

CALIFORNIA APPRENTICESHIP COUNCIL

1515 Clay Street, Suite 301
Oakland, CA 94612
Tel: (415) 703-4920
Fax: (510) 286-1448

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



**CALIFORNIA APPRENTICESHIP COUNCIL
2020 SECOND QUARTERLY MEETING**

Held via Teleconference

Minutes

Thursday, June 25, 2020

9:00 A.M.

I. CONVENE QUARTERLY CAC MEETING

A. Chairman Chris Christophersen welcomed all attendees and led the Pledge of Allegiance

B. Roll Call

Present: Chip Martin, Chris Christophersen, Jack Buckhorn, Richard Harris, Nick Esquivel, Dick Zampa, Larry Hopkins, Louis Ontiveros, Yvonne de la Peña, Frank Quintero, Paul Von Berg, Frank Schetter, Scott Gordon, Kaitlin Conrad, Jim Hussey and Nick Esquivel

Absent: Susan Anderson, Derrick Kualapai, Chip Martin,

C. Executive Session

No executive session was held during the quarter.

D. Approval of minutes of previous meeting

A motion and a second for approval of the January 23, 2020 meeting minutes. All approved. The motion carried.

Agenda is available for todays meeting on the website:
https://www.dir.ca.gov/das/DAS_CACMeetings.html#

E. Announcements

DAS Glen Forman stated that Hall of Fame applications are now available. If anyone needs a form for a nomination, please contact Glen directly.

F. Communications

DAS Deputy Chief Glen Forman stated that a communication was received from Sacramento Municipal Utility District (SMUD). SMUD submitted standards that contained multiple occupations, two of the occupations received comments and SMUD removed the occupations that received comments from their submittal. This letter addresses the two occupations that received comments and the program is seeking consent from the CAC for the approval of Gas Control Technician and the Hydro Stationary Engineer program before they resubmit standards for these two occupations.

Council asked for legal advice regarding this process and consent to resubmit. Commissioners questioned if there is an established process.

Commissioner motioned to proceed with the normal course of business and proceed with this item like any other program that resubmitted.
All approved. The motion carried.

III. BUSINESS SESSION

A. Legal Matters - Deputy Attorney General Hutchison Meltzer/ Andrea Schoor

Andrea Schoor stated that there are no legal matter to report at this time.

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

- Joshua Smith v. U.A. Local 38 JATC, DAS Complaint No. 2019-04
Decision by the Administrator of Apprenticeship was to affirmed the decision of the apprenticeship program to terminate the apprentice

- Daniel Yniguez v. Laborers Southern California JAC, DAS Complaint No.: 2018-31-
Decision by the Administrator of Apprenticeship was to affirmed the decision of the apprenticeship program to terminate the apprentice

- Vince Moreci v. U.A. Local 38 JATC, DAS Complaint No.: 2018-35
Decision by the Administrator of Apprenticeship was to affirmed the decision of the apprenticeship program to terminate the apprentice

C. Notice of Appeals during the Quarter

None

D. CAC Appeal Panel Decisions

None

F. Chief's Report – DAS Chief Eric Rood

Chief Eric Rood gave a brief report. Please see the report posted on the DAS website attached.

G. Old Business

• CALIFORNIA CODE OF REGULATIONS, TITLE 8

SECTIONS 202, 205, 227, 228, 229 and 230.1, and 231 – 232.7 Final Text approval

Discussed that Office of Administrative Law requires a final yes or no vote on the administrative package, after all the final comments were received. This package was previously approved and no changes from the original approval of this document from two years ago.

Commissioner Buckhorn motioned to approve the package as submitted. Commissioner Hussey seconded. The motion carried.

H. New Business

- Commissioner Hopkins stated that Operating Engineers have submitted Minimum Industry Training Criteria and wanted an updated status.
- SB530 was discussed. Primarily Section 107.5. (a) The Division of Labor Standards Enforcement shall develop recommendations for an industry-specific harassment and discrimination prevention policy and training standard for use by employers in the construction industry. For purposes of this subdivision, “in the construction industry” means performing work associated with construction, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, repair work, and any other work as described by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code. The training standard shall focus on preventing harassment and discrimination in the construction industry on the basis of sex, race, and national origin, in addition to the other categories protected under Section 12940 of the Government Code.

