



ADDRESS REPLY TO:  
California Apprenticeship Council  
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CALIFORNIA APPRENTICESHIP COUNCIL FOURTH QUARTERLY MEETING  
MINUTES  
Holiday Inn on the Bay – San Diego  
October 25, 2012

**THURSDAY – October 25, 2012**

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

- A. Adjourn to Executive Session  
CAC Chairperson Scott Gordon announced that the meeting would recess to an Executive Session.

**Thursday– October 25, 2012 (Convene Executive Session)**

**II. EXECUTIVE SESSION – Executive Boardroom**

The Council recessed to a closed executive session pursuant to Government Code §11123(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 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, 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.

**Thursday, October 25, 2012 (continued)**

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.

**III. RECONVENE QUARTERLY CAC MEETING**

- A. Pledge of Allegiance was led by CAC Chairperson Scott Gordon.
- B. Roll Call

The following Commissioners were present:

Scott Gordon, Julia Dozier, Barbara Blake, Paul Von Berg, Yvonne de la Pena, Richard Harris, Pat McGinn Donna Bechthold, Van Ton-Quinlivan, Neil Struthers, Aram Hodess, Anne Quick, and Diane Ravnik.

Members absent:

Wayne Lindholm, Les DenHerder, and Christine Baker

- C. Announcements

1. Renee Bacchini, Special Assistant to Christine Baker, reported that Ms. Baker was unable to attend the meeting and Ms. Baker sends her accolades to the apprenticeship community and the full Apprenticeship Council for their continued support of apprenticeship. CAC Chairperson Scott Gordon congratulated Ms. Bacchini on her continued efforts of presenting a wonderful and informative newsletter. Ms. Bacchini asked the attendees to send her an e-mail if they would like to submit an article in the next newsletter. The working group is looking for anyone who would like to contribute any artwork for the cover of the next or future newsletters. She recognized Commissioner Gordon for his contribution of art work for the current newsletter cover.
2. Commissioner Gordon introduced the newly appointed CAC Commissioner, Barbara Blake. He gave a brief overview of Ms. Blake's involvement with the health care community. Ms. Blake is the current UNAC/UHCP State Secretary/Treasurer. DAS Chief Diane Ravnik gave the Oath of Office to Barbara Blake, the newly appointed Commissioner on California Apprenticeship Council.
3. Governor Brown's announcement of new California Workforce Investment Board members. DAS Chief Diane Ravnik reported that she was appointed by Governor Brown as a new member of the California Workforce Investment Board and that the importance of the appointment was in recognition of apprenticeship and the role it plays in the State's Workforce Development policy.
4. Chairperson Scott Gordon announced Commissioners Les DenHerder, Carl Goff, and Julia Dozier as the committee that will appoint the CAC Chairperson for 2013.

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D. Communications

1. Letter from Lucy Wang, Office of the Attorney General, recommending the California Apprenticeship Council hold a closed session at its October 25, 2012 meeting.

**II. 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 a writ of mandate was filed in this case, challenging the council's December 2010 decision to deny the appeal. On July 24, 2012 the San Francisco trial court granted the writ of petition, meaning that the council's December 2010 decision is no longer good. An appeal has been filed by the Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee on that decision. That appeal is pending.

She further raised two issues before the council:

- A request for a recommendation that the council meet and take a vote to set aside the December 2010 decision.

Public Comment:

Carrie Bushman, attorney for PHCC. Ms. Bushman commented that she felt that it is not appropriate for the council to take any action at this time, because the filing of the appeal automatically stayed the superior court writ proceedings, and believes the council cannot take any action today.

Jack Davis, representing the California Trades Pipe Trades Joint Apprenticeship Committee but not the petitioner. He further stated that he felt that the council could vote at this time and rescind the CAC decision. He further stated that the December 2010 decision should be vacated.

Ms. Bushman reminded the council, that when previously in the case when the Kern JATC filed an appeal of the writ decision they received in their favor, she had to go in ex parte to have a stay that is automatically put in place when an appeal is filed lifted to have the council take action. She further stated that if the council took action today they would be in violation of the stay and she would have to go on behalf of PHCC and take action and have it overturned.

