

## **Initial DAS regulations as created by AB 235 for all industries other than the building and construction trade and firefighting.**

Note: section numbers need to be updated.

### **§200. General Provision.**

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If any provision of this chapter or application thereof to any person, individual, party, entity or circumstances is held invalid, the remainder of the chapter and the application to any other person, individual, party, entity or circumstances, shall not be affected thereby.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 1777.5 and 3081, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§201. Filing of Complaints.**

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(a) Appeals by apprentices from discipline shall be filed in accordance with the procedures under 8 C.C.R. 207.1. Complaints that are not appeals from discipline may be filed by any interested person with the Administrator of Apprenticeship or the Administrator of Apprenticeship upon his/her own initiative may issue a complaint, within the time period specified below, when there is cause to believe that a decision, order or action of an apprenticeship program sponsor has been in violation of its standards or rules or an apprentice agreement and has been unfair or unreasonable; or that there has been a violation of:

- (1) Chapter 4, Division 3 of the Labor Code (excluding Section 1777.5 and 3099 et. seq.);
- (2) California Code of Regulations, Title 8, Chapter 2, Subchapter 1 (excluding Article 10); or
- (3) Equal Opportunity Standards, which shall be filed and conducted in accordance with the State of California Plan for Equal Opportunity Apprenticeship (see title 8, California Code of Regulations, Section 215).

(b) All such complaints shall be filed within thirty days of the alleged violation, except for violations of Equal Opportunity Standards which shall be filed within 180 days.

(c) Complaints filed with, or issued by the Administrator of Apprenticeship shall contain the following:

(1) The full name and address of the party (person, organization, or other party) filing the complaint (hereinafter referred to as the “charging party”).

(2) The full name and address of the party (person, organization, or other party) against whom the complaint is made (hereinafter referred to as the “respondent”).

(3) A clear and concise statement of the facts constituting the basis for the complaint.

(4) The signature of the person filing the complaint or an authorized officer or agent in the case of an organization, employer, labor union, apprenticeship program sponsor, or other interested party.

(5) A declaration by the person signing the complaint, under penalties of law, that its contents are true and correct to the best of his/her knowledge and belief.

(d) Upon receipt or issuance of a complaint the Administrator of Apprenticeship shall cause a copy of such complaint to be served upon the respondent(s).

(e) Complaints may be withdrawn only with the consent of the Administrator of Apprenticeship.

Note: Authority cited: Section 3071, Labor Code. Reference: Sections 3081 and 3082, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§202. Investigations, Holding of Hearings and Determinations.**

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(a) The Administrator of Apprenticeship, or his or her designated representative may take such steps as he or she deems necessary under the circumstances to investigate the complaint and to bring about an amicable adjustment of the controversy. In the event that there are local adjustment procedures which have been approved by the Chief DAS, the charging party(s) shall be referred to that procedure for a period not to exceed 60 calendar days prior to the filing and/or processing of a complaint under this section or Labor Code Section 3081. The referral for local adjustment shall in no way be construed so as to abrogate the statutory right to file a complaint under Section 3081 of the Labor Code.

(b) The Administrator of Apprenticeship may designate his/her duly authorized representative to conduct an investigation, to hold a hearing in connection with a

complaint, and may designate his/her duly authorized representative to decide on the complaint. The Administrator of Apprenticeship may, in the alternative, delegate a representative only to investigate, or only to hold a hearing, and to report to the Administrator of Apprenticeship. The Administrator of Apprenticeship reserves the authority to decide on the complaint. In that case, the duly authorized representative shall submit to the Administrator of Apprenticeship the entire record together with his/her written recommendations. The Administrator of Apprenticeship shall review the record and the written recommendations before deciding on the complaint. The Administrator of Apprenticeship may dismiss any complaint that is not timely filed or that is without merit. In such cases the Administrator of Apprenticeship shall prepare a determination of dismissal and file it with the California Apprenticeship Council, and notify all parties to the complaint in writing in accordance with the Code of Civil Procedure Sections 1013a and 2015.5 of his/her determination to dismiss the complaint and the basis for the determination. The determination of dismissal by the Administrator shall be within sixty (60) calendar days of receipt or issuance of the complaint, provided that the sixty (60) days allowed for a local adjustment procedure shall not affect the time provided for the determination of the Administrator. Any continuance caused by the parties shall toll the running of the sixty (60) day period provided for the determination of the Administrator. If any party to the complaint requests a hearing within 10 days of receipt of the notice of determination of dismissal of the complaint and shows good cause why a hearing is necessary, the Administrator or his/her duly authorized representative may conduct a hearing in the same manner as set forth in subdivision (c).

(c) If the Administrator of Apprenticeship holds a hearing, it shall be in accordance with the following procedure:

- (1) He/she shall fix the time and place of the hearing which shall take place no more than 90 days after the decision to hold a hearing and notify all interested parties to the complaint not less than 30 days in advance in writing in accordance with the Code of Civil Procedure Sections 1013a and 2015.5 specifying the time and place of the hearing and specifying whether the hearing will be for the purpose of hearing argument or taking evidence or both.
- (2) At the hearing, the parties to the complaint shall be given an opportunity to present evidence and/or oral or written arguments in support of their positions as set forth in the notice of hearing.
- (3) The hearing need not be conducted according to technical rules relating to evidence and witnesses. The hearing officer may require the parties to follow any of the rules of procedure set forth in 8 C.C.R. § 232.01 et. seq. for hearings on public works complaints and shall notify the parties of any such rules that will be followed at the time the parties are advised of the time and place of the hearing.
- (4) All witnesses testifying before the hearing officer shall testify under oath.
- (5) A recording shall be made of the hearing.

(d) In deciding on the complaint after a hearing, the Administrator of Apprenticeship or his/her duly authorized representative shall prepare a statement of findings of fact, and decision, file it with the California Apprenticeship Council and notify all parties to the complaint in writing in accordance with the Code of Civil Procedure Sections 1013a and 2015.5 of the decision and of any action taken. The Administrator of Apprenticeship's decision on the complaint or any action taken shall be issued or taken no later than sixty (60) calendar days following the hearing.

Note: Authority cited: Section 3071, Labor Code. Reference: Sections 3081 and 3082, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§205. Definitions.**

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(a) “Journeyman” means a person who has either

(1) completed an accredited apprenticeship in his/her craft, or

(2) who has completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the craft which has workers classified as journeyman in the apprenticeable occupation.

(b) “Instructor” means a person who has either

(1) completed an accredited apprenticeship in his/her craft, or

(2) who has completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the craft but may not necessarily be designated as a journeyman.

(c) An “Apprenticeable Occupation” is one which requires independent judgment and the application of manual, mechanical, technical, or professional skills and is best learned through an organized system of on-the-job training together with related and supplemental instruction.

(d) “Registration of an Apprentice Agreement” means the acceptance and recording thereof by the Division of Apprenticeship Standards which serves as evidence of the participation of the apprentice in a specific apprenticeship program.