(b) To assist in developing this standard, the Director of Industrial Relations shall convene an advisory committee to recommend minimum standards for a harassment and discrimination prevention policy and training program specific to the construction industry. The Advisory committee shall be composed of representatives from recognized or certified collective bargaining agents that represent construction workers, construction industry employers or employer associations, labor-management groups in the construction industry, nonprofit organizations that represent women in the construction industry, and other related subject matter experts, and shall also include representatives of the Division of Labor Standards Enforcement, the Division of Occupational Safety and Health, and the Department of Fair

Employment and Housing. The director shall convene the advisory committee no later than March 1, 2020. The advisory committee shall consider the requirements of Section 12950.1 of the Government Code when developing the recommended minimum standard.

(c) The Division of Labor Standards Enforcement shall provide a report to the Legislature by no later than January 1, 2021, in compliance with Section 9795 of the Government Code, with recommendations for an industry-specific harassment and discrimination prevention policy and training standard for use by employers in the construction industry and recommendations for legislation that would need to be enacted to implement such a standard.

DAS Chief Rood stated that Katie Hagen, was appointed by Governor Gavin Newsom on March 6, 2020 and is the Director for the California Department of Industrial Relations (DIR). We are currently putting together the internal team. Chief Rood stated that he will be participating in this advisory committee.

He stated the bill would require the Division of Labor Standards Enforcement to report to the Legislature by January 1, 2021, with recommendations for a harassment and discrimination prevention policy and training standard for the construction industry and recommendations for legislation to implement such a standard. Very confident that the Director will be able to provide this report timely.

- Review and Approve recommended changes to Commercial/Industrial and Residential Electrical Industry Minimum Industry Training Criteria

A motioned to Approve recommended changes to Commercial/Industrial and Residential Electrical Industry Minimum Industry Training Criteria. All approved. The motion carried

IV. FORUM

No Forum for this quarter.

V. EDUCATION AGENCIES REPORT

A. California Community Colleges – Nick Esquivel Coordinator of Apprenticeship Programs, California Community Colleges Chancellor’s Office

- Nick gave a brief report on the governors May Revise, RSI Projections and Program Sustainability.
Community College Allocation: FY 2020-2021 = \$43,649,000 of which \$15 million for CAI & \$28,649,000 for RSI.
- California Department of Education: LEA’s: FY 2020-2021 = \$35,694,000

- Nick Stated that the NOVA system is still being delayed and they are looking to move everything to another reporting platform.
- Nick discussed the governor's campaign from the beginning of the year. Newsom has encourage businesses to become creators, not just consumers of talent by partnering with our community colleges and establishing apprenticeship programs He would like to see an increase to 500,000 apprentices by 2029, creating a new vocational education pipeline of high-skill workers. We are currently at about 94k apprentices in California.
- Nick stated that he believes the RSI funding should be sufficient for this fiscal year.
- Nick stated that P3 closes on July 15.
- Nick provided a link for the apprenticeship community of AB-89 Budget Act of 2020
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB89
- For Districts that have questions regarding RSI back fill please contact Nick Esquivel.
- Pre-Apprenticeship RFA is currently in the works.
- Discussed High Road Training Partnerships. The High Road Training Partnerships (HRTTP) initiative is a \$10M demonstration project designed to model partnership strategies for the state. Ranging from transportation to health care to hospitality, the HRTTP model embodies the sector approach championed by the Board — industry partnerships that deliver equity, sustainability, and job quality. Along with these program investments, the Board is producing a body of policy and principle to guide related undertakings across the workforce system. Indeed, the initiative was designed as a campaign — to advance a field of practice that simultaneously addresses urgent questions of income inequality, economic competitiveness, and climate change through regional skills strategies designed to support economically and environmentally resilient communities across the state. The industry-based, worker-focused training partnerships build skills for California's "high road" employers — firms that compete based on quality of product and service achieved through innovation and investment in human capital, and can thus generate family-supporting jobs where workers have agency and voice.
- Discussed RSI funding for programs that were delayed or moved to online platforms. The CCC is working with programs and funding. A question came from Mike Peterson with the Ironworkers will semester extensions be possible for training that was postponed due to COVID-19 shut downs? So we can use our RSI hours. Nick stated that we do not have a policy in place for this at this time. Nick stated that they are also working on developing a Questions and Answers on funding due to COVID-19.
- Nick stated The California Virtual Campus-Online Education Initiative (CVC-OEI) offers a number of online events to continue to help faculty and

staff with the transition to virtual learning. You can find all upcoming events on the CVC-OEI Events page. For online instruction support requests, please contact CVC-OEI. A link was provided <https://cvc.edu/events/>

Questions and Concerns regarding the IACA pre-apprenticeship and information sharing between the CAC.

