

GOVERNANCE POLICY

GOVERNANCE POLICY

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I. PURPOSE

This Governance Policy is established to:

- A. Set forth the policies and procedures that govern the California Apprenticeship Council (CAC or the Council) consistent with its statutory and regulatory responsibilities.
- B. Guide the CAC in managing the effectiveness and integrity of the Council's processes, including oversight, accountability, transparency, efficiency, and decision-making.
- C. Identify and distinguish between the roles of the CAC, Commissioners, and employees of the Department of Industrial Relations (DIR), Division of Apprenticeship Standards (DAS) who support the Council (DAS Employees).

II. MISSION STATEMENT

The mission of the Council is to serve the public through fair, effective, and efficient standards for minimum wages, maximum hours, and working conditions for apprentice agreements in the building and construction trades and for firefighter occupations, which in no case shall be lower than those prescribed by statute; and to issue rules and regulations governing equal opportunities in apprenticeship, affirmative action programs which include women and minorities in apprenticeship, and other on-the-job training, and criteria for selection procedures with a view particularly toward eliminating criteria not relevant to qualification for training employment or more stringent than is reasonably necessary.

III. AUTHORITY

- A. Shelley-Maloney Apprentice Labor Standards Act of 1939 (Labor Code, §§ 3070 to 3122.4.)
- B. CAC Regulations (California Code of Regulations, title 8, §§ 200 to 295.0.)

IV. MEETINGS

- A. The Council will meet quarterly on the Wednesday and Thursday in the last full week of January, April, July, and October, or as near thereto as arrangements may be made for a suitable meeting hotel at state rates. Special meetings may be held at the call of the Chair.
- B. All meetings of the Council will be open to the public. Closed sessions may held as part of the agenda where permitted by law.

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- C. It is the intent of the Council to encourage members of the public to express their views regarding each agenda item before or during the Council's discussion or consideration of the item. For this purpose, the Chair of any subcommittee meeting or the Chair of the Council may recognize persons other than Commissioners to provide public comments on agenda items under consideration by the Council. Depending on the number of items on the agenda and the number of members of the public that wish to speak, the Chair may impose reasonable limits on the total time allocated for public comment and for each individual speaker.
- D. The Secretary of the Council shall designate an email address and mailing address for submission of agenda items and documents to the Council.
- E. Persons or groups wishing to present agenda items or documents to be reviewed by any committee or the Council must submit those documents to the email or mailing address provided by the Secretary so that they are received at least 20 days prior to the meeting to accommodate the need to provide notice to attendees. Late submissions may be held over for the following quarterly meeting.
- F. Quorum: a majority of the Commissioners, or of the appointed commissioners of any subcommittee at a subcommittee meeting, shall constitute a quorum.
- G. Agenda: the agenda shall provide brief description of each subject scheduled for consideration and shall be posted on the Council's website no later than 10 days prior to the meeting.

V. GOVERNANCE PRINCIPLES

The following governance principles will guide the conduct, decision-making, and behavior of the Council and Commissioners and provide a framework for the development of policies and practices that will drive the achievement of the Council's goals:

A. Ethical Leaders

Together, the Council and its Commissioners set the tone that permeates the organization. As ethical leaders, the Council and its Commissioners must work together with mutual respect in a constructive partnership to achieve the Council's mission.

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B. Open and Accountable

The Council and its Commissioners are appropriately open in the way key decisions are made and publicly disclosed. Governance rules are clear and disclosed. The Council is accountable to the public for performance of their duties.

C. Consensus-Seeking

Whenever possible, the Council will seek to act by consensus, and, where there is a difference of opinion requiring a majority vote, ensure a full hearing of any Commissioner's minority opinion before taking action.

D. Bagley-Keene Open Meeting Act (Government Code sections 11120-11132)

The Council and Commissioners are subject to the requirements of the Bagley-Keene Open Meeting Act. A meeting includes any congregation of a majority (quorum) of the Commissioners at the same time and place to hear, discuss, and deliberate upon any item within the subject matter jurisdiction of the state body.