(e) “Apprenticeship Program” means a comprehensive plan containing, among other things, apprenticeship program standards, committee rules and regulations, related and supplemental instruction course outlines and policy statements for the effective administration of that apprenticeable occupation.

(f) “Apprenticeship Program Standards” means that written document containing among other things all the terms and conditions for the qualification, recruitment, selection, employment and training, working conditions, wages, employee benefits, and other compensation for apprentices and all other provisions and statements including attachments as required by the Labor Code and this Chapter which, when approved by the Chief DAS, shall constitute registration of such, and authority to conduct that program of apprenticeship in the State of California.

(g) “Apprenticeship Program Sponsor” means a joint apprenticeship committee, a unilateral labor or management committee, or an individual employer program.

(h) “Related and Supplemental Instruction” means an organized and systematic form of instruction designed to provide the apprentice with knowledge including the theoretical and technical subjects related and supplemental to the skill(s) involved.

(i) “Competent Evidence” as used in Section 224 means a transcript or abstract of the record required to be maintained pursuant to Section 212(c)(6), or an attestation by the apprentice program sponsor stating that all training has been fully completed, on forms to be provided by the Division of Apprenticeship Standards, demonstrating that the apprenticeship program has been fully complete, certified by the apprenticeship program sponsor and endorsed by a representative of the Division of Apprenticeship Standards.

(j) An “Interested Party” for the purpose of application for approval of an apprenticeship program, means an employer, employer organization or association, a group of employers, employer associations or organizations, an employee association or organization, or employee representatives, a group of employee representatives, associations or organizations, labor and/or management groups or any combination thereof whose interest may be affected by the apprenticeship program if approved.

(k) “Maintenance” is defined as routine, recurring and usual work for the preservation, protection and keeping of any facility for its intended purposes in a safe and continually usable condition.

(l) The term “Chief DAS” means the Chief of the Division of Apprenticeship Standards.

(m) “Employed as an apprentice” in the building and construction industry for the purpose of Labor Code Section 3098 means employment pursuant to the approved standards of apprenticeship of the Program, under the supervision of journeyman/men, where the apprentice is receiving at least the minimum wage applicable to the apprentice's period of apprenticeship as provided for in this chapter.

(n) “Geographic Area of Operation” of an apprenticeship program means the geographic area in which the program regularly operates and trains apprentices.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3071, 3073, 3075, 3077, 3079, 3086 and 3090, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§206. Approval and Registration of Apprentice Agreements**

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### (a) Agreements approved by Joint Apprenticeship Committee

(1) An apprentice agreement in an approved joint apprenticeship program shall be approved by the joint apprenticeship committee if the agreement complies with the apprenticeship program standards and Chapter 4 of Division 3 of the Labor Code and its implementing regulations under Title 8, California Code of Regulations, Section 200 et seq; and where there are adequate related and supplemental instruction and an assurance of employment to provide on-the-job training.

(2) After approval by the joint apprenticeship committee, the agreement shall be sent to DAS for registration within thirty (30) days of its execution by the apprentice.

(3) DAS shall register the agreement if DAS determines that it was approved in accordance with the requirements set out above, under subsection (a)(1), and it was submitted to DAS within thirty (30) days of its execution by the apprentice.

(4) Within thirty (30) days of receipt of the agreement, DAS shall either register the agreement or return it to the program sponsor with the reasons for non-registration. If DAS registers the agreement, the registration shall be effective as of the date of its execution by the apprentice.

### (b) Agreements approved by the Administrator

(1) If there is no joint apprenticeship committee, the apprenticeship agreement shall be sent to DAS for approval by the Administrator within thirty (30) days of its execution, and shall be approved if the Administrator determines that it complies with the requirements set out above, under subsection (a)(1), and it was submitted to DAS within thirty (30) days of its execution by the apprentice.

(2) If approved, the agreement shall be considered registered as of the date of its execution by the apprentice. A copy of the approved agreement shall be filed with the CAC for its review. If the Administrator does not approve the agreement, it shall not be registered and shall be returned to the program sponsor within 30 days of the date of receipt with the reasons for non-approval.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3071, 3079 and 3080, Labor Code.

#### HISTORY

2. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§207. Termination of Apprentice Agreements.**

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(a) During the probationary period, if any, an apprentice agreement shall be terminated by the program sponsor at the request in writing of either party. An apprentice terminated by the program sponsor while on probation shall have no right to file a complaint under section 201 nor to contest the cancellation under section 207.1.

(b) After the probationary period, or where there is no probationary period, the apprentice agreement may only be terminated by the Administrator.

(1) Where there is mutual agreement of the parties, an apprentice agreement may be terminated by submitting to the Administrator a request in writing to terminate the agreement signed by the parties.

(2) Where there is not mutual agreement, either party may request that the agreement be terminated by the Administrator. The party making the request shall submit whatever evidence it believes shows that there is good and sufficient reason to terminate the agreement. The Administrator shall review the evidence and, where there is good and sufficient reason, shall terminate the agreement. The Administrator shall act within sixty days of receipt of the request. No program sponsor shall submit a request to terminate an apprentice agreement unless it shall first have given the apprentice notice in writing of its intended action and, if the program's standards

provide for a local adjustment procedure, of the apprentice's right to exhaust the local adjustment procedure. In its request, the program sponsor shall advise the Administrator of the notice to the apprentice.

NOTE:

Authority cited: Section 3071, Labor Code. Reference: Sections 3077, 3078, 3079 and 3080, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§ 207.1. Appeals from Requests to Terminate Apprentice Agreements and from Apprentice Discipline.**

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(a) An apprentice who contests a program sponsor's request for termination may file an appeal with the Administrator of Apprenticeship.

(1) Any appeal must be filed within 30 days from written notice of the action of the Committee, and shall contain:

(A) The full name and address of the apprentice filing the complaint (hereinafter referred to as the “complainant”).

(B) The full name and address of the party (person, organization, or other party) against whom the complaint is made (hereinafter referred to as the “respondent”).

(C) A clear and concise statement of the facts constituting the basis for the complaint and the specific section of the Standards, or Program Rules that the apprentice contends have been violated.

(D) The signature of the person filing the complaint.

(E) A declaration by the person signing the complaint, under penalty of perjury, that its contents are true and correct to the best of his/her knowledge and belief.

(2) Upon receipt of an appeal, the Administrator of Apprenticeship shall cause a copy of such complaint to be served upon the respondent(s).

(3) Respondent shall have 30 days to provide the Administrator with evidence that it had good and sufficient reason for terminating the agreement and that it followed its standards and rules in disciplining the apprentice. Respondent shall also provide a copy of the minutes of the appeal hearing which considered the action by the program.

(4) After reviewing the complaint and the evidence provided, the Administrator shall have discretion to investigate the complaint further and may hold a hearing to allow the parties to present argument, either orally or in writing. The Administrator may also allow the parties to present evidence and in such case any hearing shall be in accordance with the procedures set out in 201(b) and (c)



(b) An apprentice who contests a program sponsor's imposition of discipline short of termination may file an appeal with the Administrator following the same procedure set forth in (a) above and the appeal shall be considered in the same manner as set forth in (a) above for appeals from requests for termination.