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A motion and a second to recommend that the council set aside the December 2010 decision was made. All were in favor. The motion carried.

- The second issue before the council is whether or not the council would like to file an appeal of the July 24, 2012 decision.

Commissioner Neil Struthers made a motion that the council not file an appeal on the July 24, 2012 decision. A second was made. All were in favor. The motion carried.

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 case has no legal change from the previous session. All the briefs that have been submitted in this matter the attorney general's office is waiting for a date for oral argument in the court of appeal.

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

Ms. Wang reported that the only change that has occurred since the last meeting is that the Federal judge in this action has set an August 2013 trial date.

**B. CAC Appeal Panel Decisions**

1. Nils J. Moberg v. San Mateo County JAC: Case No. 11-0175-APP; CAC 2012 – C1. Three Member Panel Chairperson Julia Dozier gave a brief overview of the case and recommended the full council overturn the decision of the Administrator of Apprenticeship and uphold the termination. Commissioner Dozier made a motion recommending the full council overturn the decision of the Administrator of Apprenticeship and uphold the termination. Commissioner Struthers seconded the motion. All were in favor. The motion carried.
2. Robert J. Potter v. Santa Barbara County Pipe Trades JAC, Case No. 11-0247-APP; CAC 2012 – C2. Three Member Panel Chairperson Julia Dozier gave a brief overview of the case. For the record - On behalf of Robert J. Potter, DAS Chief Diane Ravnik read a letter that was submitted by Mr. Potter dated October 25, 2012.

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Commissioner Dozier made a motion and recommended to the full council to overturn the July 31, 2012 decision of the Administrator of Apprenticeship and the termination Robert Potter of the Santa Barbara County Pipe Trades JAC should be upheld. Commissioner Jack Buckhorn seconded the motion. All were in favor. The motion carried.

- C. Apprenticeship Complaint Findings / Decisions by the Administrator of Apprenticeship  
DAS Chief Ravnik reported there were no complaint findings or decisions by the Administrator of Apprenticeship.
- D. Automatic Orders of the Council
1. DAS Chief Ravnik reported there were no automatic orders of the council.
- E. Notice of Appeals During the Quarter
- Robert J. Potter v. Santa Barbara County Pipe Trades JAC, Case No. 11-0247-APP; CAC – C2.
- F. Chief's Report -  
Chief Ravnik gave the following report:
- Chief Ravnik gave recognition to DAS consultants on their apprenticeship outreach efforts to veterans. Through these efforts the apprenticeship community has graduated 6,200 new journeymen and women apprentices in 2012. Among the graduates this year there have been 470 Veterans. Veterans continue to remain a priority for both DAS and the CAC. There are currently 3,686 registered veterans with DAS. Chief Ravnik recognized Sr. Consultant Don Merrill for his continued representation in working with the State's Interagency Council on Veterans, which is an effort to bring together all the various resources offered to Veterans within the different State departments and agencies.
  - The San Francisco DAS headquarters offices will be moving from the 10<sup>th</sup> floor to the 9<sup>th</sup> floor on Friday, November 2<sup>nd</sup>. The phone and computer systems will be back and operational on Monday, November 5<sup>th</sup>. The Apprenticeship Training Fund check processing generated 6,865 checks. Training Fund Grant applications for 2012 have been processed and request to disburse funds have been submitted. If you have not received your check by December 31, 2012 please contact Glen Forman. Report of this year's grants is attached to the back of the Chief's Report.