A Note on Serial Meetings

A majority of the Commissioners will not, outside an authorized meeting, use direct communications or a series of communications of any kind, directly or through intermediaries, or technological devices (such as e-mails) to discuss, deliberate, or take action on any item of business within the Council's jurisdiction. Typically, a serial meeting is a series of communications, each of which involves less than a majority of the Council, but which taken as a whole involves a majority of the commissioners, or the majority of a subcommittee. For example, a chain of communications about Council business involving contact from commissioner A to Commissioner B who then communicates with Commissioner C would constitute a serial meeting in a five-person subcommittee because three commissioners is a majority. Similarly, when a person acts as the hub of a wheel (Commissioner A) and communicates individually with the various spokes (Commissioners B and C), a serial meeting has occurred. In addition, a serial meeting occurs when intermediaries for Commissioners have a meeting to discuss issues. For example, when a representative of Commissioner A meets with representatives of Commissioners B and C to discuss an agenda item, the commissioners have conducted a serial meeting through their representatives acting as intermediaries.

VI. ROLE AND POWERS OF THE COUNCIL

The powers reserved to the Council are characterized as follows:

- A. The Council performs duties with authority vested in statute, regulation, or other specific authority consistent with its mandate to regulate state apprenticeship

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programs, including:

1. Drafting regulations to govern the operation of state-approved apprenticeship programs in the building and construction and firefighter trades.
 2. Considering appeals of the DAS Chief's decisions regarding applications for new apprenticeship programs in the building and construction or firefighter trades.
 3. Granting or denying consent to the Chief's approval of a new apprenticeship program outside the building and construction or firefighter trades that includes a substantial number of work processes which overlap with work processes taught by an existing building and construction or firefighter apprenticeship program.
 4. Receive and review evaluation reports and investigatory findings by the DAS regarding apprenticeship programs in the building and construction and firefighter trades.
 5. File annual reports to the legislature as required by law.
 6. Exchange information with the DAS, the Interagency Advisory Committee on Apprenticeship, the Civil Rights Council, community organizations, and interested persons regarding women and minorities available to serve as apprentices.
 7. Issue rules and regulations to prevent discrimination against apprentices and applicants for apprenticeship.
 8. Consider appeals of decisions of the Administrator of Apprenticeship regarding complaints of violations of apprenticeship agreements or standards
 9. Approving Youth Apprenticeship grants
- B. Pursuant to Section V of this Policy, the Council ensures compliance with the Bagley-Keene Open Meeting Act and the transparency principles the Act represents.
- C. The Council is actively engaged in developing strategies and recommendations consistent with its mandate and policy objectives.

VII. ROLE OF THE COUNCIL CHAIR, VICE-CHAIR, AND SECRETARY

A. Role of the Council Chair

The Council Chair approves Council meeting agendas and may add additional meetings to the Council's meeting calendar. The Chair convenes and adjourns Council meetings and calls agenda items. The Chair provides leadership to the Council through collegiality, civility, and ethical conduct. The Chair ensures that Council operations are consistent with its policies, including this document.

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B. Selection of Council Chair

Pursuant to Labor Code section 3070, the Chair shall be elected by vote of the Council. The Chair shall be elected at the last quarterly meeting of each calendar year and take office at the first quarterly meeting of the following calendar year.

C. Role of the Vice-Chair

In the absence or incapacity of the Chair, the Vice-Chair will have the authority to act as the Chair. The Vice Chair shall be the commissioner who received the second-most votes in the election for Council Chair, or, if the vote was unanimous, the Council Chair shall select a Vice Chair from among the subcommittee chairs at the time the Council Chair is elected.

D. Secretary

In addition to the powers granted by statute or delegation under these rules, the Chief of DAS acts as the Secretary of the CAC, designates an email and physical mailing address for the Council, receives and reports on the correspondence of the council, ensures the timely and accurate recording of meeting minutes, and takes the roll call at Council and subcommittee meetings.

VIII. COMMISSIONER ROLES, RESPONSIBILITIES AND CONDUCT

A. Governing Style

The Council is responsible for creating and maintaining an atmosphere that encourages open and collegial meetings and discussions. The Council strives to achieve a governing style that emphasizes:

1. Leadership through creative problem-solving skills and strategic vision to achieve long-term goals;
2. Civility and courtesy, to both the public, with whom the commissioners interact, and between commissioners;
3. Respect for diversity, recognizing the value of all input;
4. Ethical conduct of Council business to avoid even the appearance of impropriety.

