



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

CALIFORNIA APPRENTICESHIP COUNCIL SPECIAL CALLED MEETING Minutes

Tuesday, June 22, 2021

9:02 a.m. Commissioner Christophersen called the meeting to order.

I. CONVENE SPECIAL CALLED CAC MEETING

- A. Pledge of Allegiance
- B. Roll Call

Louis Ontiveros, Chip Martin, Frank Quintero, Richard Harris, Christopher Christophersen Sr., Derrick Kualapai, Larry Hopkins, Yvonne de la Pena, Jack Buckhorn, Sheri Learmonth, Paul Von Berg, Scott Gordon, Jason Rafter and DAS Chief Eric Rood

Absent: Director Haggen, Sheneui Weber, Kaitlin Conrad and Earl Restine

Chief Eric Rood stated that on June 10, 2021 Governor Gavin Newsom announced the following appointments: Sheri Learmonth, Jason Rafter and Earl Restine have been appointed to the California Apprenticeship Council.

II. BUSINESS SESSION

- A. Response to the Office of Administrative Law Questions on the Public Works Rulemaking submittal. Requesting further information regarding two issues for this rulemaking action.

1) Please provide an analysis as to how these regulations are consistent with the holding in Henson, et al. v. C. Overra and Co., 238 Cal.App.4th 184 (2015).

A motion was made that we adopt the June 15, 2021 letter from Jack Davis as our response to OAL request for analysis of why our rule making package is consistent with Overra. The motion was seconded.

A lively discussion and comments were made by the apprenticeship community.

There was a vote through the roll call process with 9 votes for yes, 2 votes for no and 1 abstention. This motion passes.

2) Additionally we need more information as to why the apprenticeship standards and apprenticeship agreement are not documents incorporated by reference. The regulated public is required to use these documents in order to comply with the regulations.

A proposed response to OAL and confusion on what make up apprenticeship standards verses and apprenticeship agreement is.

Apprenticeship standard are the chartering documents for specific apprenticeship programs as required by the labor code. Labor code section 3078 in particular and for defining California regulation section 212. Apprentices sign individual agreements with their apprenticeship program to ensure the apprentices receive the require classroom curriculum and the required on the job work experience as prescribed by the apprenticeship standards. It would not be workable that include every apprenticeship standard within the construction industry because there are hundreds of standards specifically and the contents found in the standards already prescribed within both the statute and the regulations.

Chief Rood stated that with his response he is having legal take a look at it ensured that we have the proper sites listed in that letter but that's something that we could respond to as one of the suggested responses.

Eric would like this to be reviewed by Ken Lau and the legal team before submitting to OAL.

Comments and Questions from the public

A motion was made to adopt DAS Chief Rood's comments regarding the apprenticeship standards and apprenticeship agreement documents. How they should d be reported into the rule making package by reference. The motion was seconded. There was a vote through the roll call process with 11 votes for yes and 3 abstention. This motion passes.

Richard Harris asked how many public comments were received on these two issues. It was stated that no comments were received to date other than Jack Davis comments. Statements from members of the apprenticeship community that comments will be sent after today's meeting and also comments were sent within the last 24hrs.

Additional questions were taken from the public.

III. ADJOURNMENT

Adjournment at 9:53 a.m.