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- Federal training monies flow into California and the CWIB (California Workforce Investment Board) is a recipient. The DAS is developing a good working relationship with both CWIB and the ETP (Employment Training Panel) and Peter Cooper, Assistant Director of ETP will be making a presentation later in today's meeting.
- Chief Ravnik has been participating in an informal working group involving the leadership of the ETP, CWIB, community colleges, Department of Education, and representatives of the State's Labor & Workforce Development agency. Discussions revolve around the recognition and acknowledgement of the contributions that apprenticeship programs have made and continue to make in the future as part of an overall State policy. During these meetings a White Paper was developed on apprenticeship which will be referenced later in Mr. Cooper's report. The white paper was submitted to the Public Relations and Publicity committee.
- Chief Ravnik also recognized the DAS San Francisco District offices in their continued efforts in building relationships with local and regional WIBs. This collaborative effort is a result of the passage of AB 554, which requires the State and local WIBs to ensure programs and services funded by the Workforce Investment Act of 1998 and are directed to apprenticeable occupations including pre-apprenticeship training, apprenticeship training and continuing education in apprenticeable occupations through DAS approved programs. On September 28<sup>th</sup> of this year a meeting was held in Los Angeles to create a model for this collaboration between local and regional WIBs and apprenticeship programs to implement AB 554. Local WIBs should, in their individual plans be incorporating their efforts to comply with AB 554 by submitting those plans by April 1<sup>st</sup> to the State WIB. In addition, the State WIB board is ensuring that local WIBs automatically place DAS approved apprenticeship programs on each of the WIBs eligible training provider list.
- Ms. Ravnik noted that she had the pleasure of attending the "Commissioning of Renewables" ceremony sponsored by IBEW 595 and NECA who are collaborating in building "Zero Net Energy", a new apprenticeship training center. Completion is targeted for March or April of next year.
- She concluded her report with stating that the audit unit will present 12 audits in today's report. Deputy Chief Glen Forman will give a more detailed report further on the agenda.

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G. DAS Audit Report

Deputy Chief Glen Forman reported on the programs that were audited during this quarter. The full report is attached to these minutes on the website in pdf form.

H. Old Business

Comments from the Public

- WIBs - Commissioner Jack Buckhorn asked if the implementation under AB 554 has taken place. AB 554 states that the local WIBs' place apprenticeship programs on the WIBs eligible training provider list. Chief Ravnik responded that the first Statewide WIB meeting will be on October 30<sup>th</sup> & 31<sup>st</sup>, but administratively, Tim Rainey will be communicating this to all of the WIBs. Chief Ravnik anticipates bringing more information to the next CAC meeting. Commissioner Anne Quick encouraged those that work with their local WIBs to check with them, because they do not necessarily know how to find the programs. Several more comments were made on their experiences in working with local WIBs.
- Photovoltaic 212 Comments – Questions were raised on the timing and opportunity to make comments on the recent Photovoltaic programs that were submitted to DAS. Chief Ravnik stated that the letters received were sent to the programs that sent in requests for Photovoltaic programs and asked them for additional requirements that are now imposed by SB 56 regarding the approval of new apprenticeship programs in the building and construction trades. She further stated that there would be no change to the programs ability to comment pursuant to Section 212. Further comments were made asking DAS to reconsider approving a Unilateral Apprenticeship program for Photovoltaic Installer category. It was suggested to appoint a Blue Ribbon committee to study the issue of how Photovoltaic apprenticeship training should be organized. Deputy Chief Glen Forman gave a brief overview of the public hearing that was held to discuss the standards that was submitted by Renewable Power Solutions. He further stated that he made a determination that it be a multi craft provision.

I. New Business

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

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### III. FORUM – Employment of Returning Veterans – Mike Hazard

Commissioner Aram Hodess introduced Mr. Hazard as a third generation member of the United Association Plumbers and Pipefitters and will be discussing the employment and returning Veterans to the United Association “Veterans In Piping Program” (VIP). Mr. Hodess gave a brief background of Mr. Hazard’s work history in apprenticeship and armed forces history and how he combined these two aspects to create the VIP (Veterans In Piping).

Mr. Hazard expressed the importance of everyone doing as much as they can to employ active military that are transitioning out of service and for veterans that have already served. He gave an overview of the United Association Plumbers and Pipefitters and the Veterans In Piping program. He presented a video on the program which also included some news clips of what VIP is doing at Camp Pendleton. The entire presentation generated numerous positive comments that were shared by other apprenticeship programs.