Note: Authority cited: Section 3071, Labor Code. Reference: Sections 3071, 3081 and 3082, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§208. Wages, Employee Benefits, and Other Compensation for Apprentices.**

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(a) For Apprentices In All Occupations Except The Building And Construction Industry:

For apprentices participating in approved apprenticeship programs in all industries, except the building and construction industry, the beginning wage rate, employee benefits and other compensation, and the progression of those rates, shall be decided by the sponsoring program in consultation with and subject to the approval of the Chief DAS.

(b) For All Apprentices

Nothing in this Section shall permit the payment of less than the minimum wage prescribed by the Federal Fair Labor Standards Act or any applicable State minimum wage order.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3071 and 1777.5, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§209. Overtime Provision.**

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Overtime shall not interfere with or impair the training and shall not be detrimental to the health and safety of apprentices.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3071 and 3078, Labor Code.

### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§210. Working Conditions.**

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Apprentices shall work under and with competent journeymen and/or instructors and shall be assigned to work and learning tasks so that they obtain the diversified training on-the-job provided for in the apprenticeship standards.

NOTE: Authority cited: Sections 3071 and 3078, Labor Code. Reference: Section 3071, Labor Code.

### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§212. Content of Apprenticeship Program Standards.**

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Apprenticeship programs shall be established by written apprenticeship standards which must be approved by the Chief DAS under Section 212.2. In order to be approved, the standards must cover all work processes within the apprenticeable occupation. The standards must contain:

(a) A statement of:

(1) the occupation(s) and an outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process;

(2) the parties to whom the standards apply, the program sponsor's labor market area, as defined by Section 215 appendix 2(l), for purposes of meeting equal employment opportunity goals in apprenticeship training and the program's geographic area of operation as defined by section 205(n);

(3) the duties of the apprentice;

(4) the apprentice's working conditions unique to the program;

(5) the progressively increasing wage, employee benefits and other compensation of the apprentice, as set by Section 208;

(6) the ratio of apprentices to journeymen, or the number of apprentices to be employed and the method used to determine the ratio whether by job site, workforce, department or plant;

(7) the local education agency which has agreed to provide the related and supplemental instruction, and a description of the courses to be provided;

(b) Provisions for:

(1) establishment of an apprenticeship committee, if applicable;

(2) administration of the standards;

(3) establishment of rules and regulations governing the program. An apprenticeship program's standards or rules may provide for a period of probation which may not be for more than the combination of 1,000 hours of employment and 72 hours of related instruction;

(4) determining the qualifications of employers if other than single employer programs and an orientation, workshop, or other educational session for employers to explain the apprenticeship program's standards and the operation of the apprenticeship program;

(5) determining the qualifications of apprentice applicants and fair and impartial treatment of applicants for apprenticeship selected through uniform selection procedures, which shall be an addendum to the standards, pursuant to Section 215;

(6) the incorporation of the provisions of the standards into the apprentice agreement either directly or by reference;

- (7) a procedure to be utilized for the recording and maintenance of all records concerning apprenticeship and otherwise required by law including a system for recording the apprentice's worksite job progress and progress in related and supplemental instruction and a system for the periodic review and evaluation of the apprentice's progress in job performance and related instruction;
- (8) discipline of apprentices for failure to fulfill their obligations on-the-job or in related instruction, including provisions for fair hearings;
- (9) terminating, or recommending the cancellation of, apprentice agreements in accordance with section 207;
- (10) recommending issuance of State Certificates of Completion of Apprenticeship pursuant to Section 224;
- (11) training and supervision, both on the job and in related instruction, in first aid, safe working practices and the recognition of occupational health and safety hazards;
- (12) training in the recognition of illegal discrimination and sexual harassment;
- (13) approval of the standards, and revisions to the standards, by the Chief DAS;
- (14) an adequate mechanism to be used for the rotation of the apprentice from work process to work process to assure the apprentice of complete training in the apprenticeable occupation including mobility between employers when essential to provide exposure and training in various work processes in the apprenticeable occupation; and an adequate mechanism that will be used to provide apprentices with reasonably continuous employment in the event of a lay-off or the inability of one employer to provide training in all work processes as outlined in the standards;
- (15) the on-going evaluation of the interest and capacity of individual employers to participate in the apprenticeship program and to train apprentices on-the-job and provisions for the evaluation of on-the-job training and related and supplemental instruction;
- (16) compliance with training criteria where such have been adopted pursuant to Section 212.01; and
- (17) meaningful representation of the interests of apprentices in the management of the program, which is shown where:

(A) In a joint labor-management sponsored program, the apprentices participating in that program are represented by a labor organization pursuant to one of the following: National Labor Relations Act, the Railway Labor Act, the California Public Employee Relations Act, Agricultural Labor Relations Act, the Meyers-Milias Brown Act;

(B) In a program sponsored by more than one employer or an association of employers, the apprentices participating in that program are at least equally represented on an advisory panel established by the apprenticeship committee responsible for the operation of the program. The apprentices shall be represented on the advisory panel by at least three representatives of the apprentices' choice who shall have full voice and vote on the panel except as to financial matters or matters that relate to the administration or structure of an employee benefit plan or the administration or operation of a trust fund. The representatives of the apprentices shall be selected by way of a secret ballot election among the apprentices conducted by the apprenticeship program not less than once every two (2) years. This advisory panel shall meet not less than once every quarter to address issues and concerns raised by and affecting the apprentices in the program.

(c) The names and signatures of the parties.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3060, 3071, 3073, 3075 and 3078, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§212.01. Industry Training Criteria.**

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(a) The California Apprenticeship Council ( "Council") may adopt state-wide minimum industry training criteria adopted by a particular industry training committee established pursuant to the provisions of this section, unless the particular committee cannot establish such criteria by its deadline as provided under this section, in which case the CAC may otherwise determine state-wide minimum industry training criteria to be utilized in accordance with the provisions of this section.

(b) The following procedures shall be followed when initially establishing the minimum industry training criteria:

- (1) A committee shall be established by the Chair of the Council for each apprenticeable construction-industry craft or trade, and may be established by the Chair of the Council for any apprenticeable non-construction industry craft or trade. The Chair shall appoint a minimum of eight (8) members in the following categories: two signatory employer representatives, two non signatory employer representatives, two signatory employee representatives, and two non signatory employee representatives. The term of each member shall be three years. The Chair may appoint additional members in the same proportion. The Chair shall appoint members from among candidates supplied by the sponsors of apprenticeship programs approved or proposed for approval under the Shelley-Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code ( "Shelley-Maloney Act") in the particular craft or trade. The Chair shall notify all programs approved or proposed for approval under the Shelley-Maloney Act in the particular craft or trade of the Chair's intent to form such committee or appoint committee members at least 45 days before making such appointments, and must provide such programs with a period of at least 30 days within which to submit candidates to the Chair. Where programs do not supply sufficient candidates in the categories required to the Chair within the period provided or where there are no programs to supply candidates, the Chair may select individuals working in the particular craft or trade to complete the committee. The Chair shall endeavor to appoint members from all segments of the industry.
- (2) Committee action shall require a two-thirds majority vote of the members in attendance at a duly constituted meeting. For the purpose of this section, a duly constituted meeting shall mean that a quorum consisting of a majority of the entire committee is in attendance.
- (3) The committee shall meet as often as necessary at the call of its chair. The chair of the committee shall be appointed annually by the Chair of the Council. The chair of the committee shall rotate between signatory and non signatory representatives.
- (4) The committee shall establish the state-wide minimum industry training criteria for the trade or craft for which it was established, the content of which shall encompass all the requirements of Section 212 of these regulations and the following topics in addition thereto: length of training, related classroom instruction, types of work processes and the skills to be learned, on-the-job training, competency testing, and apprenticeship program completion percentages. The criteria for the barbering, cosmetology, skin care and nail care trades shall be consistent with the standards for licensure in these trades required by the State Board of Barbering and Cosmetology.

