

**CALIFORNIA APPRENTICESHIP COUNCIL**

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## **CALIFORNIA APPRENTICESHIP COUNCIL 2021 THIRD QUARTERLY MEETING**

### **Minutes**

**Thursday July 29, 2020**

**Meeting called to order at 9:00 a.m.**

#### **I. CONVENE QUARTERLY CAC MEETING**

##### **A. Pledge of Allegiance**

##### **B. Roll Call**

- DAS Chief Eric Rood called the Roll.
- Present: Jack Buckhorn, Richard Harris, Frank Quintero, Yvonne de la Peña, Paul Von Berg, Frank Schetter, Scott Gordon, Derrick Kualapai, Jim Hussey, Nick Esquivel, Katie Hagen and Dick Zampa, Jason Rafter, Sheri Learmonth and DAS Chief Eric Rood
- Absent: Chris Christophersen, Larry Hopkins, Louis Ontiveros, Chip Martin, Kaitlin Conrad and Earl Restine

##### **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 April 29, 2021 and special called meeting on June 22, 2021 meeting minutes. All approved. The motion carried.

##### **E. Announcements**

- No announcements

##### **F. Communications**

One communication was from Adriana Lopez with Capstone a couple email correspondences specifically with regards to the proposed rulemaking for the clarifying of the specific section 230.1 and the requirements of labor code section 1777.5. And specifically in regards of LA metro requiring workers on site to have safety training certificates good for one Year after the training. She represents a contractor completed the safety training and if we were

looking at specific in the proposed rulemaking it was said that it would be unconditional request for apprentices without adding additional requirements.

- No questions or comments on that communication.

There's a request from our IACA subcommittee on advanced manufacturing to see if there's any commissioners that would provide some expertise in the crossover work processes in regard to AB 235 and this request was made by Jeffrey Forest the chair of that committee.

The question was asked if any commissioner would like to volunteer or nominate themselves for this.

- No volunteers but commissioners will give this some further thought. The CAC Chair Chris Christophersen will be making the nomination or appointment.

Faizah Dean Request for Review of complaint.

- Eric Rood stated that Ms. Dean was able to meet with the legal counsel and provide documents. The attorneys were able to do some legal review and the recommendation is that there is no statute or ability for us to receive this appeal. In addition, it was stated that DAS and the council lack statutory authority to do so. The recommendation is that the CAC not reopen this file, based on the fact that we do not have the legal authority to do so.
- Eric Rood stated that he was going to respond in writing along with CAC that there is no further authority or action that can be taken.

### **III. BUSINESS SESSION**

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

No legal matters. A notice of appeal was received from Blake Anthony and The CAC Chair Chris Christophersen will be appointing a three member panel for this.

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

- a. Blake Anthony Esqueda vs. Bay Area Sheet Metal J.A.C  
DAS Complaint #2020-02
- b. Anthony Aquino, Complainant, vs. Air Conditioning & Refrigeration  
U.A. Local 250 J.A.C. DAS Complaint #2021-04

#### **C. Notice of Appeals during the Quarter**

- a. Blake Anthony Esqueda vs. Bay Area Sheet Metal J.A.C  
DAS Complaint #2020-2 CAC Appeal # 2021-01  
*CAC Chair Christophersen to appoint a panel.*

D. CAC Appeal Panel Decisions

E. CAC Consent Panel Decisions

- a. Stanford Health Care Maintenance program

Jack Buckhorn gave the report and stated on June 30, 2021 a panel meet and the hearing was held, comments were received from programs. The determination was not to give consent due to substantial overlap.

- A motion, second and a roll call vote to approve Consent Panel Decision to deny consent for the Stanford Health Care Maintenance Program due to significant work process for existing Building and Trades programs. Motion passed.
- Questions and Comments were received from the commissioners and the public.

F. Chief's Report – DAS Chief Eric Rood

- Please see Chief's Report attached.

G. Old Business

- Nothing to report

H. New Business

- Rulemaking; Proposed Changes to Title 8, Chapter 230.1, Subchapter 1, Article 10 Section 230.1 Employment of Apprentices on Public Works.
  - A motion was made and a second to approve the Rulemaking: Title 8, Chapter 230.1, Employment of Apprentices. Questions and Comments were received from the commissioners and the public. Roll Call vote was taken, and motion passed unanimously.

