

AMENDED IN SENATE JUNE 13, 2016
AMENDED IN ASSEMBLY MARCH 30, 2016
AMENDED IN ASSEMBLY MARCH 15, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1926

Introduced by Assembly Member Cooper

February 12, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1926, as amended, 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 require, when a contractor requests the dispatch of an apprentice to perform work on a public works project, that the apprentice be paid the prevailing rate for the time spent on a required activity, *including travel time to and from the activity, if any*, as specified.

Because this bill would expand the application of the prevailing wage requirements, the violation of which ~~are~~ *is* a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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:

3 1777.5. (a) This chapter does not prevent the employment of
4 properly registered apprentices upon public works.

5 (b) (1) Every apprentice employed upon public works shall be
6 paid the prevailing rate of per diem wages for apprentices in the
7 trade to which he or she is registered and shall be employed only
8 at the work of the craft or trade to which he or she is registered.

9 (2) Unless otherwise provided by a collective bargaining
10 agreement, when a contractor requests the dispatch of an apprentice
11 pursuant to this section to perform work on a public works project
12 and requires the apprentice to fill out an application or undergo
13 testing, training, an examination, or other ~~pre-employment~~
14 *preemployment* process as a condition of employment, the
15 apprentice shall be paid for the time spent on the required activity,
16 including travel time, *to and from the required activity, if any,* at
17 the prevailing rate of per diem wages for apprentices in the trade
18 to which he or she is registered.

19 (c) Only apprentices, as defined in Section 3077, who are in
20 training under apprenticeship standards that have been approved
21 by the Chief of the Division of Apprenticeship Standards and who
22 are parties to written apprentice agreements under Chapter 4
23 (commencing with Section 3070) of Division 3 are eligible to be
24 employed at the apprentice wage rate on public works. The
25 employment and training of each apprentice shall be in accordance
26 with either of the following:

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

3 (2) The rules and regulations of the California Apprenticeship
4 Council.

5 (d) If the contractor to whom the contract is awarded by the
6 state or any political subdivision, in performing any of the work
7 under the contract, employs workers in any apprenticeable craft
8 or trade, the contractor shall employ apprentices in at least the
9 ratio set forth in this section and may apply to any apprenticeship
10 program in the craft or trade that can provide apprentices to the
11 site of the public work for a certificate approving the contractor
12 under the apprenticeship standards for the employment and training
13 of apprentices in the area or industry affected. However, the
14 decision of the apprenticeship program to approve or deny a
15 certificate shall be subject to review by the Administrator of
16 Apprenticeship. The apprenticeship program or programs, upon
17 approving the contractor, shall arrange for the dispatch of
18 apprentices to the contractor. A contractor covered by an
19 apprenticeship program's standards shall not be required to submit
20 any additional application in order to include additional public
21 works contracts under that program. "Apprenticeable craft or
22 trade," as used in this section, means a craft or trade determined
23 as an apprenticeable occupation in accordance with rules and
24 regulations prescribed by the California Apprenticeship Council.
25 As used in this section, "contractor" includes any subcontractor
26 under a contractor who performs any public works not excluded
27 by subdivision (o).

28 (e) Before commencing work on a contract for public works,
29 every contractor shall submit contract award information to an
30 applicable apprenticeship program that can supply apprentices to
31 the site of the public work. The information submitted shall include
32 an estimate of journeyman hours to be performed under the
33 contract, the number of apprentices proposed to be employed, and
34 the approximate dates the apprentices would be employed. A copy
35 of this information shall also be submitted to the awarding body,
36 if requested by the awarding body. Within 60 days after concluding
37 work on the contract, each contractor and subcontractor shall
38 submit to the awarding body, if requested, and to the apprenticeship
39 program a verified statement of the journeyman and apprentice
40 hours performed on the contract. The information under this

1 subdivision shall be public. The apprenticeship programs shall
2 retain this information for 12 months.

3 (f) The apprenticeship program supplying apprentices to the
4 area of the site of the public work shall ensure equal employment
5 and affirmative action in apprenticeship for women and minorities.