(5) The committee shall formulate the state-wide minimum industry training criteria for the applicable trade or craft no later than twelve months from the date of its first meeting, unless extended by the Council. The Council shall endeavor to complete its review of the criteria by the second regularly scheduled meeting of the Council following the submission. If the Council does not approve the criteria, the submission shall be promptly returned to the committee with the Council's written reasons and a new deadline for resubmission to the Council.

(c) Every three years following the adoption of a particular set of state-wide minimum industry training criteria, the particular committee shall meet to review the criteria, and revise it, if necessary, subject to approval by the Council.

(d) Every apprenticeship program approved or proposed for approval under the Shelley-Maloney Act in a particular craft or trade for which state-wide minimum industry training criteria has been adopted shall conform to such criteria in its operations no later than one (1) year after adoption of such criteria by the Council.

Note: Authority cited: Section 3071, Labor Code. Reference: Sections 3073, 3073.2 and 3078, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§212.1. Reciprocal Approval of Apprenticeship Programs.**

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Apprenticeship programs and standards of employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered pursuant to all requirements of Title 29 Code of Federal Regulations, Part 29, as adopted February 15, 1977, by any recognized State Apprenticeship Agency/Council or by the Bureau of Apprenticeship and Training, U.S. Department of Labor, shall be accorded approval reciprocity by the Chief DAS, if such reciprocity is requested by the sponsoring entity.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Section 3071, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§212.2. Eligibility and Procedure for DAS Approval of an Apprenticeship Program.**

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(a) To be eligible for approval, a program must comply with all applicable federal and state law and regulations. A revision to change the program's occupation or to change the program's geographic area of operation to include a different labor market area is subject to the same application and approval process set out in (a)-(j) of this section for approval of a program, including providing notice of the proposed revision and an opportunity for comment to existing programs in the same apprenticeable occupation in the labor market area. The program sponsor shall submit to the Chief, DAS, an application for approval of the program and shall provide the program standards and, either with the application or during the application review process, evidence of:

(1) commitment to provide safe work site facilities and safe equipment sufficient to train the apprentices;

(2) commitment to provide skilled workers as trainers at the work site who meet the criteria for journeyman or instructor as defined in Section 205(a) or (b);

(3) adequate arrangements for related and supplemental instruction pursuant to Labor Code section 3074;

(4) ability to offer training and supervision in all work processes of the apprenticeable occupation;

(5) the program sponsor's ability, including financial ability, and commitment to meet and carry out its responsibility under the federal and state law and regulations applicable to the apprenticeable occupation and for the welfare of the apprentice.

(b) The training must be in an apprenticeable occupation as defined in Section 205(c) and must conform to the requirements of Section 215 concerning equal opportunity in apprenticeship;

(c) Within thirty days after receipt of an application for approval of a program, or for approval of a revision to change the occupation or to change the program's geographic area of operation to include a different labor market area, the Chief DAS shall notify the sponsor in writing either that: (1) the application is complete and accepted for filing; or (2) the application is incomplete and specified additional information is required;



(d) Where a collective bargaining agreement exists, a program shall be jointly sponsored unless either party to the agreement waives its right to representation in writing;

(e) If the standards or collective bargaining agreement of a program proposed by an employer or employers' association provide for participation by a union in the operation of the program, the sponsor shall provide evidence that the union accepts or does not oppose the program. The union may submit comments on the proposed program within thirty days after receipt of the proposed standards. The Chief may, in his or her discretion, consult with such union concerning the proposed program;

(f) If the standards and collective bargaining agreement of a program proposed by an employers' association do not provide for participation by a union in the operation of the program, the sponsor shall serve a copy of the proposed standards and any supplement thereto on the union, if any, which is the collective bargaining agent of the employees to be trained. The union may submit comments on the proposed program within thirty days after receipt of the completed standards. The Chief may, in his or her discretion, consult with such union concerning the proposed program;

(g) Upon receipt of the proposed standards of a program, the Chief shall serve a copy of the proposed standards and any supplement thereto on the sponsor of each existing program in the apprenticeable occupation in the labor market area of the program, unless the program has advised the Chief DAS that it does not wish to be so notified. Each such existing program may submit comments on the proposed program within thirty days after receipt of the completed standards. The Chief may, in his or her discretion, consult with such existing program concerning the proposed program;

(h) The Chief may, in his or her discretion, hold a hearing on any issue relating to the compliance of a proposed program with federal and state law and regulations. The Chief shall provide notice of, and an opportunity to attend, the hearing to the sponsor and to any union or existing program that is entitled to submit comments under this section. The hearing shall be conducted informally without the application of formal rules of evidence or procedure;

(i) The Chief's decision whether to approve a program shall be issued within ninety days after the receipt of the completed application for approval. The decision shall be served on the sponsor and on each party which submitted comments on the proposed program. The decision shall be in writing and shall set forth the relevant findings of fact, a discussion of any issues raised by any comments or at any hearing and the reasons for the decision;

(j) The median time for processing an application to train apprentices, from the receipt of the initial application to the final approval decision, based on the experience in the two years preceding the proposal of this Section, is two years. The minimum time is one and a half years, and the maximum time is three years.

(k) The Chief's decision approving or disapproving a proposed program shall be final and become an Order of the Council if no appeal is filed within 30 days following service of the decision on the parties. The appeal may be filed by the sponsor or by any union or existing program which was authorized to and did submit comments under this section;

(l) The chairperson of the Council shall refer the appeal, if any, to a three member panel which shall submit a recommendation to the full Council. The Panel's recommendation shall be submitted no later than the second regularly scheduled meeting of the Council after the filing of the appeal. The panel may, in its discretion, hold a hearing if the Chief did not hold a hearing in the consultation process. The hearing shall be conducted in compliance with Section 203.

(m) The Council may affirm, reverse, or modify the decision of the Chief or of the appeal panel. The decision of the Council on an appeal shall be final.

