

Assembly Bill No. 1308

CHAPTER 126

An act to amend Section 3075 of the Labor Code, relating to employment.

[Approved by Governor July 16, 2015. Filed with
Secretary of State July 16, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1308, Perea. Apprenticeship programs: approval.

Existing law provides for the establishment of apprenticeship programs in various trades, to be approved by the Chief of the Division of Apprenticeship Standards within the Department of Industrial Relations in any trade in the state or in a city or trade area whenever the apprentice training needs justify the establishment. Under existing law, the apprentice training needs in the building and construction trades are required to be deemed to justify a new apprentice program only if one or more specified conditions are met. Existing law also authorizes the California Apprenticeship Council to approve a new apprenticeship program if special circumstances, as established by regulation, justify the establishment of the program. The California Apprenticeship Council has not established any regulations to approve a new apprenticeship program justified by special circumstances.

This bill would revise conditions for when the apprentice training needs in the building and construction trades justify a new apprentice program. This bill would also remove the authority of the California Apprenticeship Council to approve a new apprenticeship program justified by special circumstances by regulation.

The people of the State of California do enact as follows:

SECTION 1. Section 3075 of the Labor Code is amended to read:

3075. (a) An apprenticeship program may be administered by a joint apprenticeship committee, unilateral management or labor apprenticeship committee, or an individual employer. Programs may be approved by the chief in any trade in the state or in a city or trade area, whenever the apprentice training needs justify the establishment. 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. Joint apprenticeship committees shall be composed of an equal number of employer and employee representatives.

(b) For purposes of this section, the apprentice training needs in the building and construction trades shall be deemed to justify the approval of

a new apprenticeship program only if any of the following conditions are met:

(1) There is no existing apprenticeship program approved under this chapter serving the same craft or trade and geographic area.

(2) Existing apprenticeship programs approved under this chapter that serve the same craft or trade and geographic area do not have the capacity, or neglect or refuse, to dispatch sufficient apprentices to qualified employers at a public works site who have requested apprentices and are willing to abide by the applicable apprenticeship standards, as shown by a sustained pattern of unfilled requests.

(3) Existing apprenticeship programs approved under this chapter that serve the same trade and geographic area have been identified by the California Apprenticeship Council as deficient in meeting their obligations under this chapter.

(c) For purposes of this section, an existing apprenticeship program serves the “same craft or trade” as a proposed apprenticeship program when there would be substantial overlap in the work processes covered by the programs or when graduates of the existing program would be qualified to perform a substantial portion of the work that would be performed by graduates of the new program.