VI. CAC STANDING COMMITTEE REPORTS

A. CAC/CCA Liaison Committee – Report from June 24, 2020– CCA Chairperson Alex Beltran

Committee Chair Alex Beltran was not available to provide a report and the CAC/CCA committee meeting was not held this quarter. Jeff Christopher treasure stated that we

DAS Deputy Chief Glen Forman made an announcement regarding Hall of Fame nominations. Applications will be available after the 2nd quarter meeting and will be due at the 3rd quarter meeting. There is a small fee \$150.00.

Email blast from DAS will go out with the CCA website information.

B. Forums – Report from June 24, 2020– Chairperson Paul Von Berg

Chair Paul Von Berg conducted the meeting. Previous minutes were approved. After previously suggested topics were discussed. Suggestions made were from the apprenticeship community.

- Training during COVID-19 was a newly suggested topic. FOCIO could possibly provide a presenter. Yvonne stated that she could share their best practices for this topic.
- Jobsite practices regarding COVID-19 and Proper personal protective equipment (PPE) provided.
- Suggestion to hear from the Nurses Union in regards to best practices for Covid-19

A motion was made and seconded to discuss the COVID 19 at the next CAC or the Black Lives Matter Movement.

DAS Chief Eric Rood stated that he would reach out to the Black Contractors Union for a possible presenter on the Black Live Matter (BLM) Movement

C. Legislation Committee – Report from June 24, 2020– Chairperson Yvonne de la Peña

Yvonne de la Peña chaired the meeting. Meeting called to order. Minutes were approved. Reviewed IACA/CAC Bills of Interest and also the Governor's Budget for Apprenticeship.

Nick gave a brief report on the governors May Revise, RSI Projections and Program Sustainability.

Community College Allocation: FY 2020-2021 = \$43,649,000 of which \$15 million for CAI & \$28,649,000 for RSI.

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Discussion of Department of Better Jobs and Higher Wages. Department of Better Jobs and Higher Wages that will develop and align programmatic strategies and service delivery models to better meet California's workforce needs and proactively address the state's future of work challenges. Yvonne stated that the trailer bill language can be found at the following URL:

<https://esd.dof.ca.gov/dofpublic/public/trailerBill/pdf/83>

Reviewed Apprenticeship Bills of Interest, which was a brief report because most of the bills that we were following have died or have not moved. Stated that apprenticeship is

D. Related Supplemental Instruction Committee- Report June 24, 2020-
Chairperson Dick Zampa

Commissioner Zampa gave a summary of yesterday's meeting. Commissioner Zampa chaired the committee meeting. Meeting called to order. Minutes were approved from January 2020. Nick Esquivel discussed Fiscal Year 2018-19 RSI backfill. He stated that there is an education code 79149.3 and in that code it states that funding can only be used for RSI. Nick said that he was being told that some programs have not received the backfill. Nick said to please reach out to him if you need assistance on this.

Nick also gave a brief report on the governors May Revise, RSI Projections and Program Sustainability. Community College Allocation: FY 2020-2021 = \$43,649,000 of which \$15 million for CAI & \$28,649,000 for RSI. California Department of Education: LEA's: FY 2020-2021 = \$35,694,000.

Nick provided a link for the apprenticeship community of AB-89 Budget Act of 2020:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB89. Nick advised that a Pre-Apprenticeship RFA is currently in the works.

Nick stated The California Virtual Campus-Online Education Initiative (CVC-OEI) offers a number of online events to continue to help faculty and staff with the transition to virtual learning. You can find all upcoming events on the CVC-OEI Events page. For online instruction support requests, please contact CVC-OEI. A link was provided <https://cvc.edu/events/>

E. Standards, Rules, Regulations & Operating Procedures Committee – Report from June 24, 2020 Chairperson Jim Hussey

Chair James Hussey called the meeting to order. The previous minutes were approved.

Commissioner Hussey stated that DAS Chief Eric Rood gave a report that we are working on SB 56, which goes back to legislation from 2011. Eric stated that we had until this month for the SB 56 rulemaking package to be filed but the Governor gave a 60-day extension due to the COVID-19 epidemic. So now, we have until the first week in August for the SB 56 rulemaking package to get it filed with the office of administrative law. Department of Finance sign off on the 399 is the only thing that we are waiting on. We anticipate receiving this shortly and do not foresee any issues with this moving forward. Eric stated there is no action for the council at this time.