(n) All documents, notices and appeals filed or served under this Section shall be filed or served in accordance with Section 229.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3073, 3075 and 3090, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§212.3. Apprenticeship Program Self-Evaluation and Monitoring.**

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(a) Each apprenticeship program shall annually prepare and submit a Self-Assessment Review as well as a Program Improvement Plan to the Chief DAS; provided,

however, that a program is not required to submit a Review and a Plan in the first year of its existence.

(b) The Self-Assessment Review shall contain an objective and critical appraisal of the following items at a minimum:

- (1) curriculum and instruction;
- (2) supervision and management;
- (3) individual apprentice training plans;
- (4) use of competent and qualified personnel;
- (5) utilization of facilities, equipment and material;
- (6) community, business and industry involvement;
- (7) recruitment, assessment and placement;
- (8) program promotion;
- (9) program accountability;
- (10) safety and drug-free environmental training; and
- (11) training in the recognition of sexual harassment and illegal discrimination.

(c) The Program Improvement Plan shall contain provisions by which the program sponsor(s) represent that good faith efforts shall be made to improve identified deficiencies in program operations and in the training of apprentices. Such Plan shall contain at a minimum:

- (1) remedial priorities;
- (2) program improvement objectives;
- (3) identification of personnel, resources, and action needed; and
- (4) timelines for completion of objectives.

(d) The Chief DAS shall select a program for random audit using a method that is not based on factors specific to that audit subject. A program may be selected for random

audit only once during each five-year period beginning January 1, 2000. A program may be selected for non-random audit at any time if:

(1) there have been at least two previous final determinations that the program has violated laws or regulations regulating apprenticeship; or

(2) the Chief, DAS, as the result of a previous audit under this section, has identified violations of the program's standards or laws or regulations regulating apprenticeship and believes that the violations may not have been remedied.

(e) A program that has been selected for audit shall be notified by the Chief DAS fourteen (14) days prior to the commencement of the audit. The notice shall state whether the audit is a random audit or non-random.

(f) An audit of a program shall include a review of the program records, including records of apprentice training and related and supplemental instruction; inspection of the program's training facilities; visits to on-the-job training locations; and review of individual apprentice records. Apprentice records may be reviewed by a method of random selection and not every apprentice record need be reviewed so long as a sufficient number are reviewed to fairly evaluate the program. The Chief DAS shall provide a copy of the proposed audit report to the program within 30 days of the completion of the audit. The program shall have 14 days following receipt of the report to make comments. The Chief DAS may reopen the audit in response to any comments, and shall submit a final audit report, taking into account any comments, to the California Apprenticeship Council within 10 days following the final completion of the audit.

(g) Audit reports shall not include the name, address or social security number or other identifying information about any apprentice and shall not include any medical or other confidential information about any apprentice.

(h) The audit report prepared by the Chief DAS for presentation to the California Apprenticeship Council shall contain recommendations for remedial action to correct deficiencies, if any, and a proposed time schedule for doing so. The Chief DAS shall report at each regular California Apprenticeship Council meeting the status of each audit, including whether or not the deficiencies identified in the audit report have been corrected.

NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3073, 3073.1, 3074, 3074.3, 3075, 3078 and 3090, Labor Code.

HISTORY

#### **§212.4. Deregistration of Programs.**

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The deregistration of a program cancels the approval of a program to operate.

(a) The Chief DAS shall deregister an apprenticeship program upon the request of the sponsor as long as within fifteen days of the Chief's acknowledgment of the request for deregistration, the sponsor shall inform each apprentice in writing of the deregistration, the proposed effective date of the deregistration and the names and addresses of other programs in the area. The Chief shall not deregister the program unless the sponsor complies with this requirement.

(b) The Chief may deregister an apprenticeship program, if the program is not conducted, operated and administered in accordance with applicable federal and state law and regulations or the program's approved apprenticeship standards, or if a program has had no active apprentices for a period of two (2) years, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with Section 215:

(1) If the Chief has information that a program is not being operated in accordance with applicable federal and state law and regulations or the program's approved apprenticeship standards, the Chief shall so notify the program sponsor in writing sent by registered or certified mail, with return receipt requested. The notice shall identify the violation and the action needed to correct the violation. The notice shall state that the program will be deregistered unless corrective action is completed within thirty days. Upon a showing of good cause, the Chief may grant the sponsor a reasonable extension of time to achieve corrective action. Where the Chief has information that a program has had no active apprentices for a period of two (2) years, that shall be considered grounds for deregistration and the Chief shall notify the program sponsor in writing as set forth above that the program will be deregistered unless the program can show good cause within thirty (30) days why it should not be deregistered;

(2) The Chief shall advise the sponsor in every reasonable way to help the program sponsor correct the violation;

(3) If the required correction is made, the Chief may periodically review the program to see that the correction is maintained;

(4) If the required correction is not completed, or if a program which has had no active apprentices for a period of two (2) years fails to show good cause why it should not be deregistered, within the allotted time, the Chief shall send a notice to the sponsor, by registered or certified mail, return receipt requested. The notice shall:

(A) State that it is sent pursuant to this subsection;

(B) Indicate that the program has had no active apprentices for a period of two (2) years and has failed to show good cause why it should not be deregistered; or identify the violation with particularity, state when it was called to the sponsor's attention, identify the correction required and state that the sponsor has failed or refused to correct the violation;

(C) State that the Chief will recommend that the Administrator deregister the program unless the sponsor requests a hearing within fifteen days of the date of the notice;

(5) If the sponsor does not request a hearing, the Chief shall transmit to the Administrator a report containing all pertinent facts and circumstances concerning the violation, including the findings and recommendation for deregistration, and copies of all relevant documents and records. Statements concerning interviews, meetings and conferences shall include the time, date, place, and persons present. The Administrator shall make a final order on the basis of the record.

(6) If the sponsor requests a hearing, the Chief shall transmit to the Administrator a report containing all the data listed in subparagraph (5) above. The Administrator shall hold a hearing in accordance with Section 202, and shall make a final decision on the basis of the record, including the proposed findings and recommended decision of the Chief. At the Administrator's discretion, he/she may allow the sponsor a reasonable period of time to achieve corrective action.

(7) The decision of the Administrator concerning deregistration of a program shall be final and become an order of the Council unless an appeal is filed by the sponsor with the Council within thirty (30) days following the date the decision is issued. If the program is deregistered, and no appeal to the Council is filed, the deregistration shall be effective sixty (60) days following the date the Administrator's Decision was issued.

(8) The sponsor may appeal the Administrator's Decision to the Council. If an appeal is filed, the procedures of Section 203 shall be followed. The Decision of the Council shall be final and shall be effective thirty (30) days following the date the Council's Decision is issued.

(9) Upon issuance of the Administrator's Decision to deregister, the Administrator shall make public notice of this Decision and shall notify the sponsor and other programs in the same occupation and in the same labor market area. Within 15 days of service of the Administrator's Decision, the sponsor shall notify each apprentice of the Administrator's Decision to deregister the program. The sponsor shall inform each apprentice that, if the deregistration decision becomes final, it automatically terminates the apprentice's individual registration. The sponsor shall provide each apprentice with the names and addresses of other programs in the area. Finally, the sponsor shall provide Chief, DAS, with proof of said mailing.

