Deputy Chief Glen Forman reported for Mr. Cooper who was unavailable. ETP has been working on recent budget issues and Mr. Cooper will be attending the next meeting for and updated report on efforts for apprenticeship programs.
- C. U.S. Department of Labor Employment and Training Administration – Office of Apprenticeship (USDOL/ETA/OA) – Richard Davis, State Director
No report was given.
- D. Tradeswomen, Inc. – Meg Vasey- Director
Ms. Vasey was unavailable for a report.
- E. California Apprenticeship Coordinators Association (CACA) – Frank Cuneo on behalf of Jose Oscar Padilla – President
Mr. Cuneo reported that the CACA represents more than 40,000 apprentices. He also reported that the website www.calapprenticeship.org has recently been revised the Learning Library courses.
- F. California Association for the Advancement of Apprenticeship Training (CAAAT) – Lorelai Sweet-Upshaw - Chairperson
Ms. Upshaw reported a few highlights of events within the last quarter:
- CAFSA – California American fire Sprinkler Association held their 1st charity golf tournament and over \$5,000.00 for the Santa Clara Valley Burn Center.
 - WECA has completed their first Employment training Panel Grant under the new apprenticeship pilot program.
 - ABC Nor Cal Electrician trainee program enrollment is up over 450%.
 - ABC SO-Cal increased apprenticeship awareness in the community and starting new partnerships with the Los Angeles county Local Worker Hiring Program for Veterans.
- A more detailed report is attached to these minutes.
- G. California Apprenticeship Coordinators Association (CACA) – Jose Padilla
Mr. Padilla reported that there are still a significant amount of contractors that refuse to pay and make contributions for training benefits. DAS Deputy Chief Glen Forman stated the dead line for the training fund contribution applications are August 28, 2014.
Mr. Padilla stated that <http://www.calapprenticeship.org/> is a great place for job seekers to find a wide variety apprenticeship opportunities as well as information on apprenticeship programs.
He further reported that most of the trades in the bay area have had a significant increase in the demand for apprentices. There has also been an increase in demand for diesel mechanics. Work in the south bay area has increased. The new 49ner stadium is reaching completion. He also mentioned other projects with great job opportunities such as Apple, Samsung, Lincoln, Google, and Stanford Hospital.

There was discussion on the Apprentice Agreement form (DAS 1 Section B) regarding the extended list of “Ethnic or Race Derivation” representing the Asian or Pacific Islander group as being discriminatory, as the form has one box for

White, Black, American Indian or Alaskan Native, and Hispanic. It was expressed that the other groups should be represented as well.

DAS Deputy Chief Glen Forman stated that the additions to the extensive ethnic groups on the back of the DAS1 were put in place by law. He stated that if more ethnic groups were to be added it would be through the California Legislature as statute.

VII. FORUM – Unemployment Insurance Benefits for Apprentices

Debra Brower, TRA Coordinator - Policies and Procedures – Unemployment Insurance Branch – EDD

Ms. Brower gave a brief overview of how EDD processes unemployment insurance claims – Call Center Environment Work. The department has a payment center when a claimant certify for benefits by paper. Scanned images are reviewed to determine if the individual will receive benefits. This depends on how they fill out the claim form.

Ms. Brower introduced Andrew Karhart who gave PowerPoint presentation. Mr. Karhart reported to be eligible for benefits all claimants are required to be physically able to work, available for immediate work, required not to refuse an offer of work that is suitable for them, and actively seek work. He further reported that apprentices have a special exemption under regulations per Title 22 of the California Code of Regulations (CCR), Section 1256-4: An individual who leaves work to enter an apprenticeship program, including an apprenticeship program under the Job Training and Partnership Act of 1982, as amended, does so with good cause if the following conditions exist: the apprenticeship program is fostered by the State of California – the new work is potentially as permanent as the potentially substantially better than the former work, then apprentice claimants are not subject to these same eligibility requirements for the period of time when they are in training. Ms. Brower added that they are exempt from those requirements in the week in which they are attending an approved apprenticeship program.

Mr. Karhart continued stating that unemployment claims are based on work and wages earned in 18 months prior to filing a claim. Claims can be filed online or by phone. Applications can be downloaded online and printed for mailing or faxing. EDD recommends for claimants to file online. In the case that someone is filing after they return to work, EDD suggests the claimant go through the phone center process.

Payments are made electronically to the EDD Debit Card. The card is good for a three-year period. Ms. Brower stated that EDD continues to move forward into self-service options via on-line. Claimants need to fill in the information accurately and correctly on the application as it could delay payments. The department no longer offers services to actually speak with someone on the phone.

Mr. Karhart shared some tips on how to fill out the application. He stated that in the section for the reason you are no longer working it important to state that you left because of their apprenticeship. It was asked if there was a box to check if they are going to school.

Ms. Brower stated that leaving available work to go to school is technically considered voluntary quit. They will be found eligible as long as it is written that they had to go to mandatory apprenticeship school. There is also a section for school attendance as well as union affiliation. The system is set up to mark/check that an apprentice is a union. EDD is in the process of making changes for those apprentices that are not affiliated with a union. Payments are made electronically through an EDD debit card. If there is an inactive account for three years, the fund left on the debit card will be transferred to the State Controller's Office as unclaimed property. The EDD debit card system is a contracted

service through Bank of America. Any questions about the debit card i.e. balances or lost cards should be directed to Bank of America.

Eligibility decisions for apprentices are made by verification of school training completion slips and certification. A long term training program may qualify for the California Training Benefits Program. (see attachment).

WIOA (Workforce Innovation & Opportunity Act), sponsor training, training under ETP (Employee Training Panel), CalWorks, and training program providers that are on California Training Provider List all have a pre-approved element. Verification needs to be provided for benefits. See attached for full details of PowerPoint presentation.

VIII. ADJOURNMENT

A motion and a second were made to adjourn the meeting. All were in favor. The meeting adjourned at 12:27 p.m.