### IV. CAC STANDING COMMITTEE REPORTS

- A. CCA/ CAC Committee – Report from October 24 2012 – Chairperson Ken Lavigne – Mr. Lavigne reported the committee discusses looking into other types of activities such as a boat cruise on the bay. At the next meeting the committee will begin putting together a committee to begin the process of soliciting vendors for the 2014 event.
- B. Equal Opportunity in Apprenticeship – Report from October 24, 2012 – Chairperson Anne Quick – Commissioner Quick reported that the committee presented guest speakers, Linda Young and Jack Parthanum that gave a presentation video on the Construction Tech Academy based in San Diego. The Construction Tech Academy is made up of high school girls. Various trades come together to teach the girls about career opportunities available to them in the construction industry. Commissioner Quick encouraged the attendees to share best practices. She asked for recommendations for future presentations and to send her a contact person. Ms. Quick can be reached at [aquick@abc-ggc.org](mailto:aquick@abc-ggc.org).
- C. Legislation Committee – The committee did not meet this quarter.
- D. Public Relations & Publicity – Report from October 24, 2012 – Chairperson Paul Von Berg – Commissioner Von Berg asked the attendees to contact him if they would like to submit an article on their program into the newsletter. You can contact him at [vonberg@brutoco.net](mailto:vonberg@brutoco.net) . Mr. Von Berg introduced Mr. Peter Cooper, Employment Training Panel (ETP) to report on a draft White Paper on Apprenticeship in California that he was part of putting together. Mr. Cooper reported that the white paper was

brought about by being asked by the Labor agency to put together a working group on apprenticeship and look at the possibilities for a policy

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promoting apprenticeship. He collaborated with DAS, the Labor Agency, community colleges, the Department of Education and the State WIB. Commissioner Von Berg reported that the committee voted to bring the white paper to the full council for endorsement, pending the completion at the next meeting in January. Commissioner Julia Dozier made a motion to endorse the white paper, pending the completion at the next meeting in January. A second was made. All were in favor. The motion carried.

- E. Occupational Safety & Health – Report from October 24, 2012 – Chairperson Richard Harris – Commissioner Harris reported that he introduced the newly appointed Commissioner Barbara Blake and guest speaker Adrian Esparza. Commissioner Harris reported that Mr. Esparza gave his presentation on making the freeways a safer workplace. As a result of the nature of the presentation the committee will now meet quarterly.
- F. Related Supplemental Instruction – The committee did not meet this quarter.
- G. Standards, Rules, Regulations & Operating Procedures Committee- Report from October 24, 2012 – Chairperson Pat McGinn – Commissioner McGinn reported that the committee continued amending the Rule Making for SB 56 and anticipates its completion at the next meeting in January. For further details the minutes will be posted on the website.
- H. Report on Nominating Committee – Commissioner Julia Dozier reported the nominating committee met and recommend that Commissioner Paul Von Berg to be selected as the 2013 CAC Chairperson. A motion and a second were made to select Commissioner Paul Von Berg as the 2013 CAC Chairperson. All were in favor. The motion carried.

**V. EDUCATION AGENCIES REPORT**

- A. California Community Colleges - Van Ton-Quinlivan  
Commissioner Ton-Quinlivan acknowledged that the community colleges are looking forward to working with Chief Ravnik on the California Workforce Investment Board. She further reported that five of the community colleges most active with RSI discussed the need for skilled worker in our State and in our regions and doing matters for jobs of the economy. As a result of the meeting, the California WIB would like to invite the conversation with the apprenticeship community as well as with their sister colleges that have RSI Funds, and look at ways to create additional opportunities and options to the trades to access training and skills. Ms. Ton-Quinlivan introduced Cris McCullough, Associate Vice President Workforce & Economic Development. Ms. McCullough reported that the meeting generated discussion on prior learning assessment and how to give college credit to people who have gone

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through apprenticeship programs that are affiliated with the colleges. One of the difficulties faced is finding instructors because many do not have an Associate Degree. Overall the committee is trying to find compatible shared curriculum and find ways to support the apprenticeship community. Commissioner Ton-Quinlivan encouraged the Commissioners and attendees to contact her or Ms. McCullough with any suggestions.

