



ADDRESS REPLY TO:
California Apprenticeship Council
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CALIFORNIA APPRENTICESHIP COUNCIL THIRD QUARTERLY MEETING
MINUTES
Sheraton Park Hotel - Anaheim
July 26, 2012

THURSDAY – July 26, 2012

I. CONVENE REGULAR QUARTERLY MEETING TO ORDER IN ORDER TO RECESS TO EXECUTIVE SESSION

- A. Roll Call
Members Present: Scott Gordon, Julia Dozier, Paul Von Berg, Carl Goff, Yvonne de la Pena, Richard Harris, Pat McGinn Donna Bechthold, Van Ton-Quinlivan, Neil Struthers, Wayne Lindholm, Anne Quick, Jack Buckhorn, and DAS Chief Diane Ravnik.
Members absent: Aram Hodess and Les DenHerder.
- B. Pledge of Allegiance was led by CAC Chairperson Scott Gordon.
- C. Announcements
Renee Bacchini, Special Assistant to Christine Baker, reported that Ms. Baker was unable to attend the meeting. Ms. Bacchini reported on the Third Quarter 2012 newsletter and the changes of the ECU and Public Works Units movement to DLSE. Eric Rood, Assistant Chief of DLSE will be the guest speaker for today's Forum. She further stated that the department would provide a fact sheet in the near future for any questions and concerns regarding the move and its impact on the apprenticeship community.
- D. Approval of previous minutes for April 27, 2012.
A motion and a second were made to approve the April 27, 2012 minutes with the suggested changes made by Commissioner Paul Von Berg.
- E. Communications
1. Letter from Lucy Wang, Office of the Attorney General, recommending the California Apprenticeship Council hold a closed session at its July 26, 2012 meeting.
 2. E-Mail from Kate Leyden announcing the end of her appointed position as a Commissioner of California Apprenticeship Council.

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3. Governor Edmund G. Brown Jr. announces the appointment of Barbara Blake to the California Apprenticeship Council.

II. EXECUTIVE SESSION –

Lucy Wang, Attorney General's Office announced that an Executive Session would not be held.

III. BUSINESS SESSION

A. *Legal Matters -*

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.

Lucy Wang, Attorney General's Office reported that there was a hearing in May 2012 and the courts have 90 days to come back with a decision and the judge based the date on the time where the parties submitted proposed statements to the decision to the court. It is anticipated to have a decision no later than August 20, 2012.

2. Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee v. California Apprenticeship Council, Court of Appeal of the State of California, First Appellate District, Case No. A132892, filed July 28, 2011

Ms. Wang reported that the parties finished their briefing. There is going to be a hearing in the fall. A decision is not anticipated until the early part of next year.

3. Air Condition Trade Association v. Baker, et al., United States District Court, Eastern District, Sacramento Division, Case No. 2:12-15-00061, filed January 18, 2012.

Fred Lonsdale, legal counsel for the Office of the Director reported that the Chief of DAS and the Director of DIR were sued and the CAC Commissioners were sued individually. A motion was made by the State Building Trades at a recent hearing and the court has taken this under submission. It is anticipated that the court would grant their motion to intervene. The parties have discussed a schedule and it is expected for the case to be decided without a trial. A decision is anticipated by March or April of 2013.

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- B. CAC Appeal Panel Decisions
Chief Diane Ravnik reported no appeal panel decisions at this time.
- C. Apprenticeship Complaint Findings / Decisions by the Administrator of Apprenticeship
1. Kenneth Bridges vs. Associated Builders Contractors, Inc. Golden Gate Chapter Unilateral Apprenticeship Committee; Case No. 11-0058APP
 2. Jose Luis Garcia v. Landscape & Irrigation Fitters of Southern California J.J.A.T.C.; Case No. 11-0248-APP
 3. Nils J. Moberg v. San Mateo County JAC: Case No11-0175-APP
 4. Michael Wellman v. Northern California Valley Sheet Metal Industry Joint Apprenticeship Training Committee; Case No. 2012-2
 5. John T. Andress v. Southern California Elevator Construction JA&TC; Case No. 2011-10
- D. Automatic Orders of the Council
Chief Diane Ravnik announced the approval of the following new apprenticeship programs:
1. City Barbering & Cosmetology Apprenticeship Committee
 2. Nor-Cal Cosmetology/Barbering Apprenticeship Program UAC
- E. Notice of Appeals During the Quarter
1. Nils J. Moberg v. San Mateo County JATC
CAC Chairperson Scott Gordon announced the appointment of the 3-member panel for this appeal to be the following commissioners:
Julia Dozier – Chair
Neil Struthers – Employee Representative
Paul Von Berg – Employer Representative
- F. DAS Audit Reports – Alma Venable
A brief summary is provided in the Chief’s Report.
- G. Old Business
1. Status of indentured apprentices of the Southwest Drywall Finishers Joint Apprenticeship and Training Committee.
Chief Diane Ravnik reported that the division was in contact with the former committee within the 30 days of the council’s decision,