NOTE

Authority cited: Sections 3071 and 3081, Labor Code. Reference: Sections 3073, 3075, 3078, 3081, 3082, 3083 and 3090, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§213. Discipline--Cancellation.**

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The apprenticeship program standards may provide for the disciplining of apprentices for failure to fulfill their obligations on-the-job or in related instruction. Disciplinary measures may include provisions for the suspension of an apprentice for a period not to exceed sixty (60) days. Standards may provide for a recommendation to the Administrator of Apprenticeship for the immediate cancellation of the apprentice agreement for good and sufficient reason.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Section 3071, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§215. State Compliance.**

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Selection procedures must be in writing, approved by the apprenticeship program sponsor, and must meet objective standards.

Apprenticeship programs must comply with the State of California Plan for Equal Opportunity in Apprenticeship adopted by the California Apprenticeship Council on April 26, 1986 to be effective September 28, 1986, as though expressly set forth herein and shall be considered as an appendix hereto and appropriately marked as such, including the month and year of adoption.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3071, 3075.1 and 3076, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§218. Apprenticeship Programs.**

---

The administration and operation of apprenticeship programs shall be supervised by an apprenticeship program sponsor which shall approve apprentice agreements, adjust disputes and perform such other functions and duties as are agreed to in the apprenticeship standards. An apprenticeship program is not restricted to a local area of coverage and may provide for local, regional or statewide coverage in its standards. All actions and determinations regarding apprenticeship programs by apprenticeship program sponsors shall be made after giving reasonable notice and opportunity to be heard to all interested parties.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3073 and 3075-3080, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§224. When Issued.**

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(a) A "Certificate of Completion of Apprenticeship" attesting to the completion of an apprenticeship will be issued under the authority of the California Apprenticeship



Council by the Division of Apprenticeship Standards upon receipt of such competent evidence as may be required by the California Apprenticeship Council.

(b) The certificate shall signify completion of an apprenticeship under standards and apprentice agreement approved under the State Apprenticeship Law and these regulations.

(c) Completion of the entire apprenticeship program by the apprentice shall be attested to by the local apprenticeship program sponsor. The local apprenticeship program sponsor will attest to the related and supplemental instruction after consulting with the appropriate school authorities regarding the completion of the educational requirements of related and supplemental subjects.

(d) The certificate is in recognition of completion of an apprenticeship. The certificate may be granted to an apprentice only when the apprentice:

(1) in addition to previous on-the-job training and related school instruction which is of an approved nature, shall have completed not less than an additional six (6) months as an apprentice under the laws of the State of California; and

(2) demonstrated to the satisfaction of the apprenticeship program sponsor, mastery of the skills and knowledge of the prescribed program.

(e) The local apprenticeship program sponsor in recognition of unusual ability and progress in mastering the skills of the occupations and the related and supplemental education program may decrease the apprenticeship period for individual apprentices by not more than twelve and one-half (12 1/2) percent.

(f) Credit toward the apprenticeship for work experience prior to the apprenticeship may be given by the local apprenticeship program sponsor after verification and/or examination. Credit for partial completion of the education requirements for related and supplemental instruction may be given by the local apprenticeship program sponsor after consultation with the appropriate school authorities concerning the mastery of the related instruction ordinarily required of the apprentices.

(g) In instances where school classes are not available or where attendance will result in an undue hardship on the apprentice, the local apprenticeship program sponsor, after consultation with the appropriate school officials, may make arrangements for acceptance of educational experiences such as home study or correspondence courses as fulfilling the related and supplemental education requirement.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3071 and 3078, Labor Code.

## HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§235. Scope.**

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Provisions of this Article apply only to those classes designed to provide related and supplemental instruction for apprentices and offered by local education agencies as authorized under Section 3074 of the California Labor Code.

The provisions of this article apply only in the event that there is a joint agreement between a local education agency and an apprenticeship program sponsor that excess costs incurred by the local education agency in connection with the program sponsored by the apprenticeship program sponsor shall be payable by the apprenticeship program sponsor. These regulations do not mandate such joint agreement. Once such joint agreement is reached, it shall be provided for as set forth in this article.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code.

## HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§236. Definitions.**

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For the purpose of this article the following definitions apply:

(a) LEA (Local Education Agency) means any public education agency authorized by law to provide related and supplemental instruction for apprentices.

(b) Apprenticeship Program Sponsor means a joint apprenticeship committee, a unilateral apprenticeship committee or a party to a unilateral apprenticeship program where there is no apprenticeship committee established to administer apprenticeship in the occupation, area and industry. In any case the program sponsor must have approved written standards on file with the Division of Apprenticeship Standards.

(c) Joint Agreement means a written agreement between an LEA and an apprenticeship program sponsor(s) which stipulates the method of calculating the excess costs in accordance with this article and provides for the method of payment of such excess costs, if any, to said LEA by the apprenticeship program sponsor(s).

(d) Revenue earned means all revenue received by the LEA, as provided by law, for the hours of teaching time devoted to each apprentice enrolled in and attending classes of related and supplemental instruction conducted by the LEA.

(e) Excess costs means all allowable costs of the LEA for conducting related and supplemental instruction classes that exceed revenue earned by the LEA from the attendance of apprentices in related and supplemental instruction classes or programs.

(f) Attendance of apprentices means each hour of teaching time for each apprentice enrolled in and attending classes of related and supplemental instruction in accordance with Section 3074 of the Labor Code as reported on forms approved by the Superintendent of Public Instruction or the Chancellor.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code; and Sections 8152 and 8153, Education Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§237. General Terms and Conditions.**

---

Pursuant to this article:

(a) Revenue earned and resulting costs of apprenticeship classes will be based on the attendance of apprentices only.

(b) Any joint agreement shall be completed prior to the beginning of course instruction and shall be reviewed annually, or as mutually agreed upon. Sponsors will be responsible only for those excess costs, if any, generated by their particular apprentices.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code; and Sections 8152 and 8153, Education Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§238. Calculation of Costs.**

---

The costs of each apprenticeship program conducted by an LEA pursuant to a joint agreement is to be calculated separately.

(a) The allowable costs of an apprenticeship program will consist of the following as jointly agreed upon:

(1) Direct Costs. Identifiable expenses incurred to conduct the apprenticeship program in the classroom or at its location including instructional salaries and benefits, books and supplies, equipment replacement, contracted services, and capital outlay.

Where the expense is not exclusively for the apprenticeship program, only the prorated portion applicable to the apprenticeship program may be charged.

(2) Direct Support Charges. Identifiable expenses incurred in a support program directly benefitting the apprenticeship program.

Where the expense is not exclusively for the apprenticeship program, only the prorated portion applicable to the apprenticeship program may be charged.

The determination as to what items of direct support are applicable and the method or basis of charging to the apprenticeship program shall be mutually agreed upon and made a part of the joint agreement between the apprenticeship program sponsor(s) and the LEA.

