

**Notice of [NAME OF PROGRAM] JATC's  
Commitment to Equal Opportunity**

This notice is to inform you of [NAME] JATC's commitment to providing a working environment free of discrimination and harassment for all of its apprentices and to inform you of your obligation to provide such an environment to our apprentices.

In furtherance of its commitment, the JATC has adopted the following anti-discrimination and harassment pledge:

[NAME] JATC will not discriminate against apprenticeship applicants or apprentices based on race, religion, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy), gender, gender identity, gender expression, age for individuals over forty years of age, military or veteran status, sexual orientation, or any characteristic that is protected under applicable federal, state, or local law. [NAME] JATC will take affirmative steps and affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, part 30.

An important part of [NAME] JATC's commitment to providing a workplace free of discrimination and harassment is ensuring that apprentices do not experience harassment or discrimination while on any work site. Participating contractors must ensure that apprentices are not harassed or discriminated against on any of the protected characteristics identified in our anti-discrimination and harassment pledge, including with regard to layoff, termination, right of return from layoff, and rehiring; rotation among work processes; imposition of penalties or other disciplinary action; conditions of work; hours of work; job or crew assignments; and leaves of absence, sick leave, or any other leave.

Please be advised that if the JATC determines that any contractor has engaged in or permitted any discriminatory, harassing, or retaliatory conduct at its work site(s), the JATC shall immediately take corrective and preventative measures, up to and including denying the dispatch of any apprentices to that contractor and revoking the training certificate of that contractor.

Contractor Name  
Address 1  
Address 2

Re: Assembly Bill 2358 - Notice to Contractor

Dear Contractor:

Assembly Bill 2358 (2018) expressly prohibits discrimination in any building and construction trades program on the basis of 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. (Lab. Code, § 3073.9(a).) A.B. 2358 became effective on January 1, 2019 and required all existing programs to come into compliance with its provisions before July 1, 2019. As a result, we would like to provide you with the requirements referenced in Labor Code section 3073.9, which include, and are not limited to, prohibitions against discrimination, steps to prevent discrimination and an enforcement mechanism:

#### **Specific Prohibitions against Discrimination**

No building and construction trades program, regardless of size, may discriminate against any apprentice or applicant for apprenticeship on any of the FEHA protected categories with regard to all of the following:

- Recruitment, outreach, and selection procedures (§ 3073.9(a)(1))
- Hiring or placement, upgrading, periodic advancement, promotion, demotion, transfer, layoff, termination, right of return from layoff, and rehiring (§ 3073.9(a)(2))
- Rotation among work processes (§ 3073.9(a)(3))
- Imposition of penalties or other disciplinary action (§ 3073.9(a)(4))
- Rates of pay or any other form of compensation and changes in compensation (§ 3073.9(a)(5))
- Conditions of work (§ 3073.9(a)(6))
- Hours of work and hours of training provided (§ 3073.9(a)(7))
- Job assignments (§ 3073.9(a)(8))
- Leaves of absence, sick leave, or any other leave (§ 3073.9(a)(9))
- Any other benefit, term, condition, or privilege associated with apprenticeship (§ 3073.9(a)(10))

#### **Affirmative Steps to Prevent Discrimination**

Each building and construction trades program, regardless of size, must:

- Designate a person of authority to oversee compliance with equal opportunity commitments (§ 3073.9(c)(1)(A)-(C))
- Make facilities and apprenticeship activities available without regard to protected characteristics (§ 3073.9(c)(1)(B))
- Establish and implement minimum procedures for handling and resolving internal complaints about harassment or discrimination (§ 3073.9(c)(4)(C)(i)-(iv))
- Publish equal opportunity pledge in standards and post pledge on bulletin boards (§ 3073.9(c)(2)(A)-(B))

- Provide annual notice to contractor of program's commitment to equal opportunity and of contractor's obligation to ensure that apprentices it employs are not harassed or discriminated (§ 3073.9(c)(2)(D))
- Conduct orientation and periodic information sessions for apprentices, instructors, and apprenticeship program employees to inform them of the equal employment opportunity policy and provide specified mandatory training (§ 3073.9(c)(2)(C))
- Maintain records necessary to demonstrate compliance with A.B. 2358, including records of complaints, and make them available to the DAS upon request (§ 3079.3(c)(4)(E))
- Implement measures to ensure that its outreach and recruitment efforts for apprentices extend to all persons available for apprenticeship within the apprenticeship program's relevant recruitment area without regard to the protected characteristics. (§ 3079.3(c)(4)(E))
- Require that apprentices, instructors, and employees of the apprenticeship program take the necessary action to aid the apprenticeship program in meeting its nondiscrimination obligations. (§ 3079.3(c)(2))

### **Enforcement Mechanism**

The three means of enforcement of A.B. 2358 are (§ 3079.3(g)):

- A DAS evaluation under Labor Code section 3073.1;
- A complaint to the Administrator of Apprenticeship under 8 CCR § 201; and
- Deregistration of a program under 8 CCR § 212.4

We ask that you visit the Division of Apprenticeship Standards' website (insert link here) for any additional information specific to these requirements.

Respectfully,

Program Director  
Apprenticeship Program Name