Commissioner Hussey asked for an update on the public works rule-making package. Eric states that public meetings were held on our public works rule-making package in Oakland and Los Angeles. The meetings were all transcribed. Eric stated that we have until January for the public works rulemaking package. Stated that the 399 form is needed and because it did not go thru the normal channels, DAS Chief Eric Rood stated that the 399 could be amended. It was stated that we need to get the department of finance signature so it can be filed with office of administrative law. The due date is now January 2021. We will have an update at our fourth quarterly meeting. Jim Hussey stated that there is no action for this item.

Commissioner Hussey stated that under new business they discussed changes to Section 215 CalPlan to comply with Federal Regulation 29 part. The Cal Plan needs to be updated because federal law has changed. April of 1986 was the last time that it was updated. DAS Chief Eric Rood discussed Labor Code section 3073.9

Jim Hussey stated that this document could be given to council in a redline version. Also between now and the next meeting if there are comments and suggestions from existing programs the comments can be emailed to Chief Eric Rood and DAS Deputy Chief Glen Forman. This document will be posted on the CAC website to be discussed.

VII. REPORT OF ADMINISTRATIVE and COOPERATING AGENCIES

A. Division of Labor Standards Enforcement (DLSE) Public Works Unit

Laura from the Long Beach DLSE office reported for the fiscal year 2020 not including June 2020. DLSE was able to exceed \$4.14 million in Penalties for apprenticeship violations \$2.23 million were collected, training funds assessed \$ 552,000 and we were able to collect \$281,580.

Question regarding how long the uncollected fines and how long they go unassessed. If contractors do not pay their fines

B. Tradeswomen Inc. Meg Vasey, Executive Director

Beginning in early March, Tradeswomen Inc. staff moved to an online and remote delivery of services. We have been able to activate online Entry to Apprenticeship workshops and have instituted new remote outreach tools through our new website. www.tradeswomen.org On our website we now have new information and resources for all parts of the apprenticeship pipeline for women. We have adopted some regional search and information features to facilitate women and partners in various areas to find openings, facilities and support close to them.

Tradeswomen Inc. also was able to bring a new set of marketing resources for apprenticeship partners and the workforce community in coordination with the State Building Trades and the Department of Industrial Relations. You will find a link to our four minute tradeswomen introductory video at www.tradeswomen.org We have also developed specific craft videos that will be available on the website. We have a new set of great tradeswomen brochures; the DAS will be distributing these to their offices and we have them available for mailing. Our distribution plans have been adjusted due to the industry's remote approach to recruitment. Please send a request to our office at epolk@tradeswomen.org or to mvasey@tradeswomen.org with the address and number of brochures requested. We would be pleased to present our new website and related resources to the Council at its earliest convenience.

Meg note the continued low numbers of women served by California Apprenticeships. The State's apprenticeship system continues to engage less than 7 percent women overall. The CAC (Construction and Fire Service) side's percentage of women has fallen some to 3.1 percent although the overall number has increased. We are gratified to note that construction sites are instituting and enforcing safe COVID 19 procedures in response to local and state guidelines. We would like to extend our thanks to our JATCs, our Contractors, and our Union partners for encouraging their members to comply with all of the highest construction site safety standards.

Legislative changes on Equal Employment Opportunity have been noted in the Council's business today, notably the update of the Cal Plan to incorporate changes in the federal EEO apprenticeship guidelines (29 CFR 30) adopted in 2017 as well as the recently enacted State Statute AB 2358 now codified as 3073.9 Section 1 in the State Labor Code. There are important components of these new EEO standards including a clear note that Apprenticeship programs have a responsibility for monitoring the on-the-job experience of its apprentices including harassment and discrimination.

Meg stated that she would like to bring two additional concerns to the Council. First, the Council's Equal Employment Committee would benefit from more robust participation in these and related equity issues. It seems a significant omission that there was no Committee meeting during this CAC session, whether or not a meeting was on its regular schedule. The apprenticeship community, including the Construction and Firefighting industries, have a history of equity and discrimination concerns that continue

to need attention. Not to have any discussion in this environment seems a grievous omission.

Meg stated that she would also like to bring the placement of Initiative ACA 5 on the ballot for November, the repeal of proposition 209, to the attention of the Council. Proposition 209 brought about a blanket ban on any affirmative action procedures. When finally implemented, it led to a significant drop in women in the construction trades and apprenticeships from which we have not yet recovered. If ACA 5 passes, Tradeswomen Inc. looks forward to working with the CAC, the DAS, the state legislature, and local entities to increase opportunities and equity in California apprenticeship.

