

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

Chairperson Jim Hussey  
Via WebEx  
Wednesday, June 24, 2020  
3:00 p.m. – 4:30 p.m.

I. Call to Order/Roll Call

Chairperson Jim Hussey called the meeting to order.

The following Commissioners were present: Jim Hussey, Jack Buckhorn, Larry Hopkins, Dick Zampa, Derrik Kualapai, Frank Schetter, Yvonne De La Pena and DAS Chief Eric Rood

Members absent: Chip Martin, Susan Anderson, Paul Von Berg and Christopher Christophersen

II. Review/Approve Previous Minutes.

A motion and a second were made to approve the minutes of January 22, 2020 meeting. All were in favor. The motion carried.

III. Old Business

DAS Chief Eric Rood stated 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 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.

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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.

Questions from the apprenticeship community regarding these packages.

- Where can we see the responses made to each of the comments?
- The final vote from the CAC commissioners will be received tomorrow and then the final package will be posted to the website.
- Glen stated that Office of Administrative Law stated that we have to vote on it one last time even though there has been no changes.

#### IV. New Business

- Changes to Section 215 CalPlan to comply with Federal Regulation 29 part 30

DAS Chief Eric Rood discussed Labor Code section 3073.9.

(e) The California Apprenticeship Council may issue rules and regulations as necessary to implement this section, including about what records apprenticeship programs shall maintain to demonstrate compliance with the requirements of this section. The division shall comply with the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

Questions and concerns if the statute was in affect at this time because the CAC at this time has not issued any regulations. The legal team has reviewed and stated that the statute issued can stand-alone.

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.

(d) Each building and construction trade's apprenticeship program shall include in its apprenticeship standards the following equal opportunity pledge:

(1) [Name of program] will not discriminate against apprenticeship applicants or apprentices based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over forty years of age, military or veteran status, or sexual orientation. [Name of program] will take affirmative steps to provide equal opportunity in apprenticeship.

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(2) The nondiscrimination categories listed in this pledge may be broadened to conform to consistent federal, state, and local requirements. Programs may include additional protected categories, but may not exclude any of the categories protected by this section.

(e) The California Apprenticeship Council may issue rules and regulations as necessary to implement this section, including about what records apprenticeship programs shall maintain to demonstrate compliance with the requirements of this section. The division shall comply with the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

Glen Forman stated that the main question that has been received is what documents to keep and how long to keep them, Glen stated that this is part of the CalPlan and the documents are to be kept for 5 years and these are the documents related to the intake of your apprenticeship program. He stated that this information you will not find in any search and is not available online. The document currently is kept in our office and the information is in a small square box. Glen stated that the reason this has not been updated since 1986 is that our CalPlan needs to mirror the federal document and you cannot have two separate intake procedures. The have added a lot of stuff that California already requires. It is just a matter of cleaning it up.

Jim Hussey stated that this 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.

Comments for the apprenticeship community.

Chief Rood discussed **SB 530 by Senator Cathleen Galgiani (D-Stockton) – Construction industry: discrimination and harassment prevention**. Specifically it was discussed that DAS is making progress with SB530. Eric stated that Katie Hagen, appointed by Governor Gavin Newsom on March 6, 2020, is the Director for the California Department of Industrial Relations (DIR). Eric reviewed the following sections of SB530:

SEC. 2. Chapter 4.3 (commencing with Section 107.5) is added to Division 1 of the Labor Code, to read:

CHAPTER 4.3. Discrimination and Harassment Prevention in the Construction Industry  
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

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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.

No comments and no action taken by the committee on this item.

## V. Adjournment

Meeting was adjourned at 3:31 p.m.