**B. California Department of Education - John Dunn**

Mr. Dunn reported that the survey results are in and the department has added new LEAs. The department anticipates the funding gap will appear underfunded so the department can ask the legislature to put some of the monies back in.

He further reported on the annual review document that would give the department more information on the apprenticeship community. He stated that it is helpful when there are new LEA representatives.

Mr. Dunn expressed enthusiasm on the K-12 perspective of the draft white paper on Apprenticeship in California about increasing apprenticeship and the public's awareness and respect of apprenticeship. This will allow the department a distinctive pathway for the students in postsecondary education. He continued his report speaking about the Perkins Maintenance of Effort as RSI monies towards Federal funding which could help protect the way the student formula comes back in the spring. Mr. Dunn will report at the next meeting if this will work. He further stated that if Prop 30 passes, it would take off some of the pressure of attack on the RSI monies.

He concluded his report by stating that he is on the AGC Educational Foundation Board as an education representative to connect their student chapters in the K-12 system. He will be speaking with all the CSUs on apprenticeship.

**VI. REPORT OF ADMINISTRATIVE and COOPERATING AGENCIES**

**A. Office of Apprenticeship (OA) – Arthur Page**

Detailed report is an attachment to these minutes posted on the website.

**B. DLSE – Public Works Unit – Lorna Espiritu**

Ms. Espiritu gave an overview of the transfer of the Public Works and Electrician Certification Units to DLSE and the following report. DLSE (Department of Labor Statistics and Research) is now called Office of Policy, Research and Legislation. DLSE is the only agency within DIR that has been tasked with the Public Works enforcement and issues penalty assessments to contractors who violate the California public works law as well as other Labor Code violations. DLSE will also issue civil penalty assessments against contractors in violation of apprenticeship laws. New apprenticeship complaint

forms have been posted on the website for anyone wishing to file a complaint against a contractor on a public works projects. The website also has a link on

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how to file a public works complaint. She also reported that the department has historically enforced maximum ratio issues on apprentices and is now going to issue minimum ratio requirements on public works projects.

She recognized Karen Belcher for her expertise regarding apprentice complaints and thanked her for conducting recent training session for DLSE supervisory Public Works staff.

She concluded her report stating that DIR and CSLB are in the process of revising the MOU regarding enforcement issues allowing CSLB to take action against C-10 contractor using uncertified electricians.

#### C. Employment Training Panel – Peter Cooper

Mr. Cooper started his report with stating that apprenticeship is new to ETP and is very interested in listening to the apprenticeship community and the CAC information about apprenticeship programs and how the state can take measures to support them in the various industries and private project such as the white paper - Apprenticeship in California. Mr. Cooper stated that the White Paper is a work in progress and presented a Power Point presentation. He gave a brief overview of what ETP is all about. The Panel approved Guidelines for an Apprenticeship Training Pilot Program. (see attachment to these minutes) The Joint Apprenticeship Training Committee (JATC) or other program sponsor must be approved by DAS. In Fiscal Year 2011-12 the pilot will be open to training programs that had already submitted an application or are already contracting with ETP. Funding will be for Related and Supplemental Instruction only. The Apprenticeship Training Pilot Program App will be open for new applications in Fiscal Year 2012-13. For more information, contact the Economic Development Unit at [etpedunit@etp.ca.gov](mailto:etpedunit@etp.ca.gov), Apprenticeship Inquiry. For further detailed information on this report please see attachment to these minutes.

#### D. California Apprenticeship Coordinators Association (CACA) – Darell Lawrence - for further details see attached report.

#### E. California Association for the Advancement of Apprenticeship Training (CAAAT) – Douglas Sawyer - for further details see attached report.

CAC Chairperson Scott Gordon thanked the council and the apprenticeship community for the opportunity of chairing the 2012 California Apprenticeship Council meetings.

### **IX. ADJOURNMENT**

A motion and a second were made to adjourn the meeting. All were in favor. The meeting adjourned at 2:15 p.m.