B. Commissioner Competencies

Commissioners are expected to develop an understanding of the following governance competencies:

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1. The roles and responsibilities of commissioners;
2. The Council Governance Policy;
3. Conflicts of interest and ethics provisions, including, but not limited to, review of Government Code section 19990, DIR ethics policies and Incompatible Activities Statement, Public Contract Code sections 10410-10411, Government Code section 87302, 2 CCR sections 18704 and 18730
4. The Restrictions on Gifts and Honoraria imposed by Government Code and by the regulations of the Fair Political Practices Commission;
5. The Bagley-Keene Open Meeting Act.
6. [Other committee-specific competencies]

C. Avoidance of Conflicts of Interest

As public officials, commissioners must perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. Commissioners will at all times adhere to federal and state laws and DIR policies to avoid actual or potential conflicts of interest, the appearance of impropriety, and incompatible activities in state service. A conflict of interest is any personal or private interest that would cause a commissioner to have divided loyalties between the commissioner's personal or private interest and the public's interest. A commissioner will not participate in a decision if a personal bias or relationship would cause the commissioner to approach the decision in terms of how it would affect a particular person or entity rather than how it applies and promotes the public interest as a whole (as expressed in statute and regulations).

D. Conflict of Interest in Contracts (Government Code section 1090 et seq.)

Commissioners are prohibited from making or participating in making a contract in which they are financially interested (including through a spouse or dependent). Contracts made in violation of this section are void.

Public Contract Code section 10410 prohibits commissioners from contracting with any other state agency to provide goods or services or working for or deriving income from a consultant contractor.

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E. Political Reform Act of 1974 (Government Code section 81000 et seq.)

The Political Reform Act disqualifies commissioners from participating in decisions that will have an effect on the commissioner's financial interests that is material and distinguishable from the decision's effect on the general public. The Political Reform Act defines financial interest as including the sources of income and assets of a spouse, registered partner, or dependent child, and it prescribes tests for determining whether a decision potentially will have a material and distinguishable effect on the commissioner's financial interests.

Commissioners will not seek nor accept any gifts (as defined in the California Political Reform Act), or reimbursement for travel or any other activity, that are prohibited pursuant to the Political Reform Act and DIR ethics policies and Incompatible Activities Statement.

The Political Reform Act requires designated commissioners to make a full disclosure of all economic interests located within California. Commissioners must disclose gifts from any single source totaling more than \$590 in a single year. (*This is the limit for January 1, 2023, to December 31, 2024, and subject to revision every two years based on changes in the Consumer Price Index.) Commissioners should consult the following Fair Political Practices Commission guidance for compliance: <https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/gifts-and-honoraria.html>.

F. Use of State Resources (Government Code section 8314)

It is unlawful for commissioners to use or permit others to use state resources for a campaign activity, or personal or other purposes which are not authorized by law. A state resource means any property or asset owned by the state or any local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state-compensated time (Government Code section 8314(b)(3)). Staff time of DAS personnel is also considered a state resource.

The use of state resources is appropriate and consistent with state law when it has a meaningful connection to the Council's areas of responsibility, and the use of those resources is not for a personal or campaign purpose.

IX. STRUCTURE AND ROLL OF SUBCOMMITTEES

A. The Council has established subcommittees pursuant to its authority under Labor Code sections 3070 and 3071 for the following purposes:

1. CCA/CAC Subcommittee: The purpose of the Committee is to carry out the plan

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for holding a biennial California Conference on Apprenticeship (CCA) and to report to the Council on recommendations of the CCA.