(3) Indirect Support Charges. Identifiable expenses incurred for routine services not performed as a special service for a particular apprenticeship program but supportive of all programs conducted by the LEA.

Where the expense is not exclusively for the apprenticeship program, only the prorated portion applicable to the apprenticeship program may be charged.

The determination as to what items of noninstructional support are applicable and the method or basis of charging indirect support to the apprenticeship program shall be mutually agreed upon and made a part of the joint agreement between the apprenticeship program sponsor(s) and the LEA.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§239. Determining Excess Costs.**

---

If the costs of an apprenticeship program are greater than the revenue earned, the excess revenue earned from any other apprenticeship program(s) conducted by the LEA must be allocated on a pro rata basis to reduce the excess costs of the remaining program(s). Any excess costs remaining after allocation of any excess revenue earned can be claimed for payment from the apprenticeship program sponsor(s) pursuant to Section 240. If, after allocation of any excess revenue earned, no excess costs remain, no payment is required.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§240. Payment.**

---

Upon the close of the school year or at other such time as may be specified in the joint agreement, all excess costs incurred by the LEA shall be verified to the apprenticeship program sponsor(s) and shall be payable by the apprenticeship program sponsor(s) directly to the LEA in accordance with the joint agreement between such sponsor(s) and the LEA.

All LEA's providing related and supplemental instruction for apprentices that have executed a joint agreement with an apprenticeship program sponsor(s) shall submit a copy of the agreement and report any excess costs payments received to the Chancellor of the California Community Colleges or Superintendent of Public Instruction, as appropriate, and to the Division of Apprenticeship Standards on forms provided.

NOTE: Authority cited: Section 3074, Labor Code. Reference: Section 3074, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§251. Declaration of Policy**

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A bona fide state training program is defined as one that is approved by the Division of Apprenticeship Standards as being consistent with Labor Code Sections 3090 and 3093 and the applicable provisions of this Code.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3090 and 3093, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§252. Definitions.**

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(a) "Competent evidence" as used in Section 259 is a transcript or abstract of the records required to be maintained pursuant to Section 255(b)(5), or an attestation by the training program sponsor stating that all training has been fully completed, on forms to be furnished by the Division of Apprenticeship Standards, demonstrating that the training program has been fully completed, certified by the training program

sponsor, and endorsed by a representative of the Division of Apprenticeship Standards.

(b) “Training program sponsor” is a joint training committee, a unilateral training committee or the party to a unilateral training program where there is no training committee established or any combination thereof, and may include a school to career partnership.

(c) A “Training Committee” means those persons designated by the sponsor to act for it in the administration of the program.

(d) The term “trainee” means a person at least 16 years of age who has entered into a written agreement called a “trainee agreement” in accordance with Section 3093 of the Labor Code.

NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3090 and 3093, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§253. Operation of Training Programs.**

---

The administration and operation of training programs shall be supervised by a training committee or single employer, which shall approve trainee agreements, adjust disputes and perform such other functions and duties as are agreed to in the training standards. A training program is not restricted to a local area of coverage and may provide for local, regional or statewide coverage in its standards.

NOTE

Authority cited: Section 3071, Labor Code. Reference: Section 3090, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§254. Training Programs.**

---

(a) Bona fide state training programs for other than apprenticeable occupations may be established through the adoption of written training standards by the interested parties, approved by the Division of Apprenticeship Standards.

(b) Application for approval shall be rejected when it is found to be inconsistent, incompatible or in conflict with apprenticeship policies or programs.

(c) To be approved, other on-the-job training programs must meet the following criteria:

(1) The program is for an occupation other than an apprenticeable occupation and is either for workers entering the labor market for the first time or for workers entering new occupations by reason of having been displaced from former occupations by economic, industrial, technological or scientific changes or developments;

(2) Such program is in accord with and agreed to by the parties to any applicable collective bargaining agreement and, where appropriate will include joint employer-employee cooperation;

(3) The training plan, content and duration of the program are adequate to qualify the trainee for the job for which the trainee is to be trained;

(4) There is reasonable assurance that the job for which the trainee is to be trained will be available at the end of the training period;

(5) The job for which the trainee is to be trained is a recognized occupation;

(6) The job for which the trainee is to be trained is one to which appointment is based upon skills and knowledge and not on such factors as length of service;

(7) The job for which the trainee is to be trained customarily requires a period of on-the-job training of not less than three months;

(8) Provision is made in the training standards for (i) vestibule or other pre-job training, if any, or (ii) related and supplemental instruction, if any, either full time before employment or part time combined with the on-the-job training. Related and supplemental classroom instruction, where appropriate, is the responsibility of and will be administered by state and local school boards responsible for vocational education;



(9) There are adequate facilities, equipment, and personnel in the training establishment to provide satisfactory training;

(10) Appropriate credit is given each trainee for previous training and work experience, if any, and wages and, the applicable training period are adjusted accordingly; and

(11) Provision is made for trainees to be selected, employed and trained under fair and impartial procedures without discrimination.

NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3071 and 3090, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§255. Content of Training Standards.**

---

Training programs shall be established by written training standards agreed to by interested employers, employer associations and, if any, by an interested labor union where applicable, and approved by the Division of Apprenticeship Standards, if consistent with these regulations. Training standards may be approved by the Division of Apprenticeship Standards provided they contain the following:

(a) A statement of the:

(1) occupation(s);

(2) party or parties to whom the standards apply and the geographic area;

(3) definition and duties of the trainee;

(b) Provisions for:

(1) establishment of a training committee, if applicable;

(2) administration of the standards;

(3) establishment of rules and regulations governing the program;

- (4) determining the qualifications of employers if other than single employer program;
  - (5) a system to record trainee progress;
  - (6) graduated minimum wage schedule to be paid during the term of training;
  - (7) discipline of trainees, including a description of provisions for fair hearings, if any. Disciplinary measures may include provision for the suspension of a trainee from the training program for a fixed period not to exceed sixty (60) days;
  - (8) termination or recommendation of cancellation of trainee agreements;
  - (9) recommending issuance of a State Certificate of Training;
  - (10) revision of standards;
  - (11) training and education of the trainee in first aid, safe working practices and in the recognition of occupational health and safety hazards;
  - (12) a selection procedure;
  - (13) approval of the standards, and any revision of the standards, by the Division of Apprenticeship Standards.
- (c) The names and signatures of the parties.
- (d) Any apprenticeship committee provided for in this California Code of Regulations may serve as an apprenticeship and training committee to cover both apprenticeship and training programs.

NOTE

Authority cited: Section 3071, Labor Code. Reference: Section 3090, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

**§256 Wages.**

---

Training standards and trainee agreements shall contain graduated wage schedules to be paid trainees that provide for reasonable uniform progressive wage increases during the term of training, except where other schedules are provided in applicable collective bargaining agreements, provided that in no case shall a training program be approved with a beginning wage which is lower than the minimum wages fixed by any federal or state law or regulation.

NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3071 and 3090, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§257. Overtime Provision.**

---

Overtime shall not interfere with or impair the training and shall not be detrimental to the health and safety of trainees.

