

CALIFORNIA APPRENTICESHIP COUNCIL  
1515 Clay Street, Suite 301  
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STANDARDS, RULES, REGULATIONS & OPERATING  
PROCEDURES COMMITTEE  
MINUTES

Wednesday, December 2, 2020  
3 p.m.  
Hosted Via Teleconference

I. Call to Order/Roll Call

Meeting called to order by Commissioner Jim Hussey.

The following Commissioners were present: Jim Hussey, Jack Buckhorn, Larry Hopkins, Dick Zampa, Derrick Kualapai, Paul Von Berg, Frank Schetter, Chip Martin, Yvonne De La Pena and DAS Chief Eric Rood

Members absent: Susan Anderson, and Christopher Christophersen

II. Review/Approve Previous Minutes.

A motion and a second were made to approve the minutes of Sept 16, 2020 and our November 20, 2020 Cal Plan meeting. All were in favor. The motion carried.

III. Old Business

- Update / Status Rulemaking Packages

Chief Rood stated that SB 56 was filed with office of administrative law. We currently have questions that need to be answered for office of administrative law that our legal team is currently addressing.

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DAS Deputy Chief Glen Forman gave some additional oversight on the types of questions and concerns the Office of Administrative Law has.

Questions regarding the timeframe and deadline for the package that was filed with Office of Administrative Law.

A request was made to have the questions available to the committee members.

Chief Eric Rood also discussed the Public Works rule-making package. He stated that there is no update on this package since our September 2020 meeting.

Questions and comments were then received from the public.

Commissioner Jim Hussey led a discussion regarding the CalPlan meeting held November 20, 2020.

He stated during this meeting some discussion was on exemption of Civil service committees, on who is responsible the sponsor or the employers and who would approve the exemption. In addition, who would be responsible the Sponsor or the Employer to comply. There exemption language that would work for this issue.

Most of the changes in the redline version are to comply with AB 2358 and the Federal 29:30, and most of the building trades program are also registered with the Federal Office of Apprenticeship. Discussion ensued whether to use the CalPlan to implement AB 2458, and the implications of Prop 209, and the ability of the CAC to enforce the CalPlan requirements.

During this meeting, Meg Vasey commented on the differences on 3458 vs the CalPlan, there is also a reauthorization of the National Apprenticeship Act that may affect these proposed regulations. She endorsed the process to update the CalPlan as it is more comprehensive as to content. We may need to look at the definition of Sponsor in the Definition section.

A discussion on the definition of Sponsor ensued.

DIR Legal Ken Lau gave a slideshow presentation and gave an overview of this document to all committee members and members of the apprenticeship community.

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Discussed record keeping.

Pros in the rule making would be narrow and streamline. Few hurdles to overcome.

Cons would be this might not

Discussed what the goals of the CAC is in regards to these regulations.

Suggested adopting the Prorogate the rulemaking need just for the record keeping.

DAS Glen Forman stated that we have not received any public comment since the last meeting.

Commissioner Buckhorn made a suggestion that we could adopt the Federal regulations in whole and that we could make amendments with our own specific definitions that are unique to California.

Discussion regarding the relationship between federal regulations in 29 CFR 30 in state legislation AB 2358 the outline included 3 possible Paths to adopting any regulations the CAC may be necessary to help programs comply. There was a lot of discussion regarding the need to use CalPlan as a vehicle for rulemaking related to 2358. This prompted questions regarding the merits of keeping the CalPlan.

Following discussion, the committee passed a motion asking Chief Rood to solicit legal advice and answers to two questions:

- What would be the impact of eliminating Calplan?
- Are there parts of 29CFR 30 that violate or interfere with prop 209.

When discussing the motion comments were received encouraging committee to remember that programs that are not federally recognized may still need an updated CalPlan.

A motion and a second were made to Chief Rood to solicit legal advice and answers to two questions: What would be the impact of eliminating Calplan? And are there parts of 29CFR 30 that violate or interfere with prop 209. All were in favor. The motion carried.

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The Chair asked that all programs submit comments regarding regulations they may need to facilitate their compliance with AB 2358. A blast email will be sent to all programs requesting that input.

#### IV. New Business

- No New Business

#### V. Adjournment

Jim Hussey adjourned the meeting at 4:22pm.

*Note: The agenda and adjournment time may be adjusted depending on the need for discussion on agenda items*