2. Public Relations: The purpose of the Committee is to develop a plan for disseminating public information regarding apprenticeship and to consider and assist in planning promotional activities as sponsored by the CAC.
3. Related Supplemental Instruction: The purpose of the Committee is to review current Federal and State law concerning apprentice related and supplemental instruction or vocational education; specifically: the Education and Labor Codes and any rules and regulations associated therewith; and Federal law, rules, regulations, and guidelines to determine if any amendments, additions, or deletions are needed to improve apprentice related and supplemental instruction. The Committee will cooperate with the Legislation Committee in recommending Council's actions regarding proposed legislation. The Committee will seek advisors from appropriate educational agencies, DIR, the Department of Finance, and local apprenticeship program sponsors.
4. Legislation: The purpose of the Committee is to consult with the Chief, Division of Apprenticeship Standards, with respect to legislative matters affecting apprenticeship.
5. Equal Opportunity in Apprenticeship: The purpose of the Committee is to study ways and means of broadening opportunities for members of minority groups and women to secure opportunities in apprenticeship and to maintain a continuing study of the major aspects concerned with the participation of minorities and women in Apprenticeship. In doing so, the Committee will confer with and seek advice from governmental agencies and public and private organizations which are concerned with the subjects. It will make reports to the CAC and recommendations as are deemed necessary.
6. Forum: The Committee has the responsibility of developing and arranging for forums during general sessions of quarterly CAC meetings. It has the further duty to study issues and make recommendations as to subjects of current interest, format and participation at such forums. The Committee will seek the ideas of apprenticeship programs, local individuals, organizations, and other interested groups as to preference for forum topics. The Committee will maintain operating procedures for the conduct of the forums.
7. Standards, Rules, Regulations & Operating Procedures: The purpose and duty of this Committee is to maintain a continuing study of California Apprenticeship

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Law, CAC Standards, Rules and Regulations, and Operating Procedures and to recommend appropriate action to the Council.

8. Occupational Safety and Health: The purpose of the Committee is to study and make recommendations regarding safety, orders, rules, and regulations affecting apprentices and trainees. In so doing, the Committee will confer with and seek advice from such organized authorities as the Division of Occupational Safety and Health, to the end that apprentices and trainees are taught good safety practices through proper training on the job and in classes of related and supplemental instruction. The Committee may recommend to the CAC revision of safety orders affecting apprentices
- B. The commissioners of each subcommittee will be appointed annually by the Council Chair, with consideration given to the expressed desires of individual Commissioners and the value of periodic rotation of commissioners so as to provide direct exposure to differing Council responsibilities. Subcommittee Chairs and vice Chairs will be elected by vote of the commissioners of each subcommittee, respectively, with consideration given by commissioners to the periodic rotation of subcommittee Chairs and to any hardships disclosed by the Commissioner. These elections will occur annually at the first CAC meeting each year. Each committee will report on its discussions and deliberations and present its recommendations to the full Council.

C. The Role of Subcommittee Chairs

Subcommittee Chairs are responsible for organizing the work of the subcommittees.

The Chair shall:

1. Call to order meetings of the committee;
2. Convene and adjourn Council meetings
3. Calls agenda items and votes
4. Perform other activities necessary for the efficient and effective operation of the Subcommittee

X. Delegation

A. Definition

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A delegation is the grant of authority from one person or entity (such as the Council or a subcommittee of the Council) with the power to act to another person or entity. A delegation of authority does not extinguish the authority of the delegator, nor does it absolve the delegator of responsibility. A delegation of authority should be distinguished from providing direction, the former being a grant of power, and the latter being a more specific command or order to carry out a particular act.

B. Delegation of Council functions

The Council may delegate authority to committees of its members, the Council Chair, the Chief of DAS, or DAS personnel to perform all acts necessary to operate and carry out activities and functions of the Council.

C. Standards for delegation

Delegations must be prudent and consistent with the Council's function and responsibilities. The Council must: (1) select delegates with care; (2) define delegated authority clearly; (3) monitor the performance of delegates; and (4) take corrective action when appropriate.

D. Sub-Delegation

When the Council has delegated authority to the Council Chair or DAS Chief, is authorized to delegate to their subordinates any portion or all of that authority unless the Council has specifically limited the authority.

E. Content of Delegations.

Delegations should be clear and specific as to: (1) what specific authority, responsibility or action is being delegated and to whom; (2) whether sub-delegation is permitted; and (3) whether the delegatee is authorized to act finally or whether action by the delegatee is subject to review and ratification or reversal by the grantor of the delegation.

Examples of delegations may include, but are not limited to, the following functions: personnel or administrative, legal representation, contracts, rulemaking, and public records.

F. Formality.

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All delegations should be memorialized in writing and approved by the full Council before the delegate may exercise delegated power. Delegations in effect on the effective date of these rules shall be recorded in writing before July 1, 2024.