

DIVISION OF APPRENTICESHIP STANDARDS

NOTICE OF PROPOSED ACTION TO ADOPT

CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,

SECTIONS 290.0, 290.1, 291.0, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 294.0, and 295.0.

Prepared by:

John M. Rea, Chief Counsel
Fred Lonsdale, Counsel
Carol Belcher, Counsel
Office of the Director - Legal Unit
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102
(415) 703-4240

**TITLE 8. DIVISION OF APPRENTICESHIP STANDARDS
NOTICE OF PROPOSED ACTION**

NOTICE IS HEREBY GIVEN that the Division of Apprenticeship Standards ("Division"), pursuant to rulemaking authority derived from Labor Code sections 55, 59, 3099 and 3099.5, in order to implement, interpret and make specific sections 3099 and 3099.5 of the Labor Code, proposes to adopt Part IV, Sections 290.0, 290.1, 291.0, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 294.0, and 295.0 in Chapter 2 of Title 8 of the California Code of Regulations ("CCR") concerning electrician certification.

PUBLIC HEARING: The Division will hold public hearings on Thursday, August 2, 2001 from 10:00 a.m. to 3:00 p.m. at the Ronald Reagan State Building, First Floor, South Tower, 300 South Spring Street, Los Angeles, California, and on Tuesday, August 14, 2001 from 10:00 a.m. to 3:00 p.m. at the Hiram Johnson State Building, 455 Golden Gate Avenue, Basement Conference Room, San Francisco, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Division requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD: Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by mail or personal delivery to Bryan Goyette, Division of Apprenticeship Standards, 455 Golden Gate Avenue, 8th Floor, San Francisco, CA 94102. Written comments may also be sent to Bryan Goyette (1) via electronic mail to AB931comments@dir.ca.gov or (2) via fax to (415) 703-5477. To be considered, written comments must be received by the Division no later than 5:00 p.m., August 14, 2001.

CONTACT PERSON: Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations and the location of public records, may be directed to Jeannie Kaatz at (415) 703-4917. The backup contact person is Della Braaten at (415) 703-4917. Inquiries regarding the substance of the proposed regulations may be directed to Bryan Goyette at (415) 703-4919.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Labor Code section 3099 requires the Division to establish and adopt regulations to enforce a program for certifying electricians. Labor Code section 3099.5 establishes a fund for the costs of the certification program from fees collected for certification. No comparable federal regulation or statute exists. Please see the Division's Initial Statement of Reasons for further information.

The proposed regulations implement and enforce an electrician certification program pursuant to Labor Code section 3099 and after consideration of input from the advisory committee established under Labor Code section 3099 through a system of requiring validating experience and successful examination to obtain a documented certification, with provisions for publication of the names of certified electricians, denial, suspension, or revocation of certification by the Division, appeal rights for the applicant or certified individual, and penalty for falsely holding oneself out as certified.

Section 290.0 specifies the scope and application of the electrician certification program.

Section 290.1 defines terms within the electrician certification program regulations.

Section 291.0 specifies the types of electrician certification available.

Section 291.1 specifies the eligibility requirements for the various types of electrician certification.

- Section 291.2 specifies the procedures for applying for certification and examination.
- Section 291.3 specifies the conduct of the certification examination.
- Section 291.4 specifies an applicant's ability to re-take the certification examination.
- Section 291.5 specifies the requirements for certification renewal and replacement of certification documentation.
- Section 292.0 specifies program fees.
- Section 293.0 specifies the procedures for denial, suspension, or revocation of certification by the Division, and for appeals of Division action by an applicant for certification or by a certified individual.
- Section 294.0 specifies the penalty for falsely representing oneself as a certified electrician.
- Section 295.0 specifies the conduct of publication of names of certified electricians.

DISCLOSURES REGARDING THE PROPOSED ACTION: The Division has made the following initial determinations:

- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None. The Legislature has directed the Division to establish a program for the certification of electricians in California. These regulations establish a certification program including testing. The Legislature has not yet prescribed deadlines by which individuals would be required to obtain certification to perform specified electrical work in California. Costs imposed on individuals seeking certification are set as necessary to fund the certification program, and are not significant.
- Impact on the creation or elimination of jobs or the creation, elimination, or expansion of businesses within the State of California: None. The Legislature has directed the Division to establish a program for the certification of electricians in California. These regulations establish a certification program including testing. The Legislature has not yet prescribed deadlines by which individuals would be required to obtain certification to perform specified electrical work in California. Costs imposed on individuals seeking certification are set as necessary to fund the certification program, and are not significant.
- Significant effect on housing costs: None. The Legislature has directed the Division to establish a program for the certification of electricians in California. These regulations establish a certification program including testing. The Legislature has not yet prescribed deadlines by which individuals would be required to obtain certification to perform specified electrical work in California. Costs imposed on individuals seeking certification are set as necessary to fund the certification program, and are not significant.
- Cost impacts on representative private person or business: The Division is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Representative persons voluntarily seeking the electrician certification implemented by this proposed action would incur approximately \$175.00 in fees the first year, and \$100.00 for renewal every three years after.

FISCAL IMPACTS:

- Costs / savings to state agencies or costs / savings in federal funding to the State: Initial start-up

costs for the program to be borne by the Division, and to be recovered through fees imposed by this action, as authorized by statute, to cover the cost of program administration. No costs / savings in federal funding to the State.

- Local Mandate: None.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs / savings imposed upon local agencies: None.

EFFECT ON SMALL BUSINESS: It has been determined that the adoption of these regulations will not affect small business. It will not affect small business because these regulations do not directly regulate small business: they do not require reports, do not affect costs, etc. These regulations establish a program pursuant to which individuals may seek certification under a certification program for electricians in California. The Legislature has not yet prescribed deadlines by which individuals would be required to obtain certification to perform specified electrical work in California.

CONSIDERATION OF ALTERNATIVES: In accordance with Gov't Code section 11346.5(a)(13), the Division must determine that no reasonable alternative it considered or that otherwise has been identified and brought to the attention of the Division would be more effective in carrying out the purpose for which the action is proposed or would be as effective as the proposed action and less burdensome to affected private persons. The Division invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS / INTERNET ACCESS: An initial statement of reasons and the text ("express terms") of the proposed regulations have been prepared and are available from the contact person named in this notice. The Division will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at 455 Golden Gate Avenue, 8th Floor, San Francisco, California. Rulemaking records may be accessed through the agency's Internet website as required by Gov't Code sections 11340.8 and 11340.85 at www.dir.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT: After holding the hearing and considering all timely and relevant comments received, the Division may adopt the proposed regulations substantially as described in this notice. If the Division makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Division adopts the regulations as revised. Any such modifications will also be posted on the Division's website. Please send requests for copies of any modified regulations to the attention of the contact person(s) listed above. The Division will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS: Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.