

CALIFORNIA APPRENTICESHIP COUNCIL
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STANDARDS, RULES, REGULATIONS & OPERATING
PROCEDURES COMMITTEE

Minutes

Wednesday, June 2, 2021

9:00 a.m.

Hosted Via Teleconference

I. Call to Order/Roll Call

Meeting called to order by Commissioner Louis Ontiveros at 9:04 a.m.

Roll Call of Commissioners was taken, commissioners present:
Louis Ontiveros, Chip Martin, Frank Quintero, Richard Harris, Derrick
Kualapai, Yvonne de la Pena, Jack Buckhorn, Paul Von Berg and Eric Rood.
Commissioners absent: Christopher Christophersen Sr., Larry Hopkins.
Other commissioners present: Scott Gordon. A quorum established.

II. Review/Approve Previous Minutes.

The minutes of May 19, 2021 were approved. All were in favor. The motion carried.

III. Old Business

AB 2358 Record Keeping requirements.

Ken Lau presented sample language for record keeping requirements that was derived from the Federal Regulations. There was a discussion on the document and a few changes made.

A motion and a second were made. To approved the following new Section.

(a) General obligation. Each program in the building and construction trades must collect such data and maintain such records as DAS or the Administrator finds necessary to determine whether the program has complied or is complying with the requirements of Labor Code section 3073.9 and its implementing regulations. Such records must include, but are not limited to records relating to:

(1) Selection for apprenticeship, including applications, tests and test results, interview notes, bases for selection or rejection, and any other records required to be maintained under relevant law;

(2) Information relative to the operation of the apprenticeship program, including but not limited to job assignments in all components of the occupation as required under Section 212(a)(1), promotion, demotion, transfer, layoff, termination, rates of pay, other forms of compensation, conditions of work, hours of work, hours of training provided, and any other personnel records relevant to complaints filed with the Administrator under Section 201.1 or with other enforcement agencies;

(3) Compliance with the requirements of Labor Code section 3073;

(4) Requests for reasonable accommodation; and

(5) Any other records pertinent to a determination of compliance with Labor Code section 3073.9 and its implementing regulations, as may be required by DAS or the Administrator.

(b) Program identification of record. For any record the sponsor maintains pursuant to Labor Code section 3073.9 and its implementing regulations, the program must be able to identify the race, sex, ethnicity (Hispanic or Latino/non-Hispanic or Latino), and when known, disability status of each apprentice, and where possible, the race, sex, ethnicity, and disability status of each applicant to apprenticeship and supply this information upon request to DAS or the Administrator.

(c) Maintenance of records. The records required by Labor Code section 3073.9 and its implementing regulations and any other information relevant to compliance with this section must be maintained for 5 years from the date of the making of the record or the personnel action involved, whichever occurs later, and must be made available upon request to DAS or the Administrator or other authorized representative in such form as DAS or the Administrator may determine is necessary to enable DAS or the Administrator to ascertain whether the program has complied or is complying with Labor Code section 3073.9 and its implementing regulations. Failure to preserve complete and accurate records as required by subdivisions (a) and (b) of this section constitutes noncompliance with Labor Code section 3073.9 and its implementing regulations.

(e) Confidentiality and use of medical information.

(1) Any information obtained pursuant to Labor Code section 3073.9 and its implementing regulations regarding the medical condition or history of an applicant or apprentice must be collected and maintained

on separate forms and in separate medical files and treated as a confidential medical record, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the applicant or apprentice and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) Government officials engaged in enforcing Labor Code section 3073.9 and its implementing regulations, or the Fair Employment and Housing Act, must be provided relevant information on request.

(2) Information obtained under Labor Code section 3073.9 and its implementing regulations regarding the medical condition or history of any applicant or apprentice may not be used for any purpose inconsistent with Labor Code section 3073.9.

(f) Access to records. Each program must permit access during normal business hours to its places of business for the purpose of conducting on-site evaluations under Labor Code section 3073.1 and complaint investigations and inspecting and copying such books, accounts, and records, including electronic records, and any other material DAS or the Administrator deems relevant to the matter under investigation and pertinent to compliance with Labor Code section 3073.9 and its implementing regulations. The program must also provide DAS or the Administrator access to these materials, including electronic records, off-site for purposes of conducting evaluations under Labor Code section 3073.1 and complaint investigations. Upon request, the program must provide DAS or the Administrator information about all format(s), including specific electronic formats, in which its records and other information are available. Information obtained in this manner will be used only in connection with the administration of Labor Code section 3073.9 and its implementing regulations or other applicable equal employment opportunity laws.

All were in favor. The motion carried

AB 2358 Content of Mandatory Anti-Discrimination Trainings

Using the Government Code Section 11024 as a guideline, there was much discussion and comments on the definitions, content and other items from the committee members and the public. The draft of the content of the training will be posted on the website soon, and will be revisited at the next meeting.

IV. New Business

The commissioners and the apprenticeship community reviewed items that needed to be addressed at the next meeting. Glen stated Anti-discrimination training and amendments to the Deregistration process. Glen stated he will compile the new and revised sections approved to this point

V. Adjournment

The committee members agreed that the next meeting is Wednesday July 7, 2021 at 9 a.m.

Commissioner Ontiveros adjourned the meeting at 10:38 p.m.