



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

CALIFORNIA APPRENTICESHIP COUNCIL SECOND QUARTERLY
MEETING MINUTES
Hyatt Regency San Francisco Airport
April 25 - 27, 2012
Revised – July 26, 2012

Wednesday– April 25, 2012 – 8:00 A.M.

**I. CONVENE REGULAR QUARTERLY MEETING TO ORDER IN ORDER
TO RECESS TO CCA GENERAL SESSION**

CAC Chairperson Scott Gordon called the meeting to order at 8:00 a.m.

A. The Pledge of Allegiance was led by Commissioner Jack Buckhorn.

B. Roll Call was taken by Chief Diane Ravnik

The following Commissioners were present: Scott Gordon, Julia Dozier, Paul Von Berg, Yvonne de la Pena, Richard Harris, Pat McGinn, Jack Buckhorn, and DAS Chief Diane Ravnik

A quorum was met.

Members absent: Donna Bechthold, Carl Goff, Kate Leyden, Van Ton-Quinlivan, Neil Struthers, Wayne Lindholm, Aram Hodess, Les DenHerder, Anne Quick, and DIR Director Christine Baker.

C. Announcements

1. Chairperson Scott Gordon announced the beginning of the California Conference on Apprenticeship and encouraged everyone to attend the various workshops that are scheduled for the two day event.

D. Adjournment

Chairperson Scott Gordon adjourned the meeting in order to recess and convene to the Executive Session on Thursday, April 26, 2012, 3:00 P.M. Room Regency A.

Thursday – April 26, 2012 – 3:00 P.M.

I. CONVENE EXECUTIVE SESSION – Regency A

The Council may recess to closed executive session pursuant to Government Code section 11126(q) to discuss litigation to which the Council is or may become a party.

1. Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee v. Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee and the California Apprenticeship Council, San Francisco County Superior Court Case No. CPF 11510995, filed January 12, 2011.
2. Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship committee v. California Apprenticeship Council, United States district Court, Northern District, Case No. A132892, filed July 28, 2011
3. Air Conditioning Trade Association v. Baker, et al., United States District Court, Eastern District, Sacramento Division, Case No. 2:12-15-00061, filed January 18, 2012.

Friday – April 27, 2012 – 9:00 A.M.

I. RECONVENE QUARTERLY CAC MEETING TO ORDER

A. Pledge of Allegiance

B. Roll Call was taken by Chief Dine Ravnik

The following Commissioners were present:

Scott Gordon, Julia Dozier, Paul Von Berg, Carl Goff, Yvonne de la Pena, Richard Harris, Kate Leyden, Pat McGinn, Donna Bechthold, Van Ton-Quinlivan, Neil Struthers, Wayne Lindholm, Aram Hodess, Les DenHerder, Anne Quick, Jack Buckhorn, and DAS Chief Diane Ravnik

Members absent: DIR Director Christine Baker

A quorum was met.

C. Conclusion of the California Conference on Apprenticeship.

1. Chairperson Scott Gordon announced the conclusion of the California Conference on Apprenticeship and gave accolades to Jose Oscar Padilla, Chair of the conference.

Friday – April 27, 2012 – (continued)

2. Mr. Padilla introduced the new CCA committee members as:

Chairperson	Ken Lavign	Sheet Metal JATC San Diego
Co-Chairperson	Scott Lewis	N. CA Carpenters Training Committee
Secretary	Duane Friel	S. CA Surveyors Apprenticeship
Co-Secretary	Paula Resa	N. CA Carpenters Training Committee
Treasurer	Patrick Knighton	San Diego Electrical JATC
Co-Treasurer	Keith Dias	Sheet Metal JATC San Francisco

Trustees:

Don Davis	Los Angeles Electrical JATC
Jose Oscar Padilla	Bay Area Roofers JATC
Randy Gourley	N. CA Carpenters Training Committee
Frank Cuneo	Sheet Metal JATC San Francisco
Lupe Corral	S. CA Roofers JATC
Steve Tuma	N. CA Carpenters Training Committee
David Romero	S. CA Floor covering Apprenticeship

DAS Chief Diane Ravnik swore in the new committee members.

Commissioner Scott Gordon recognized the Hall of Fame recipients in attendance. Mr. Owen Smith and Commissioner Anne Quick were present.

D. Approval of Minutes - January 26, 2012

A motion and a second were made to approve the January 26, 2012 minutes as written. All were in favor. The motion carried.

