

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP STANDARDS
455 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
Tel: (415) 703-4920
Fax: (415) 703-5477

www.dir.ca.gov



ADDRESS REPLY TO:
Div. of Apprenticeship Standards
P. O. Box 420603
San Francisco, CA 94142-0603

August 22, 2011

Operating Engineers Joint Apprenticeship
Committee for Northern California
Tammy Castillo, Director
14738 Cantova Way
Rancho Murrieta, CA 95683

Re: Apprentice Ratio Exemption Request Pursuant to Labor Code Sec. 1777.5

Dear Mrs. Castillo:

Your request for an exemption from the ratio of one hour of apprentices employment for each five hours of journey level labor performed on Public Works projects, subject to Labor Code Section 1777.5, has been reviewed.

The Operating Engineers' Program request for an exemption was based on a perceived lack of feasibility for an hourly apprentice ratio because the equipment requirement of the occupation is not conducive to employment of apprentices on an hourly ratio basis, especially on the many projects where only one or two pieces of earth moving equipment are being utilized.

Upon request, Labor Code Section 1777.5 authorizes the Division of Apprenticeship Standards (DAS) to order a minimum ratio of not less than one apprentice for each five journeymen where the hourly ratio is not feasible for a particular occupation.

We have reviewed your request and have concluded that the limited number of movable equipment pieces needed to complete the work on some projects and the fact that most equipment requires only one operator creates difficulty in training apprentices on a ratio of one hour of apprentice work to five hours of journey level work. On jobs where there are fewer than five journey level workers it is difficult to assure proper supervision of apprentice work, and use of the hourly ratio may produce situations where an apprentice would be required to work with a particular type of equipment that would not be suitable.

The area of operation for the Operating Engineers Joint Apprenticeship Committee for Northern California includes Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba counties (Northern California).

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Therefore, based on the authority vested in the DAS by Labor Code section 1777.5, the Operating Engineers Joint Apprenticeship Committee for Northern California is granted an exemption from the one to five hourly apprentice ratio for all Operating Engineers classifications on Public Work projects in Northern California, and contractors are required to utilize a minimum ratio of not less than one apprentice for each four journeymen in the Operating Engineers classifications in order to comply with Labor Code section 1777.5. However an employer can and is encouraged to employ an apprentice as the second person on the job whenever possible.

Effective September 1, 2011 and will remain in effect until revoked by the Administration of Apprenticeship.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glen K. Forman".

Glen K. Forman
Acting Chief
Division of Apprenticeship Standards
(415) 703-4939

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

July 29, 2011

Operating Engineers Joint Apprenticeship
Committee for Northern California
Tammy Castillo, Director
14738 Cantova Way
Rancho Murrieta, CA 95683

Dear Mrs. Castillo,

This letter is to inform you that I have received your exemption request, due to processing time for these requests I am extending the current extension until August 31, 2011. The existing exemption will now expire on August 31, 2011 and your new exemption will be effective September 1, 2011.

Please notify your contractors of this change.

Yours truly

A handwritten signature in blue ink, appearing to read "Glen K. Forman", with a long horizontal line extending to the right.

Glen K. Forman
Acting Chief
Division of Apprenticeship Standards
(415) 703-4939

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

May 18, 2011

Operating Engineers Joint Apprenticeship
Committee for Northern California
Tammy Castillo, Director
14738 Cantova Way
Rancho Murrieta, CA 95683

Dear Mrs. Castillo,

This letter is to inform you that I am granting the extension per your request. Your existing exemption will now expire on July 31, 2011.

Please notify your contractors of this change.

Yours truly

A handwritten signature in blue ink, appearing to read "Glen K. Forman", with a long horizontal line extending to the right.

Glen K. Forman
Acting Chief
Division of Apprenticeship Standards
(415) 703-4939



JOINT APPRENTICESHIP COMMITTEE FOR NORTHERN CALIFORNIA

14738 Cantova Way - Sloughhouse, CA 95683 - (916) 354-2029 - FAX (916) 354-1126

May 17, 2011

Glen Forman
Department of Industrial Relations
Division of Apprenticeship Standards
455 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102

RE: Exemption Extension Apprentice To Journeyman Hours Ratio

Dear Mr. Forman,

This office has received your Notice of the 90 day exemption extension dated March 21, 2011 expiring on June 3, 2011. I've shared this letter with Carl Goff, Vice President of Operating Engineers Local 3. It was determined that we will again need additional time in order to notify our Employer Associations of the changes to the Apprentice to Journeyman Hours Ratio.

It is for that reason that I am requesting an additional extension of our current exemption extension set to expire on June 3, 2011 to expire July 31, 2011. This will allow the association's additional time to fully understand the changes and how it will affect their apprentice manning.

If you need any additional information, or if you would like to discuss this matter further, please feel free to contact this office. Thank you for your consideration.

Sincerely,

Tammy Castillo
Director of Apprenticeship

TAC/pm

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ADDRESS REPLY TO:
Div. of Apprenticeship Standards
P. O. Box 420603
San Francisco, CA 94142-0603

March 21, 2011

Operating Engineers Joint Apprenticeship
Committee for Northern California
Tammy Castillo, Director
14738 Cantova Way
Rancho Murrieta, CA 95683

Dear Mrs. Castillo,

This letter is to inform you that I am granting your 90 day extension per your request. Your existing exemption will now expire on June 3, 2011.

Please notify your contractors of this change.