**FORUM**

- Department of Better Jobs and Higher Wages.
- Chief Eric Rood stated that in the Governor's May revise we were still requesting a new department. The name was subject to change. In January 2020, the Governor's office came up with the name of Better Jobs and Higher Wages. This would bring in four workforce entities under the labor

and workforce development umbrella into a new department. This included the division of apprenticeship standards from department of industrial relations, workforce services branch out of the employment development department, employment training panel and the workforce development board. As subcommittee meetings took place both in the assembly and the senate, there was an issue specifically in the assembly with the legislative Analyst office concern specifically with creating the state department at this time and that was in Lou of what was happening with the Employment Developments Departments (EDD) unemployment insurance. Both the pandemic unemployment assistance program and others and the amount of fraud and the backlog of claimants that hadn't received unemployment payments. It was a big concern that a majority of the positions were from EDD which brought the worry that this could cause them to not meet their mission of getting the unemployment insurance issues resolved. As such the assembly was not interested in creating this department at this time. The new Department was not created during this budget cycle. We will address this item again next year.

- Chief Eric Rood stated that on June 14<sup>th</sup> Governor Newsom announced the appointment of Natalie Palugyai as Secretary of California's Labor and Workforce Development Agency (LWDA).
- Governor Newsom announced Stewart Knox, has been appointed undersecretary of the California Labor and Workforce Development Agency. Knox has been executive director of the California Employment Training Panel since 2014.
- Former LWDA Secretary Julie Su was confirmed by the U.S. Senate as Deputy Secretary of Labor at the U.S. Department of Labor.
- Questions regarding the rulemaking package were addressed and it was advised that this was going to be forwarded to OAL. Additional public comments will be considered as it goes through the process.

#### **IV. EDUCATION AGENCIES REPORT**

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

- Slideshow presentation was given.

So for the current fiscal year that started as of July 1, the total apprenticeship budget the chancellor's office is responsible for is \$97,640,000. \$30,117,000 of that amount is for Community college districts RSI. \$37,523,000 for CA department of education LEA's and they doubled up on the California apprenticeship initiative for the current fiscal year for \$15,000,000 to \$30,000,000. Also the RSI rate is increasing from \$6.44 going up to \$6.77.

The P3 budget the total budget that was available the prior year was 20,649,000 for community colleges districts which represented a total of 4.4 million hours.

As of P3 3,477,000 hours were reported leaving a surplus of 971,560 hours of a surplus for about 6,256,846 that is overfunded.

For all the programs that have not reported in P1, P2 or P3 we have until December when Nick does the recall process to get those numbers up and reported.

For California department of education the fiscal year 2021 budget was 35,694,000 which represented 5,542,547 hours as of P3 4,345,940 hours were reported leaving a the surplus of 1,196,607 hours surplus or \$7,706,149 so again that these are hours that are surplus.

With the new system Nova we have had a bit of a learning curve from the field. We've had some confusion in the cumulative totals so Nick stated that he is going to be reaching out to every district between now and the recalculation process to insure that all the numbers are correct when he reports the recalculation to the Department of finance for Fiscal year 2021/22. Nick stated that he was going to be eliminating the requirement for a P3 report but that doesn't mean that the hours will not be correct. I'm still going to follow the same process to assure that upon recalculation that these hours are correct as they are submitted to the department of finance.

Nick stated that he did receive a hold harmless request from Los Angeles unified.

Nick allowed Oscar Mayer to speak regarding this request.

Oscar Mayer stated that CDE and the community college have special provisions to not negatively affect educational programs because of the Covid-19 pandemic. However that does not exist with Apprenticeship funding. After reviewing the numbers that Nick reported we can all see that we are down about 20 to 25% on hours reported programs. We have had programs closed, or we have had programs that have underperformed, we have had programs with all different kinds of issues. Oscar stated that he believes we as LEA's should be held at the same standard as all other education in the state of California. We want to be held to the standard of 2018/19 before the Covid-19 took effect. As far as we are aware this Hass to come in a request to Nick's office.

Questions and comments were received from the CAC commissioners.

Nick stated that he was going to discuss this request further with the CAC chair and the DAS chief Eric Rood to see how we could explore putting this request in and possible Ad-hoc if needed.

Questions and comments were received. A discussions regarding an update on audit guide on RSI funding and Common Administrative Practices and Treatment of Costs Related to RSI

Nick stated that he is hoping to do another apprenticeship roadshow once travel is no longer restricted due to Covid-19.