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and the apprentices were taken off the DAS administrative roles. There are no longer any apprentices with that committee. Various programs were attempting to place them in other trades.

H. Chief's Report

Chief Diane Ravnik presented her report. The report will be posted on the website as an attachment to these minutes.

She asked Sr. consultant Karen Belcher to present her Public Works section of the Chief's Report in a slide show format to CAC attendees.

I. New Business

1. Possible Regulations – Nothing to report at this time.

IV. FORUM – “Program Changes at DAS: The Transfer of ECU and Public Works Enforcement from DAS to DLSE”.

Speaker: Eric Rood, Assistant Chief; DLSE

Chief Ravnik introduced Eric Rood, Assistant Chief of DLSE, Forum speaker, who will now be the overall responsible person for the apprenticeship component of public works enforcement in DLSE.

Mr. Rood started his presentation with an overview of the changes that have taken place within DLSE, that AB 436 (which established the “CMU”) requires the State Labor Commissioner’s office to monitor projects that contain State construction bond funding. He noted that SB 1038, effective July 1, 2012 shifts authority from DAS to the Labor Commissioner’s office for enforcement ensuring the minimum ratios of apprentices on public works jobs are met and for all other provisions of 1777.5. With the added apprenticeship responsibilities, the changes will allow DLSE to have a total view of the enforcement arena including all prevailing wages and apprenticeship requirements. He noted that in the last year DLSE has received over 1400 complaints in the prevailing wage area and issued over 389 civil penalty assessments over the fiscal year. Mr. Rood also stated that the department takes care of debarments as well as criminal cases within the Labor Commissioners’ office.

Mr. Rood gave accolades to DAS Chief Diane Ravnik, Deputy Chief Glen Forman, Area Administrator Pacia Parker, and Sr. Consultant Karen Belcher for their expertise in establishing best practices on public works matters. In the short term, regarding complaints on apprenticeship issues, on a day to day basis, the department anticipates making many changes. for instance he noted DLSE has set up a central complaints section which will be overseen by Susan Nakagama.

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SB1038 also called for the Electrician Certification Unit (ECU) to move to DLSE and Labor Code §3099 – 3099.5 has been renumbered and placed under the Division of Labor Standards Enforcement and is now in §108 – 108.5. The only difference in the administration of the ECU is that statutory authority has shifted from DAS to DLSE. Mr. Rood gave accolades to DAS Senior Apprenticeship Consultant Luisa Martinez and her staff for their high level of excellence. The staff and contact information will remain the same. He anticipates the ECU unit transferring to the Oakland state building sometime in late October of this year.

Mr. Rood further reported that CSLB remains the enforcement agency for violations of contractors who use non certified electricians. DLSE will be making revisions to the Memorandum of Understanding with CSLB due to recent statutory changes.

Questions from the Public:

Ed De Brito, Southern California Cement Masons asked for clarifications on the number of contractors who commit a felony are actually penalized. Mr. Rood explained that is the District Attorney's Office administers the penalties.

James Reed, Executive Director Center for Contract Compliance stated that the center has filed 96 complaints with DAS this year. He further stated that in previous years the center has received little response from DAS and that since the appointment of Diane Ravnik as Chief of DAS the center found her to turn things around and listen to their issues. The center has turned in approximately 1 complaint every other day and has had a return response of 90%. It is his hope that the services received from DAS will continue after the transition period has been established.

Alex Beltran, District Council 16 International Union of Painters and Allied Trades, asked if, as a result of the changes to DLSE, would funding be taken away from DAS and will it affect the training fund grants to apprenticeship programs. Mr. Rood stated that no funding will be transferred from DAS to DLSE through SB1038. Currently DLSE is funded by the Labor Enforcement Concentration Fund (LECF). Mr. Beltran asked where the monies for the penalties go. Mr. Rood stated that the monies collected from penalties go into the general fund.