Yours truly

A handwritten signature in blue ink, appearing to read "Glen K. Forman".

Glen K. Forman
Acting Chief
Division of Apprenticeship Standards
(415) 703-4939



JOINT APPRENTICESHIP COMMITTEE FOR NORTHERN CALIFORNIA

14738 Cantova Way - Sloughhouse, CA 95683 - (916) 354-2029 - FAX (916) 354-1126

March 17, 2011

Glen Forman
Department of Industrial Relations
Division of Apprenticeship Standards
455 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102

RE: Revocation of Exemption To Apprentice To Journeyman Hours Ratio

Dear Mr. Forman,

This office has received your Notice of Revocation dated February 2, 2011. I've shared this letter with Carl Goff, Vice President of Operating Engineers Local 3. It was determined that we would need extra time in order to notify our Employer Associations of the changes to the Apprentice to Journeyman Hours Ratio.

It is for that reason that I am requesting a 90 day extension of our current exemption set to expire on March 3, 2011. This will allow the associations time to fully understand the changes and how it will affect their apprentice manning.

If you need any additional information, or if you would like to discuss this matter further, please feel free to contact this office. Thank you for your consideration.

Sincerely,

Tammy Castillo
Director of Apprenticeship

TAC/pm

RECEIVED
DAS RECORDS SECTION
SAN FRANCISCO
11 MAR 21 AM 10:38

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P. O. Box 420603
San Francisco, CA 94142-0603

February 2, 2011

Operating Engineers Joint Apprenticeship
Committee for Northern California
Tammy Castillo, Director
14738 Cantova Way
Rancho Murrieta, CA 95683

Dear Mrs. Castillo,

This letter is to inform you that I am revoking your exemption to apprentice to journeyman hours ratio in Labor Code Section 1777.5 which was approved January 1, 2003 (attached). Your exemption will be revoked effective with projects with a bid date on or after March 3, 2011. I am taking this step because of the amount of time that has passed since the exemption was granted. I believe it is appropriate for the program to reevaluate its request in light of current conditions and training needs. There has also been some confusion concerning the scope of the exemption on public works projects.

If after considering the matter and you wish to reapply for an exemption, please contact me as soon as possible.

Please notify your contractors of this change.

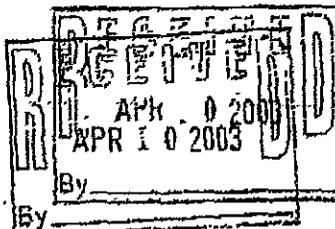
Yours truly

A handwritten signature in blue ink, appearing to read "Glen K. Forman". The signature is written in a cursive style with a long horizontal line extending to the right.

Glen K. Forman
Acting Chief
Division of Apprenticeship Standards
(415) 703-4939

Enc.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP STANDARDS
455 GOLDEN GATE AVENUE, 8TH FLOOR
SAN FRANCISCO, CA 94102
(415) 703-4920



ADDRESS REPLY TO:
P.O. Box 426603
San Francisco, CA 94142

April 3, 2003

Operating Engineers Joint Apprenticeship
Committee for Northern California
Dan Senechal, Director
7388 Murieta Dr.
Rancho Murieta, CA 95683

Re: Apprentice Ratio Exemption Request Pursuant to Labor Code Sec. 1777.5

Dear Mr. Senechal:

Your request for an exemption from the ratio of one hour of apprentices employment for each five hours of journey level labor performed on Public Works projects, relative to Labor Code Section 1777.5, has been reviewed.

The Operating Engineers' Program request for an exemption because of a perceived lack of feasibility for an hourly apprentice ratio is based on two points: 1) Extensive travel, as required in 46 Northern California Counties, will adversely impact an apprentice, especially on short jobs. 2) The equipment requirement of the occupation is not conducive to employment of apprentices on an hourly ratio basis, especially on the many projects where only one or two pieces of earth moving equipment is being utilized.

Upon request, Labor Code Section 1777.5 authorizes the Division of Apprenticeship Standards (DAS) to order a minimum ratio of not less than one apprentice for each five journeymen where the hourly ratio is not feasible for a particular occupation.

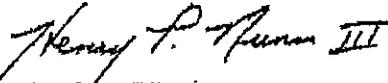
Extensive travel is a condition that the entire construction industry must contend with. Construction work locations and the length of time to complete the project vary considerably. It is an accepted fact that all workers, including apprentices, of the building and construction trades must travel in order to be a part of the industry.

The travel argument is rejected as the basis for an exemption because it applies to an entire broad industry rather than a particular occupation. Accepting this rationale would open the exemption door for any program that requires the apprentices to travel to the job.

However, the limited number of movable equipment pieces on some projects needed to complete the work and the fact that most equipment requires only one operator emphasizes the difficulty encountered in training apprentices on a ratio of one-hour to five.

Therefore, based on the authority vested in the DAS by Labor Code Section 1777.5, the Operating Engineers Joint Apprenticeship Committee for Northern California is granted an exemption from the one to five hourly apprentice ratio on Public Works project and is ordered to utilize a minimum ratio of not less than one apprentice for each five journeymen in the Operating Engineers classifications. This exemption will remain in effect until revoked.

Sincerely,



Henry P. Nunn III
Chief, DAS

Effective Date: January 1, 2003

cc: Deputy Chief
Area Administrators
M. Poindexter, Sr. App. Consultant
V. Aguirre, App. Consultant
E. Nadza, App. Consultant