## **V. CAC STANDING COMMITTEE REPORTS**

### **A. CAC/CCA Liaison Committee – Report from July 28, 2021– CCA Chairperson Alex Beltran**

Alex was not available to give a report today. Discussed conference dates moved to May 3-6, 2022. Alex reached out to Monterey Bay Aquarium we currently have it booked May 4, 2022. Hall of Fame dinner will take place on May 5, 2022. The hotel room block is booked for May 3-6, 2022 at the Hilton Garden Inn Monterey. Chief Rood stated that the website for the CCA will be changing to [www.cca2022.com](http://www.cca2022.com). Also they are looking for individuals to volunteer and looking for speakers for the event.

### **B. Forums – Report from July 28, 2021– Chairperson Paul Von Berg**

The Committee had a quorum. Discussed the difficulty of networking within the apprenticeship community due to the pandemic. Discussed possible topics such as suicide prevention, outreach to high school students and also discussed the road to apprenticeship.

### **C. Legislation – Report from July 28, 2021– Chairperson Yvonne de la Peña**

Yvonne de la Peña chaired the meeting. Meeting called to order. Minutes were approved. Yvonne stated that the CAC Bills of Interest Overview of Budget Bills were reviewed. She stated that RSI Rate Increasing from \$6.44 to \$6.77.

Noteworthy budget line item discussed was that \$15,000,000 shall be for the Department of Industrial Relations (DIR) to establish a Women in Construction Priority Initiative, overseen by the Director of the DIR to coordinate and help ensure collaboration across DIR divisions. The Priority Initiative will assist and provide resources to women in the construction industry, including developing materials for employers and unions to promote the recruitment and retention of women in construction, maintaining a website listing workers' rights, developing training materials specific to women to navigate health/safety and wage and hour laws, and leadership training for forewoman. It shall also provide resources (for employers and project owners) to improve construction worksite culture; address barriers; and develop trainings, materials for workforce pipeline professionals specific to women in construction, and interagency trainings. Notwithstanding any other law, these funds shall be available for encumbrance or expenditure through June 30, 2024, and for liquidation through June 30, 2026.

Yvonne stated that the \$4,000,000 shall be provided to the California Firefighter Joint Apprenticeship Council to conduct Emergency Medical Technician and Paramedic Pre-apprenticeship Training Academies. This amount shall be available for encumbrance or expenditure through June 30, 2024.

D. Standards, Rules, Regulations & Operating Procedures Committee – Report from Special called and July 28<sup>th</sup> Meetings Chairperson Louis Ontiveros

Commissioner Ontiveros was not able to attend Commissioner Buckhorn called the meeting to order. The minutes of July 7, 2021 were approved. Review of CalPlan in view of AB 2358 proposed regulations. A motion was made to ask the state attorney general's office to review the CalPlan to see if we could include, repeal or resend legally. This motion was seconded and approved.

Comments on Economic Impact of AB 2358 proposed regulations

E. Related Supplemental Instruction – Report from July 28, 2021

Commissioner Buckhorn called the meeting to order initially there was not a quorum but we were able to establish that as the meeting went on. The previous minutes were approved. Nick Esquivel was available to report. We agreed that the commissioners would give direction to the CAC and staff in regarding a letter of support on the hold harmless policy as addressed by LA USD. Common administrative procedure and amendments will be discussed at a future meeting.

- A motion and a second for approval. Roll Cal vote to approve sending letter to Vice Chancellor Weber to hold harmless policy for fiscal year 20-21 for 18-19 hours. The Motion passed.

F. Publicity Committee – Report from July 28, 2021

Chairperson Derrick Kualapai called the meeting to order the committee did not have a quorum. We discussed the apprenticeship newsletter. He discussed non-traditional apprenticeship programs. Commissioner Kualapai discussed vacant committee positions and reviewed commissioners currently on the committee.

## **VI. REPORT OF ADMINISTRATIVE and COOPERATING AGENCIES**

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

Labor commissioner Flores reported on the fiscal year 2021 collections and assessments for penalties under the labor code 1777.7. These are for violation of Apprenticeship on public works projects. This fiscal year the accessed amount was a \$3,509,968 collections for this year was \$1,975,638. We also accessed unpaid training funds against contractors that failed to pay the year we accessed \$351,558 we have currently collected \$311,674.

B. U.S. Department Of Labor Employment and Training Administration Office of Apprenticeship (USDOL/ETA/OA) Douglas Howell, California State Director

No report was given.

C. Tradeswomen Inc. Meg Vasey, Executive Director

Meg Vasey gave an overview on CA Women in Apprenticeship as of June 30, 2021.