NOTE

Authority cited: Sections 3071 and 3093, Labor Code. Reference: Sections 3071 and 3093, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§258. Working Conditions**

---

Trainees shall work under and with competent workers skilled in the occupation for which they are being trained and shall be assigned to working and learning tasks so that they master the on-the-job training provided for in the training standards.

NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3071, 3090 and 3093, Labor Code.

## HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§259. State Certificates of Training.**

---

(a) A “Certificate of Training” attesting to the completion of training will be issued under the authority of the California Apprenticeship Council by the Division of Apprenticeship Standards upon request and upon receipt of such competent evidence as may be required by the California Apprenticeship Council.

(b) The certificate shall signify completion of training under standards and trainee agreements approved under State Law and these regulations.

(c) Completion of the entire training program by the trainee shall be attested to by the training program sponsor. The training program sponsor will attest to the related and supplemental instruction after consulting with the appropriate school authorities regarding the completion of the educational requirements of related and supplemental subjects.

(d) The certificate is in recognition of completion of training. The certificate may be granted to a trainee only when the trainee:

(1) in addition to credit for previous on-the-job training and related school instruction, which is of an approved nature, shall have completed not less than an additional twelve and one-half (12 1/2) percent of the total training program but not less than a three months as a trainee under these regulations; and

(2) demonstrated to the satisfaction of the training program sponsor mastery of the skills and knowledge of the prescribed program.

(e) The training program sponsor in recognition of unusual ability and progress in mastering the skills of the occupations and the related and supplemental education program may decrease the training period for individual trainees by not more than twelve and one-half (12 1/2) percent.

(f) Credit toward the training for work experience prior to the training may be given by the training program sponsor after verification and/or examination. Credit for partial completion of the education requirements for related and supplemental instruction may be given by the training program sponsor after consultation with the

appropriate school authorities concerning the mastery of the related instruction ordinarily required of the trainees.

(g) In instances where school classes are not available or where attendance will result in an undue hardship on the trainee, the training program sponsor, after consultation with the appropriate school officials, may make arrangements for acceptance of educational experiences such as home study or correspondence courses as fulfilling the relate and supplemental educational requirement.

NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3071 and 3093, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§260. Compliance**

---

Selection procedures must be in writing, approved by the training program sponsors, and

(a) Each training program sponsor shall:

(1) file a written copy of its selection procedures with the Chief DAS, which shall:

(A) be signed by the secretary and/or chair of the training committee; or

(B) be signed by the party to a unilateral training program where there is no training committee established; and

(C) signify the date of approval.

(2) provide each applicant making application with a copy of its selection procedure in summary form;

(3) have available for the study and/or perusal of any applicant, at the place(s) applications are accepted, a copy of its complete selection procedure which is on file with the Chief DAS.

(b) The employer, when authorized by the training committee to select the trainee, will have agreed in writing to abide by the standards and selection procedures.

(c) Exemption from this Article may be granted by the Chief DAS for good cause. Requests for exemption from Article 5, or any part thereof, of this code shall be made in writing to the Chief DAS and shall contain a statement of reasons supporting the request.

#### NOTE

Authority cited: Sections 3071 and 3090, Labor Code. Reference: Sections 3071 and 3091, Labor Code.

#### HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§261. Content of Selection Procedures.**

---

Selection procedures shall include such provisions as may be necessary to afford all applicants full and fair opportunity to apply for training and shall be without discrimination on the basis of sex, race, color, religion, ancestry, national origin, disability, sexual orientation, age, political affiliation or creed.

(a) They shall include the following:

- (1) Required procedure for making written application.
- (2) Procedure for handling applications, that is, the method of dating and recording applications and the acceptance and rejection of applicants and how the applicants are notified of their acceptance or rejection.
- (3) Required minimum age limitations, if any.
- (4) Required formal education, if any, or equivalency if permitted.
- (5) Required physical examination, if any.
- (6) Procedure for the scheduling of tests and oral interviews, if any.
- (7) Required tests, if any, and by whom they are administered.

(8) Where applicable, the relative weight given for tests and oral interviews in the overall evaluation of the applicants.

(9) Procedure for acceptance, rejection and referral of applicants to job openings and how the applicants are so notified.

(10) Procedure for testing, rating and placing applicants with previous experience in a higher wage bracket (training period).

(b) Selection procedures shall not include the following:

(1) Numerical rating of applicants based on their educational experience in excess of minimum educational requirements.

(2) Test designed to determine the skill and knowledge of the occupation itself.

(3) A requirement for a driver's license as a condition of accepting or processing an application.

(4) A requirement of residency as a condition of accepting or processing an application.

NOTE

Authority cited: Sections 3071 and 3090, Labor Code. Reference: Section 3071, Labor Code.

HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

## **§281. Declaration of Policy.**

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A state approved journeyman on-the-job training program is defined as one that is developed by its program sponsor and approved by the Division of Apprenticeship Standards as being consistent with Labor Code Sections 3090 and 3093 and applicable provisions of this Code.

NOTE: Authority cited: Section 3071, Labor Code. Reference: Sections 3090 and 3093, Labor Code.

## HISTORY

1. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018

### **§282. Approval of Training Standards.**

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(a) Voluntarily developed training standards for journeyman on-the-job training programs shall be approved by the Division of Apprenticeship Standards if those standards meet the following criteria:

(1) They are agreed to and submitted in writing by the parties to any applicable collective bargaining agreement, by an employer, an employer association, or a union or its representative, and signed by the parties affected.

(2) The program is designed for journeymen in an apprenticeable occupation to keep them abreast of current techniques, methods and materials and to provide them opportunities for advancement in their industries and does not replace apprentices in approved apprenticeship programs.

(3) The period of training is of not less than three months' duration.

(4) There are adequate facilities, equipment and personnel to provide training.

(5) Provision is made for:

(A) Training in safety and safe practices.

(B) Necessary related and supplemental instruction, where applicable. Related and supplemental instruction will be administered by state and local boards responsible for vocational education.

(C) Adequate supervision and administration of the program.

(D) Adequate records to be kept to show the progress made by each journeyman in training toward the training objective.

(E) Journeymen in training to be selected, employed and trained under fair and impartial procedures without discrimination on the basis of sex, race, religion, color,



ancestry, national origin, disability, sexual orientation, political affiliation, creed or age.

(F) Recommending issuance of State Certificates of Training to journeymen in training upon successful completion of training, attested to by the journeyman training program sponsor(s) by competent evidence which is defined as a transcript or abstract of the records required to be maintained pursuant to Section 282(a)(5)(D).

(G) Each journeyman in training to sign an agreement based on the provisions of the training standards, with a copy filed with the training program sponsor.

(b) Journeyman on-the-job programs may be administered by a joint training committee, a unilateral training committee or a single employer.

#### NOTE

Authority cited: Section 3071, Labor Code. Reference: Sections 3090 and 3093, Labor Code.

#### HISTORY

2. Created by Stats 2018 ch 704 § 24 (AB235) effective September 22, 2018