E. Communications

1. Letter to Senate and Assembly Budget Subcommittees opposing categorical program consolidation as proposed in the governor's budget.
2. Letter from Lucy Wang, Attorney General's Office regarding the California Apprenticeship Council Closed Session at April 26, 2012 Meeting.

II. BUSINESS SESSION

A. Legal Matters – Lucy Wang

1. Ms. Wang, Attorney General’s Office reported in the matter of Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee vs. Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee. This is an Administrative Writ petition filed with the San Francisco Superior Court. This case is currently scheduled for a hearing on Monday, April 30, 2012. She will have a further report at the next CAC meeting in July.
2. Ms. Wang also reported on the Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee vs. California Apprenticeship Council. She reported that this matter is currently in the Court of Appeals. This case is currently in brief.
3. Ms. Wang reported on the matter of the Air Conditioning Trade Association v. Baker, et al., Unites States District Court, Eastern District, Sacramento Division, Case No. 2:12-12-00061, filed January 18, 2012 and stated that there is currently nothing pending. An answer was filed on behalf of the commissioners on April 9, 2012, and a case management conference is scheduled in this matter in late May.

B. CAC Appeal Panel Decisions

1. Appeal from the Decision and Findings on the Application of the Southwest Drywall Finishers Joint Apprenticeship and Training Committee to Establish a Multiple Employer Program for the Occupation of Drywall finisher in Imperial, Inyo, Mono, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, Ventura and San Diego Counties for the Occupation of Drywall Finisher, and the Standards as approved: Motion for recusal Pat McGinn; Motion for recusal, Richard Harris. DAS No. 05161; 2011 – C4.
Chairperson of the three member panel, Commissioner Julia Dozier, gave an overview of the appeal and reported that the panel determined an evidentiary hearing was not needed as there were sufficient materials and information on which to base a recommendation. After review of the administrative record, the Appeal Panel found that there was

Friday – April 27, 2012 – (continued)

insufficient indication of need for a new program and recommends that the CAC overturn the decision of the Administrator of Apprenticeship, and reject approval of Southwest Drywall Finishers Joint Apprenticeship and Training Committee.

Chairperson Scott Gordon asked the Council if there were any of them that would like to recuse themselves before a vote on the appeal. Commissioner Pat McGinn stated there was a motion to recuse himself from the vote on the appeal. Mr. McGinn stated that over three years ago he was the Director of the Training Fund for Southwest, but was reassigned to the Regional Council. He worked for contracts for the administrator's office. The Regional Council covers the states of Nevada, New Mexico, Colorado, Arizona, Southern California, West Texas and Wyoming. He handles grievances in the industrial side of industrial locals and states. He further stated that this program, Drywall Finishers, only covers the 12 Southern California Counties and that there is no financial interest to the duties that he has. Mr. McGinn declined the recusal.

Commissioner Neil Struthers made a motion to uphold the appeal panel's decision to overturn the Chief's decision approving the Southwest Drywall Finishing program. Commissioner Anne Quick seconded the motion.

Comments from Commissioners:

Commissioners Neil Struthers and Pat McGinn gave their opposing and approval comments on the appeal.

Comments from the Public:

Comments from both sides, as well as Alex Beltran, Director of Training for the Painters and Allied Trades, opposing the appeal as well as for the appeal, presented their comments to the Council.

Chairperson Scott Gordon took a verbal vote from the Commissioners and Chief Diane Ravnik. Chief Ravnik noted that ordinarily the Chief is not a voting member, but the Administrator of Apprenticeship is, and Chief Ravnik voted on behalf of Christine Baker who was absent. The vote was 16 ayes and 4 nays. For record Commissioner Paul Von Berg misunderstood the chairmanship's role call instructions on the Carpenters vs. the Painters Drywall Tapers vote. He voted yes and should have voted no...the yes vote won by a wide majority...so it didn't really effect the out come.

Friday – April 27, 2012 – (continued)

The decision of the three member panel in the matter of Southern California Drywall Finishers Joint Apprenticeship Committee vs. Southwest Drywall Finishes Joint Apprenticeship and Training Committee was upheld and the motion carried.

C. Apprentice Complaint Findings / Decisions by the Administrator of Apprenticeship

1. Chief Diane Ravnik reported there was one determination in the matter of Kenneth Bridges vs. Associated Builders Contractors, Inc. Golden Gate Chapter Unilateral Apprenticeship Committee. The decision will be tabled to the next meeting.

D. Automatic Orders of the Council

Chief Diane Ravnik reported there were no new programs.

E. Notice of Appeals to the Council During the Quarter

Chief Diane Ravnik reported there were not appeals filed.