- She stated that Apprenticeships decreased in Q2 2021 from 91630 to 90860 continuing a slight downward trend that we saw from Q1. (<770>)
- Women CA apprenticeships increased slightly from 6588 to 6618 (+30)
- Overall women's percentage of participation continued to increase from 7.1% to 7.3%.
- 75,252 CAC Apprenticeships total for this report.
- Women CA apprenticeships continued to increase, moving up to 3.3% from 3.1% in Q2 and moving back towards a previous high of 3.5%. Women numbered 2,460 overall in Q2.

Meg reported first on some state initiatives that we hope will significantly support women in construction. The Labor Commissioner Lilia Garcia Brower issued a report to the Legislature on Recommendations for Best Practices in combatting discrimination and harassment in the construction trades per the Senate Bill 530 passed in 2018 with SBCTC support. The overall impetus was to bring forth specific practices for the construction industry rather than the generic templates that are not relevant for jobsites et al. The Chief, Tradeswomen Inc. and others here today participated in the Advisory Council meeting from last fall convened by DIR counsel. The report is very comprehensive and contains significant recommendations both for training guidelines as well as legislative recommendations to encourage compliance. TWI expects that further consideration of these recommendations will be reviewed with the Labor Commissioner and others after the summer break.

A further exciting development for California Tradeswomen in the building trades sector was the inclusion in the 2021-2022 budget of \$15 Million funding for a Women in Construction Priority Initiative. The budget item sets out that the Department of Industrial Relations (DIR) will establish a Women in Construction Priority Initiative, overseen by the Director of the DIR to coordinate and help ensure collaboration across DIR divisions. The Priority Initiative "will assist and provide resources to women in the construction industry, including developing materials for employers and unions to promote the recruitment and retention of women in construction, maintaining a website listing workers' rights, developing training materials specific to women to navigate health/safety and wage and hour laws, and leadership training for forewomen. It shall also provide resources (for employers and project owners) to improve construction worksite culture; address barriers; and develop



trainings, materials for workforce pipeline professionals specific to women in construction, and interagency trainings.”

Note that a significant emphasis relates to on-site and journey level retention resources for employers and unions as well as recruitment and apprenticeship related activities. Tradeswomen Inc. hopes to work closely with the DIR leadership, DIR divisions and the construction industry to make effective use of the funds to support women in the coming year.

On federal apprenticeship developments, I will make a few comments that may reflect information already given by our federal partners. The National Apprenticeship Act as it passed the House in Q1 is sitting in the Senate without action to date. It will probably be brought forward in September. There is significant funding for apprenticeship and pre-apprenticeship programs as well as for diversity initiatives in the Act as it currently stands. In the Infrastructure extravaganza, the North American Building Trades Unions (NABTU) as well as TWI’s partner, the National Taskforce on Tradeswomen’s Issues, are still hopeful that apprenticeship requirements will be inserted in the Bi-Partisan funding bill. This would bring a 15% inclusion for registered apprentices across all the funded projects. All of this language as well as the basic bill is still in flux at this time.

SB 1 contracts and funding for MC 3 programs were finally secured at the beginning of this year. Many of these programs have made significant commitments to increase their numbers of women in line with the original funding in SB1 and TWI is underway with our SB 1 partners to increase the numbers in pre-apprenticeships. North Bay TIP just graduated a class with almost 50% women. Our East Bay partners have committed to 37% women and our Peninsula programs have similarly committed. TWI will also be working in Fresno-Kern Counties to increase the numbers and success of women in construction pre-apprenticeships there. In general, women of color make up 2/3’s of the female pre-apprentices that Tradeswomen Inc. works with. Other SB 1 areas are looking for support in reaching women and we are in discussion to provide broader technical assistance.

We are still doing most of our workshops via remote communications and presentations with our partners. We regularly give know your rights, surviving and thriving and tradeswomen panels and individual speakers to co-ed programs as well as some of our all-women programs. We are offering 4 monthly Entry to Apprenticeship for Women workshops each with a geographical emphasis East Bay Area, Central Valley Area, and SF and Peninsula area. A final reminder to please check out our website resources especially our 15 trade specific videos featuring California Tradeswomen.

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

Alexandra Torres Galancid, Executive Director was available to give a report.

Ms. Galancid gave an overview on WINTER. She stated that WINTER is a pre-apprenticeship program for women which builds foundational skills for a career in construction. Secure a career in construction with competitive wage, benefits for you and your family, and a path to retirement. She stated that their Adult Program is 10-weeks long, Monday-Friday from 6:30AM-3:00PM.