Darrell Lawrence, California Apprenticeship Coordinators Association asked for clarification on the number of staff members in DLSE performing public works compliance, below the supervisory level. Mr. Rood stated that DLSE anticipates having a total of approximately 55 – 60 staff members to take care of all aspects of the public works project. Thirty of which will be concentrated in the Compliance Monitoring Unit with 5 coming from DAS.

Carrie Bushman, Cook Brown, LLP, asked if apprenticeship enforcement will be handled separately from prevailing wage enforcement. Mr. Rood stated

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that DLSE will be looking at all aspects of the complaint and will take a total enforcement view to ensure to address the issues on the apprenticeship portion. He further stated that in the short term DLSE will rely on the expertise of the DAS staff and will have staff that is solely dedicated to apprenticeship issues.

Alex Lopez, District Council 36 Painters & Allied Trades Union, asked if there is something that could be done about general contractors to comply with guidelines. Mr. Rood stated that the Labor code 1777.7 § (d) requires that the general contractor to ensure that the subcontractor is complying with the apprenticeship standards. There are provisions built into the statute where they can also be held liable for penalties. Mr. Rood further stated that in order for DLSE to be in the realm of debarments with respect to the general contractor, statutes would have to be changed.

Frank Cuneo, Bay Area Sheet Metal Workers requested that DLSE to continue reports to the CAC as previously done by DAS. Mr. Rood said DLSE would be glad to do so.

Anne Quick, ABC Golden Gate Chapter commented on the posting of apprentice wages as it relates to the non-signatory contractors that are bound to what is posted. She also asked what involvement DLSE will have in regards to the Electrician Certification Curriculum Committee and the notification to the colleges that were approved partially. Mr. Rood noted that he will ensure that he receives contact information to send meeting notices for the ECCC.

Neil Struthers, CAC Commissioner asked for clarification on the number of deputies that DLSE has that enforce the labor code. Mr. Rood stated that within public works, there are approximately 25 investigators plus five from DAS. Commissioner Struthers also asked that given the amount of staff to take care of public works issues, what the time line is, for the apprenticeship community and the CAC, in achieving a dollar amount of \$800,000.00 or more. Mr. Rood stated that the expectation is to meet the current levels set by DAS.

Scott Kronland, Altshuler Berzon, LLP asked about the transition of the DAS Public Works unit to DLSE with regards to the Compliance Monitoring Unit (CMU). Mr. Rood stated that the CMU will be monitoring public works projects as the job progresses. As a component within CMU, DLSE staff will also enforce apprenticeship minimum ratio requirements.

Scott Gordon, CAC Chairperson gave accolades to Karen Belcher for setting high standards to enforcement and Chief Diane Ravnik for their commitment to enforcing high standards in the enforcement of apprenticeship responsibilities on public works.

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V. CAC STANDING COMMITTEE REPORTS

- A. CCA/ CAC Committee – Report from July 25, 2012 – Chairperson Jack Buckhorn - Commissioner Buckhorn gave a brief overview of the Shelley Maloney Act and its 75th anniversary which will be in 2014. Mr. Buckhorn reported that the CCA will collaborate to join the two events. For further details the report will be posted on the website.
- B. Equal Opportunity in Apprenticeship – Report from July 25, 2012 – Chairperson Anne Quick – Commissioner Quick reported that the committee presented a guest speaker, Frank Boecker, human resources representative for Bergelectric, Inc. whose passion is recruiting and educating veterans on the opportunities in apprenticeship. For further details the report will be posted on the website.
- C. Legislation Committee – Report from July 25, 2012 – Chairperson Yvonne de la Pena - Commissioner de la Pena reported that the committee will be following AB 2677 on prevailing wages and SB 275 on CTE funding. For further details on the report see attachment to these minutes.
- D. Public Relations & Publicity – Report from July 25, 2012 – Chairperson Paul Von Berg – Commissioner Von Berg reported on the Third Quarter 2012 DAS newsletter. He asked for suggestions from the attendees on creating a list for distribution on the newsletter, e.g. Trade Associations. For further details on the report see attachment to these minutes.
- E. Related Supplemental Instruction – Report from July 25, 2012 – Chairperson Julia Dozier – Commissioner Dozier reported that an update report on categorical funding status for RSI was given by John Dunn, California Department of Education and Dr. Barry Noonan, California Community Colleges. For further details on the report see attachment to these minutes.
- F. Standards, Rules, Regulations & Operating Procedures Committee- Report from July 25, 2012 – Chairperson Pat McGinn – Commissioner McGinn reported that the committee is in the process of amending the rules and regulations to conform to SB 56. For further details the report will be posted on the website.

