

**ASSEMBLY BILL**

**No. 1926**

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**Introduced by Assembly Member Cooper**

February 12, 2016

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An act to amend Section 1777.5 of the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 1926, as introduced, Cooper. Public works: prevailing wage: apprentices.

Existing law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Under existing law, an apprentice employed upon public works is required to be paid the prevailing rate of per diem wages for apprentices in the trade to which he or she is registered and to be employed only at the work of the craft or trade to which he or she is registered, as specified.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. Section 1777.5 of the Labor Code is amended to  
2 read:

1 1777.5. (a) ~~Nothing in this chapter shall~~ *This chapter does not*  
2 prevent the employment of properly registered apprentices upon  
3 public works.

4 (b) Every apprentice employed upon public works shall be paid  
5 the prevailing rate of per diem wages for apprentices in the trade  
6 to which he or she is registered and shall be employed only at the  
7 work of the craft or trade to which he or she is registered.

8 (c) Only apprentices, as defined in Section 3077, who are in  
9 training under apprenticeship standards that have been approved  
10 by the Chief of the Division of Apprenticeship Standards and who  
11 are parties to written apprentice agreements under Chapter 4  
12 (commencing with Section 3070) of Division 3 are eligible to be  
13 employed at the apprentice wage rate on public works. The  
14 employment and training of each apprentice shall be in accordance  
15 with either of the following:

16 (1) The apprenticeship standards and apprentice agreements  
17 under which he or she is training.

18 (2) The rules and regulations of the California Apprenticeship  
19 Council.

20 (d) ~~When~~ *If* the contractor to whom the contract is awarded by  
21 the state or any political subdivision, in performing any of the  
22 work under the contract, employs workers in any apprenticeable  
23 craft or trade, the contractor shall employ apprentices in at least  
24 the ratio set forth in this section and may apply to any  
25 apprenticeship program in the craft or trade that can provide  
26 apprentices to the site of the public work for a certificate approving  
27 the contractor under the apprenticeship standards for the  
28 employment and training of apprentices in the area or industry  
29 affected. However, the decision of the apprenticeship program to  
30 approve or deny a certificate shall be subject to review by the  
31 Administrator of Apprenticeship. The apprenticeship program or  
32 programs, upon approving the contractor, shall arrange for the  
33 dispatch of apprentices to the contractor. A contractor covered by  
34 an apprenticeship program’s standards shall not be required to  
35 submit any additional application in order to include additional  
36 public works contracts under that program. “Apprenticeable craft  
37 or trade,” as used in this section, means a craft or trade determined  
38 as an apprenticeable occupation in accordance with rules and  
39 regulations prescribed by the California Apprenticeship Council.  
40 As used in this section, “contractor” includes any subcontractor

1 under a contractor who performs any public works not excluded  
2 by subdivision (o).

3 (e) ~~Prior to~~ *Before* commencing work on a contract for public  
4 works, every contractor shall submit contract award information  
5 to an applicable apprenticeship program that can supply apprentices  
6 to the site of the public work. The information submitted shall  
7 include an estimate of journeyman hours to be performed under  
8 the contract, the number of apprentices proposed to be employed,  
9 and the approximate dates the apprentices would be employed. A  
10 copy of this information shall also be submitted to the awarding  
11 ~~body~~ *body*, if requested by the awarding body. Within 60 days  
12 after concluding work on the contract, each contractor and  
13 subcontractor shall submit to the awarding body, if requested, and  
14 to the apprenticeship program a verified statement of the  
15 journeyman and apprentice hours performed on the contract. The  
16 information under this subdivision shall be public. The  
17 apprenticeship programs shall retain this information for 12  
18 months.

19 (f) The apprenticeship program ~~that can supply~~ *supplying*  
20 apprentices to the area of the site of the public work shall ensure  
21 equal employment and affirmative action in apprenticeship for  
22 women and minorities.

23 (g) The ratio of work performed by apprentices to journeymen  
24 employed in a particular craft or trade on the public work may be  
25 no higher than the ratio stipulated in the apprenticeship standards  
26 under which the apprenticeship program operates ~~where if~~ the  
27 contractor agrees to be bound by those ~~standards, but,~~ *standards*.  
28 *However*, except as otherwise provided in this section, in no case  
29 shall the ratio be less than one hour of apprentice work for every  
30 five hours of journeyman work.

31 (h) This ratio of apprentice work to journeyman work shall  
32 apply during any day or portion of a day when any journeyman is  
33 employed at the jobsite and shall be computed on the basis of the  
34 hours worked during the day by journeymen so employed. Any  
35 work performed by a journeyman in excess of eight hours per day  
36 or 40 hours per week shall not be used to calculate the ratio. The  
37 contractor shall employ apprentices for the number of hours  
38 computed as above before the end of the contract or, in the case  
39 of a subcontractor, before the end of the subcontract. However,  
40 the contractor shall endeavor, to the greatest extent possible, to

1 employ apprentices during the same time period that the  
2 journeymen in the same craft or trade are employed at the jobsite.  
3 ~~Where~~ *When* an hourly apprenticeship ratio is not feasible for a  
4 particular craft or trade, the Administrator of Apprenticeship, upon  
5 application of an apprenticeship program, may order a minimum  
6 ratio of not less than one apprentice for each five journeymen in  
7 a craft or trade classification.