Stated that we will have two events that will be taking place soon.  
The women's build Metro and Women's build Los Angeles

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

Associated Builders and Contractors – Northern California Chapter (ABC NorCal)

- ABC NorCal has partnered with a company that provides CPR First Aid classes using virtual reality technology. Studies show that VR is changing the concept of training. Learners in VR learn faster, have a higher emotional connection to the content, are more confident in the skills and abilities post training, and are less distracted during the training. The first group of ABC NorCal apprentices completed their certification in June and the feedback was very positive! The apprentices would first go into the VR world to learn the technique, and then practice it outside of the VR world.
- ABC NorCal has begun implementing the use of a smartboard learning software during the virtual instructions portion of the classes. The software purpose is to make distance and in person learning much more interactive. When properly applied it has the potential for making the instructors aware of who is “getting” the material and who may be struggling while the lesson is proceeding.
- ABC NorCal, in collaboration with the NLCAA (National Light Control Association of America) and Leviton have created a state-of-the-art ATT (Acceptance Testing Technician) certification site at the training facility. This site will be listed on the CEC's (California Energy Commission)'s website as one of only a couple in Northern California. This room was designed to help certify ABC NorCal apprentices in Title 24 as ATT techs. A lot of thought, time, and effort went into this design, thanks to Mike Scalzo (NLCAA), John Busch (Leviton), the ABC NorCal instructors, and the ABC NorCal electrical apprentices that participated in the installation.
- The Salvation Army Oakland division students completed The Construction Core and Leadership Course and received their completion certificates. Several of the trainees are already employed and others are now registered apprentices in the ABC NorCal Construction Craft Laborer Apprenticeship program.

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

- In July ABCSD participated in the 2021 Camp NAWIC (National Association of Women in Construction) event. The camp is a week-long event that focuses on teaching young women (9-12th graders) about the opportunities the construction industry has to offer. Our staff assisted with camp lunch and various hands-on projects. An ABCSD contractor member also participated, providing a day of hands-on basic plumbing projects.
- ABCSD will begin our Fall Semester August 2nd and we are looking forward to returning to in-person training. Over the last year our instructors have worked with new electronic technologies, programs and applications and will be bringing these tools into the classroom to enhance curriculum delivery.

#### Associated Builders and Contractors – Southern California Chapter (ABC SoCal)

- ABC SoCal is experiencing continued growth in student numbers and has begun the Fall semester over the last two weeks.
- The chapter is preparing for the annual 29th Graduation Ceremony where it will recognize over 227 Graduates.

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

- The PHCC-GSA PUAC Training Facility began the 2021/2022 school year on July 12th with a full 1st year class.
- In compliance with the most current COVID guidance, classroom desks are separated 6 feet in all directions; all must wear masks; the facility is stocked with cleaning and disinfectant supplies and is cleaned between each session.
- Students are now using paperless classroom devices to complete coursework and assignments.
- PHCC's annual apprenticeship contest is back this school year and is scheduled for September 30. The event is open to 2nd and 3rd year apprentices. The winner will compete at the state contest next Spring.

#### Western Electrical Contractors Association (WECA)

- WECA was thrilled to return to in-person apprenticeship instruction at all California training facilities effective June 21, 2021. We're also celebrating our very first apprenticeship classes at our brand-new Fresno Training Facility, now serving the Central Valley, and our upgraded San Diego Training Facility at its new location. WECA's instructors have been hard at work at all of our training facilities--but especially our new Fresno and San Diego training facilities--to prep our classrooms and labs for the return of apprentices!
- WECA's 2021 Commencement Ceremonies for our Northern and Southern California Graduating Apprenticeship and Electrician Trainee Program Classes of 2021, as well as special honors for attending 2020 Graduates, will be held in person on August 21st and August 28th, 2021.

- WECA Apprenticeship and WECA 2018 Graduate, Demi Zayas, were featured in a May 2021 article for WorkingNation. “Apprenticeships are the pathway to in-demand careers in the skilled trades.”

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

Lupe stated that their meeting was held 32 programs that sent their information/reports which is less than half. From those reports 23,829 active apprentices, we have new apprentices for this quarter of 2834 and we also have OSHA-10 1948 completed, OSHA 30 we have 1593 who have completed it. Lupe stated that there is a lot of work that is being report from the field. Programs have been reporting on the challenges of keeping up on Covid-19 guidelines. Discussed supporting virtual career fairs. Lupe also reported the Northern CA Carpenters have a new apprenticeship training center in Pleasanton, CA.

## **VII. ADJOURNMENT**

DAS Chief Rood stated that our 4th quarter meeting would be held via teleconference on October 27-28, 2021.

Meeting was adjourned at 11:34 a.m.