

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

Minutes

Wednesday, May 19, 2021

9:00 a.m.

Hosted Via Teleconference

I. Call to Order/Roll Call

Meeting called to order by Commissioner Louis Ontiveros at 9:03 a.m.

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

II. Review/Approve Previous Minutes.

The minutes of April 28, 2021 were approved with amendments. All were in favor. The motion carried.

III. Old Business

Commissioner Ontiveros gave a recap of what has been taking place. He stated that we have a few wording issues to go over with AB2358. The commissioners reviewed the Enforcement Actions sections.

One issue addressed was the deadline to file complaints. At the last meeting, there was concern that the 3-year deadline to file complaints (consistent with FEHA) was too long, and the deadline should be 180 days, which is the current deadline for "violations of Equal Opportunity Standards."

The current deadline of 180 days is taken from the CalPlan, which is derived from the old federal apprenticeship regulations. In addition, the old federal regulations adopted that 180-day deadline from the deadline to file complaints with the EEOC under federal antidiscrimination laws in states that do not have their own state antidiscrimination laws (Alabama is one of them). Almost all other states have their own state

antidiscrimination laws, and in those states, the deadline is 300 days to file a complaint with the EEOC.

In recognition that in almost all states, the deadline to file with EEOC is 300 days, the newly updated federal apprenticeship regulations adopt the 300-day deadline.

California law typically prides itself in being more protective than federal law.

Comments and questions from the public.

A motion and a second were made to approve and to make changes to section (b) All such complaints must be filed within 300 days of the alleged violation, and must contain the information described in Section 201. All were in favor. The motion carried.

Discussed the following section regarding deregistration proceedings.

(d) If the Chief has information that a program has failed to comply with the requirements of Labor Code section 3073.9 or any of its implementing regulations, the Chief shall so notify the program in writing by electronic mail or by mail if the program does not have an electronic mail address on file. The notice shall specify the failure and include any supporting information. The program may submit a response no later than 30 days of service of the notice. The Chief shall consider the response, and if he or she deems the response inadequate, may initiate an evaluation in accordance with Labor Code section 3073.1 and/or deregistration proceedings in accordance with Section 212.4.

Ken Lau stated that one thing to be considered under the current regulations, there is no mechanism for the Chief to suspend registrations of new apprentices. For example if there is a program that is not doing so well and deregistration proceedings have been initiated. There is nothing that is preventing the program from registering a new apprentice and that may be seen as a disservice to the apprentice. If for example you sign the person up and several months later there is no program any longer because it has been deregistered. This is something that exists in the federal scheme but it is not in the current California regulations.

Chief Rood suggested deregistration language to be discussed and considered at the next meeting.

Glen stated that AB2358 / Clarify who may file a complaint was addressed at the previous meeting.

After discussion between the commissioners and the apprenticeship community. The committee reviewed AB2358 / Updating Regulations - Self Assessments. There were minimal changes that were adding to #11. No questions or comments were made.

A motion and a second were made to approve the additional language that was added to the self-assessments. All were in favor. The motion carried.

The next item that addressed was AB2358 -Content of Apprenticeship Program Standards.

Glen stated that there was language added to subsection 12, 13 and 14.

Additional language could be added to make this more detailed.

A motion and a second were made. All were in favor. The motion carried.

CalPlan (29CFR30.4) Affirmative Action Plans.

Obviously federal law and state law do have some conflict, specifically with proposition 209 in particular. The CalPlan was a requirement when we were recognized in the 1980s there has been substantial changes with 29CFR30 with the federal regulations. If you actually look at AB2358, the authors are very careful to only include statues that comply with California law and so whatever actions we do, we really need to be looking at how we can further provide guidance on the provisions within 2358. We have to be very careful of the plan where it comes into conflict with state law.

After discussion between the commissioners and the apprenticeship community. A suggestion was made to avoiding any 209 issues by not using affirmative action, instead using words like equal opportunity and nondiscrimination was suggested. All members agreed.

Commissioner Buckhorn stated that he believed the direction of this board was not to review the CalPlan till we had completed our work with 2358 and then we would see if there were any gaps that needed to be addressed. He stated at that time we could see what direction we wanted to go and try to fill those with the regulations around 2358. He stated if possible maybe just remove the CalPlan from the existing regulations if we could cover everything that we wanted to see covered.

Comments were made from the apprenticeship community.

The commissioners and the apprenticeship community reviewed items that needed to be addressed at the next meeting. Glen stated Record keeping, Outreach and Recruitment, Anti-discrimination training.

IV. New Business

None

V. Adjournment

The committee members agreed that the next meeting is Wednesday June 2, 2021 at 9 a.m.

Commissioner Ontiveros adjourned the meeting at 9:58 p.m.