8 (i) A contractor covered by this section who has agreed to be  
9 covered by an apprenticeship program's standards upon the  
10 issuance of the approval certificate, or who has been previously  
11 approved for an apprenticeship program in the craft or trade, shall  
12 employ the number of apprentices or the ratio of apprentices to  
13 journeymen stipulated in the applicable apprenticeship standards,  
14 but in no event less than the 1 to 5 ratio required by subdivision  
15 (g).

16 (j) Upon proper showing by a contractor that he or she employs  
17 apprentices in a particular craft or trade in the state on all of his  
18 or her contracts on an annual average of not less than one hour of  
19 apprentice work for every five hours of labor performed by  
20 journeymen, the Administrator of Apprenticeship may grant a  
21 certificate exempting the contractor from the 1 to 5 hourly ratio,  
22 as set forth in this section for that craft or trade.

23 (k) An apprenticeship program has the discretion to grant to a  
24 participating contractor or contractor association a certificate,  
25 which shall be subject to the approval of the Administrator of  
26 Apprenticeship, exempting the contractor from the 1 to 5 ratio set  
27 forth in this section when it finds that any one of the following  
28 conditions is met:

29 (1) Unemployment for the previous three-month period in the  
30 area exceeds an average of 15 percent.

31 (2) The number of apprentices in training in the area exceeds a  
32 ratio of 1 to 5.

33 (3) There is a showing that the apprenticeable craft or trade is  
34 replacing at least one-thirtieth of its journeymen annually through  
35 apprenticeship training, either on a statewide basis or on a local  
36 basis.

37 (4) Assignment of an apprentice to any work performed under  
38 a public works contract would create a condition that would  
39 jeopardize his or her life or the life, safety, or property of fellow  
40 employees or the public at large, or the specific task to which the

1 apprentice is to be assigned is of a nature that training cannot be  
2 provided by a journeyman.

3 (l) ~~When~~ If an exemption is granted pursuant to subdivision (k)  
4 to an organization that represents contractors in a specific trade  
5 from the 1 to 5 ratio on a local or statewide basis, the member  
6 contractors shall not be required to submit individual applications  
7 for approval to local joint apprenticeship committees, if they are  
8 already covered by the local apprenticeship standards.

9 (m) (1) A contractor to whom a contract is awarded, who, in  
10 performing any of the work under the contract, employs  
11 journeymen or apprentices in any apprenticeable craft or trade  
12 shall contribute to the California Apprenticeship Council the same  
13 amount that the director determines is the prevailing amount of  
14 apprenticeship training contributions in the area of the public works  
15 site. A contractor may take as a credit for payments to the council  
16 any amounts paid by the contractor to an approved apprenticeship  
17 program that can supply apprentices to the site of the public works  
18 project. The contractor may add the amount of the contributions  
19 in computing his or her bid for the contract.

20 (2) At the conclusion of the 2002–03 fiscal year and each fiscal  
21 year thereafter, the California Apprenticeship Council shall  
22 distribute training contributions received by the council under this  
23 subdivision, less the expenses of the Department of Industrial  
24 Relations for administering this subdivision, by making grants to  
25 approved apprenticeship programs for the purpose of training  
26 apprentices. The funds shall be distributed as follows:

27 (A) If there is an approved multiemployer apprenticeship  
28 program serving the same craft or trade and geographic area for  
29 which the training contributions were made to the council, a grant  
30 to that program shall be made.

31 (B) If there are two or more approved multiemployer  
32 apprenticeship programs serving the same craft or trade and county  
33 for which the training contributions were made to the council, the  
34 grant shall be divided among those programs based on the number  
35 of apprentices from that county registered in each program.

36 (C) All training contributions not distributed under  
37 subparagraphs (A) and (B) shall be used to defray the future  
38 expenses of the Department of Industrial Relations for the  
39 administration and enforcement of apprenticeship standards and  
40 requirements under this code.

1 (3) All training contributions received pursuant to this  
2 subdivision shall be deposited in the Apprenticeship Training  
3 Contribution Fund, which is hereby created in the State Treasury.  
4 Upon appropriation by the Legislature, all moneys in the  
5 Apprenticeship Training Contribution Fund shall be used for the  
6 purpose of carrying out this subdivision and to pay the expenses  
7 of the Department of Industrial Relations.

8 (n) The body awarding the contract shall cause to be inserted  
9 in the contract stipulations to effectuate this section. The  
10 stipulations shall fix the responsibility of compliance with this  
11 section for all apprenticeable occupations with the prime contractor.

12 (o) This section does not apply to contracts of general  
13 contractors or to contracts of specialty contractors not bidding for  
14 work through a general or prime contractor when the contracts of  
15 general contractors or those specialty contractors involve less than  
16 thirty thousand dollars (\$30,000).

17 (p) An awarding body that implements an approved labor  
18 compliance program in accordance with subdivision (b) of Section  
19 1771.5 may, with the approval of the director, assist in the  
20 enforcement of this section under the terms and conditions  
21 prescribed by the director.