VI. EDUCATION AGENCIES REPORT

- A. California Department of Education - John Dunn
 - Mr. Dunn reported that as a result of the efforts of the apprenticeship community the K-12 remained whole and is not under flexibility at this

time. The funding for the CDE is the same for this current fiscal cycle. Allocation letters are anticipated to be sent soon.

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- SB275 (Hancock) The bill would authorize the local educational agencies that operate career technical education programs to form into regions for purposes of entering into agreements to share in the cost of developing and maintaining a career technical education program using funding appropriated for regional occupational centers and programs, specialized secondary programs, partnership academies, and agricultural career technical education programs, as specified. The bill would require that funds subject to these agreements be expended only to ensure the development and maintenance of high quality career technical education programs. The bill would specify that absent an agreement, funds appropriated for specialized secondary programs, partnership academies, and agricultural career technical education programs are expended only for the purposes for which they were appropriated.
- He further reported on the Apprenticeship Sponsor Annual Review form stating that he has asked the LEAs to get information from their specific programs. Mr. Dunn asked the apprenticeship community to contact him for any changes to the form that would better fit their needs. (See attached)
- Regarding the Electrician Certification Curriculum Committee, the ECCC has moved to DLSE and Mr. Dunn has set up a meeting with Dr. Barry Noonan, California Community Colleges and Luisa Martinez, DAS Sr. Consultant to discuss when to schedule the next meeting. He also asked the apprenticeship community to contact him for any questions regarding the ECCC.
- Mr. Dunn thanked the attendees for their help with his outreach efforts to bring the California Department of Education and the apprenticeship community together.

For any information or questions regarding Mr. Dunn's report you may contact him at jdunn@cde.ca.gov or (916) 319-0460.

B. California Community Colleges - Van Ton-Quinlivan

Commissioner Ton-Quinlivan reported that she will be attending the National Advisory Committee on Apprenticeship (ACA) in Washington D. C. She expressed the significance of being sent by U. S. Secretary of Labor Hilda Solis, as there are now two voices from California on the committee. Some of the areas that the committee is interested in looking at are, how to get people ready for pre-apprenticeship programs, career pathways, collaborations with community colleges and the workforce systems, especially with college credits and credentials. She anticipates bringing more information on topics that could benefit the apprenticeship community.

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Ms. Ton-Quinlivan shared that the California Community Colleges has been in dialogue with the U.S. District Attorney. She found that the agency has a lot of capital available and is trying to bring it into the rural areas of California. She stated that if the focus on jobs and the economy and doing what matters for jobs and the economy, specifically in the rural area, they are not necessarily job creation engines without entrepreneurship. She further stated that the back bone of entrepreneurship is capital, and that it is very difficult to find. Today there about 20 different vehicles for people to get access to capital. In many rural areas, rural is the restriction of the limitations where the U. S. District Attorney can operate. In these rural areas the only institution in town are the community colleges. The committee is putting together a Memorandum of Understanding that will combine their training with the capital that U.S. District Attorney can bring forward and see if more small businesses in the rural communities can be reached.

Commissioner Ton-Quinlivan thanked Commissioners Yvonne de la Pena and Jack Buckhorn for their pro-activeness in reaching out to the trustees of colleges with regards to the flex of apprenticeship monies.

Should the fall ballot initiative not pass, each community college is expected to incur an estimated 7.5% budget cut. She asked the attendees to continue their efforts in speaking to the community colleges about the importance of apprenticeships training that deliver skills for the businesses of California.

VII. REPORT OF ADMINISTRATIVE and COOPERATING AGENCIES

- A. Office of Apprenticeship (OA) – No report was given.
- B. California Apprenticeship Coordinators Association (CACA) – Darell Lawrence - for further details see attached report.
- C. California Association for the Advancement of Apprenticeship Training (CAAAT) – Christine Hall - for further details see attached report.
- D. W.I.N.T.E.R. (Women In Non Traditional Employment Roles) – Bertha Campos – Ms. Campos made a brief report on the work of W.I.N.T.E.R. For further details see attached report.

IX. ADJOURNMENT

A motion and a second were made to adjourn the meeting. All were in favor. The meeting adjourned at 12:15 p.m.