

To facilitate the approval process for new programs, the Rules and Regulations Committee is seeking public comment and input regarding a definition for the term “Substantial Overlap”.

AB235 CHAPTER 704 Article 2 Section 32 Amended Labor Code Section 3075 (c): For purposes of subdivision (b), an existing apprenticeship program serves the “same craft or trade” as a proposed apprenticeship program when there would be **substantial overlap** in the work processes covered by the programs or when graduates of the existing program would be qualified to perform a **substantial portion of the work** that would be performed by graduates of the new program.

Is “substantial overlap” a simple mathematical calculation? Based on comparable work processes? If yes, what percentage represents “substantial overlap?”

Is “substantial overlap” a qualitative measurement? Based upon the importance of a work process to the existing program. If yes, how do you measure the importance of a work process to determine “substantial overlap?”

Is “substantial overlap” a process calculation? Does teaching a work process already covered by an existing program constitute “substantial overlap?”

Does the claim or statement that a program “is not a building trades program” exempt the program from the “substantial overlap” rule?

Does the issuing of a “Journeyman” certificate have an impact on the application of the “substantial overlap” review?

Does the “substantial overlap” rule apply to programs that might dispatch apprentices to “private work” as opposed to “public work” building / construction projects?

Can we use the same parameters that define “substantial overlap” in work processes to also determine if the graduates of an existing program would be qualified to perform a “substantial portion of the work” that would be performed by graduates of the new program?

The committee seeks public comment on these questions and welcomes comments in general as they relate to the application of the “substantial overlap” and “substantial portion of the work” tests.