F. DAS Audit Reports – Rachel Freeman, DAS Unit Manager & Senior Consultant for the Fresno District Office gave the following report:

Ms. Freeman reported that the Audit Unit participated in the California Conference on Apprenticeship and presented two workshops.

She further reported that the Audit Unit continues to implement the recent audit changes from SB56 and following California Labor Code 307.1. Her PowerPoint presentation will be attached to these minutes posted on the website.

G. Old Business

1. Chief Ravnik reported no old business at this time.

H. New Business

Public Comment

1. Pat McGinn representing the Southwest Carpenters Training Fund stated that the Chief approved a new program last November, and within the next six months the program indentured 170 apprentices. He asks if the program can continue but that it cannot indenture anymore apprentices.

CAC Chairperson Scott Gordon suggested that DAS legal representatives, Lucy Wang and Fred Lonsdale could best make a determination and will contact Mr. McGinn. Public comments on the matter will be placed on the agenda and addressed at that time.

Friday – April 27, 2012 – (continued)

III. CAC STANDING COMMITTEE REPORTS

- A. Legislation Committee – Report from April 24, 2012 – Chairperson Yvonne de la Pena – for further details the report will be attached to these minutes posted on the website.

Commissioner de la Pena reported before the Council, that since the April 24th meeting there was movement by the Assembly Budget Subcommittee. The Subcommittee met on Wednesday the 25th of April and with a 5 – 0 vote, they rejected the Governor’s budget proposal for flexibility on the Chancellor’s side of the categoricals and further recommended to restore all 21 categorical programs. She further stated that although this is a step in the right direction, there are still more steps to be taken.

Commissioner Ton-Quinlivan gave accolades to Commissioner de la Pena for her leadership and bringing the voice of Labor to testify before the Assembly Subcommittee. Her organization of bringing a Building Trades representative to advocate for the decision of the Subcommittee resulted in a positive result.

- B. Standards, Rules, Regulations & Operating Procedures – Report from April 26, 2012 – Chairperson Pat McGinn – for further details, the report will be attached to these minutes posted on the website.

IV. EDUCATION AGENCIES REPORT

- A. California Department of Education – John Dunn

No report was given.

- B. California Community Colleges Chancellor’s Office – Barry Noonan, Ph.D.

- Commissioner Ton-Quinlivan reported in the absence of Dr. Noonan. Ms. Ton-Quinlivan reported that Dr. Noonan is in the process of improving how the self-help career guidance website for veterans with regards to careers in apprenticeship.
- She further reported that collaboration between DAS Chief Ravnik, the Chancellor’s Office and the Workforce system as well as other agencies to work on judicial planning and strategies with regards to workforce.

V. REPORTS OF ADMINISTRATIVE and COOPERATING AGENCIES

- A. Division of Apprenticeship Standards – Chief’s Report – Chief Diane Ravnik – for more detailed information the report will be an attachment to the CAC minutes on the website.
Commissioner Neil Struthers thanked Chief Ravnik for addressing the issue of the back log of training fund checks.

Friday – April 27, 2012 – (continued)

Commissioner Struthers asked Chief Ravnik regarding the increase in the penalties collected for public works violations. Chief Ravnik responded by attributing the increase to DAS Public Works staff members.

Commissioner Anne Quick asked what DAS is doing in their outreach to the awarding bodies to educate them to submit the PW100. Deputy Chief Glenn Forman responded by stating that the outreach is being done by the Compliance Monitor Unit (CMU). The PW100 can be found on the website. In order to submit information to the form you need to be a registered user.

- B. Office of Apprenticeship (OA) – No report was given.
- C. California Apprenticeship Coordinators Association (CACA) – Jose Oscar Padilla – No report was given.
- D. California Association for the Advancement of Apprenticeship Training (CAAAT) - Christine Hall – for further detailed information the report will be an attachment to the CAC minutes on the website.

VI. ADDITIONAL COMMENTS

Commissioner Jack Buckhorn stated that Saturday, April 28, 2012 is Workers Memorial Day. When OSHA was established in 1970, 38 workers a day died as a result of injuries on the job – today that number is 12 – 20% of the deaths are in the Building Trades and the number one fatality is *falls*. He asked the apprenticeship community to double their efforts to bring the number down to zero.

Chairperson Scott Gordon asked the attendees to continue to send Commissioner Aram Hodess, Chairperson for the Forum Committee, their ideas for topics for the general session of the CAC.

VIII. Adjournment

The meeting was adjourned by Chairperson Scott Gordon at 12:40 P.M.