C. Women in Non-Traditional Employment (W.I.N.T.E.R)
Nettie Dokes, Pre-Apprenticeship Instructor

Nettie Dokes reported for W.I.N.T.E.R She reported their last cohort graduated March 30, 2020. However, they have been closed due to COVID 19. She stated that they have a nice group to start classes once it is safe to do so.

D. California Association for the Advancement of Apprenticeship Training
(CAAAT) Tracey Barrett, President

California Association for the Advancement of Apprenticeship Training
(CAAAT) Tracey Barrett reported
Associated Builders and Contractors – Northern California Chapter (ABC Nor Cal)

- ABC NorCal partnered with PMH Laboratory, Inc in the Livermore and Sacramento area to bring free COVID-19 testing to workers and their families. Phlebotomist set up testing equipment at both the Livermore and Sacramento office as mobile testing units and conducted COVID-19 nasal swab and antibody exams on over 150 people. With health being ABC's number one priority, the ABC NorCal team felt that it was critical to partner with PMH Laboratory to utilize their experts and equipment to ensure that our offices, job sites, and homes remain safe. Testing results were delivered to individuals within 1-3 days after testing.
- Since the first few weeks of the Shelter in Place order, the ABC NorCal apprentices have been attending classes virtually. ABC NorCal is in the process of developing a schedule for the lab and hands-on portion of the classes and implementing the required modifications to the facility in order to ensure that the students will be able to adhere to the health regulations and maintain social distancing.
- ABC NorCal has advocated for all construction work to be deemed essential by promoting worker safety protocols. The ABC NorCal team took extra steps to ensure that the apprentices have the skills and training needed to work safely on construction projects during COVID-19 times. During the first few weeks of the pandemic, ABC NorCal apprentices attended the COVID-19

Safety Webinar with Workforce Development Manager, Sergio Cortez, who reviewed safety tips for COVID-19. ABC NorCal received positive feedback from the apprentices following the webinar as they all appreciated the safety tips they learned from Sergio and were able to implement immediately. To view ABC NorCal's Workforce Development Manager, Sergio Cortez, discusses safety tips for COVID-19, follow this link - <https://www.abcnorcal.org/abc-norcal-covid-19-safety-video/>

Associated Builders and Contractors - San Diego Chapter (ABC San Diego)

- ABCSD united with several San Diego Construction Industry groups to work on completing updates for the 'Construction Industry COVID-19 Exposure Response & Prevention Plan'. The plan allows us to work in uniformity across jobsites to protect workers, to protect inspectors and to protect companies in an effort to continue to keep our jobsites in San Diego open and operating safely until a vaccine is widely circulated.
- ABCSD closed for two weeks in March in response to the COVID-19 pandemic stay at home orders. We remained working in support of our contractor members and apprentices, successfully moving all apprenticeship classes to live virtual classrooms. Our instructors utilized a Zoom platform to deliver the training, as well as utilizing electronic whiteboards, one drive, and SharePoint as additional tools. The remaining hands on labs for the semester were completed by scheduling small groups, working outside at our facility, while following strict CAL/OSHA safety protocols that included proper social distancing, PPE, and tool sanitation. We stayed on task and completed the semester strong and on time, which resulted in our largest graduating class of apprentices in ABCSD history.

Plumbing Heating Cooling Contractors of the Greater Sacramento Area (PHCC)

- Mid-March and April classes were rescheduled in response to the COVID 19 stay-at-home orders.
- The 4th Year plumbing apprentices were the first class to experience remote instruction via Zoom online video conferencing. This enabled the 4th years to complete their apprenticeship program and graduate. The May 8 graduation ceremony has been postponed.
- As of May, the remaining classes have continued to receive remote training instruction via Zoom online video conferencing.
- The 2020-21 academic year will begin July 6.
- The PHCC state and national plumbing apprentice contests to be held in May and October respectively, were both cancelled.

E. California Apprenticeship Coordinators Association (CACA)
Lupe Corral, President

Lupe Corral reported that their meeting was held yesterday. Minutes were approved and those present gave self-introductions. Minutes and treasury report were approved. Regional reports were given.

Stated all areas are following the COVID 19 safety guidelines. Southern California and San Diego stated they are still training via Online and they are very busy with work in the area. Building and Trades fair have been cancelled due to the COVID Epidemic and hopes to be held again in fall 2020. Cal Fire is currently hiring.

Feedback given from all the commissioners regarding scheduling of the next CAC meeting. The decision was made to host the next CAC meeting Teleconference on September 16-17, 2020.

IX. ADJOURNMENT

A motion and a second were made to adjourn the meeting. All were in favor. The meeting adjourned.