6 (g) The ratio of work performed by apprentices to journeymen
7 employed in a particular craft or trade on the public work may be
8 no higher than the ratio stipulated in the apprenticeship standards
9 under which the apprenticeship program operates if the contractor
10 agrees to be bound by those standards. However, except as
11 otherwise provided in this section, in no case shall the ratio be less
12 than one hour of apprentice work for every five hours of
13 journeyman work.

14 (h) This ratio of apprentice work to journeyman work shall
15 apply during any day or portion of a day when any journeyman is
16 employed at the jobsite and shall be computed on the basis of the
17 hours worked during the day by journeymen so employed. Any
18 work performed by a journeyman in excess of eight hours per day
19 or 40 hours per week shall not be used to calculate the ratio. The
20 contractor shall employ apprentices for the number of hours
21 computed as above before the end of the contract or, in the case
22 of a subcontractor, before the end of the subcontract. However,
23 the contractor shall endeavor, to the greatest extent possible, to
24 employ apprentices during the same time period that the
25 journeymen in the same craft or trade are employed at the jobsite.
26 When an hourly apprenticeship ratio is not feasible for a particular
27 craft or trade, the Administrator of Apprenticeship, upon
28 application of an apprenticeship program, may order a minimum
29 ratio of not less than one apprentice for each five journeymen in
30 a craft or trade classification.

31 (i) A contractor covered by this section who has agreed to be
32 covered by an apprenticeship program's standards upon the
33 issuance of the approval certificate, or who has been previously
34 approved for an apprenticeship program in the craft or trade, shall
35 employ the number of apprentices or the ratio of apprentices to
36 journeymen stipulated in the applicable apprenticeship standards,
37 but in no event less than the 1-to-5 ratio required by subdivision
38 (g).

39 (j) Upon proper showing by a contractor that he or she employs
40 apprentices in a particular craft or trade in the state on all of his

1 or her contracts on an annual average of not less than one hour of
2 apprentice work for every five hours of labor performed by
3 journeymen, the Administrator of Apprenticeship may grant a
4 certificate exempting the contractor from the 1-to-5 hourly ratio,
5 as set forth in this section for that craft or trade.

6 (k) An apprenticeship program has the discretion to grant to a
7 participating contractor or contractor association a certificate,
8 which shall be subject to the approval of the Administrator of
9 Apprenticeship, exempting the contractor from the 1-to-5 ratio set
10 forth in this section when it finds that any one of the following
11 conditions is met:

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

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

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

20 (4) Assignment of an apprentice to any work performed under
21 a public works contract would create a condition that would
22 jeopardize his or her life or the life, safety, or property of fellow
23 employees or the public at large, or the specific task to which the
24 apprentice is to be assigned is of a nature that training cannot be
25 provided by a journeyman.

26 (l) If an exemption is granted pursuant to subdivision (k) to an
27 organization that represents contractors in a specific trade from
28 the 1-to-5 ratio on a local or statewide basis, the member
29 contractors shall not be required to submit individual applications
30 for approval to local joint apprenticeship committees, if they are
31 already covered by the local apprenticeship standards.

32 (m) (1) A contractor to whom a contract is awarded, who, in
33 performing any of the work under the contract, employs
34 journeymen or apprentices in any apprenticeable craft or trade
35 shall contribute to the California Apprenticeship Council the same
36 amount that the director determines is the prevailing amount of
37 apprenticeship training contributions in the area of the public works
38 site. A contractor may take as a credit for payments to the council
39 any amounts paid by the contractor to an approved apprenticeship
40 program that can supply apprentices to the site of the public works

1 project. The contractor may add the amount of the contributions
2 in computing his or her bid for the contract.

3 (2) At the conclusion of the 2002–03 fiscal year and each fiscal
4 year thereafter, the California Apprenticeship Council shall
5 distribute training contributions received by the council under this
6 subdivision, less the expenses of the Department of Industrial
7 Relations for administering this subdivision, by making grants to
8 approved apprenticeship programs for the purpose of training
9 apprentices. The funds shall be distributed as follows:

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

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

19 (C) All training contributions not distributed under
20 subparagraphs (A) and (B) shall be used to defray the future
21 expenses of the Department of Industrial Relations for the
22 administration and enforcement of apprenticeship standards and
23 requirements under this code.

24 (3) All training contributions received pursuant to this
25 subdivision shall be deposited in the Apprenticeship Training
26 Contribution Fund, which is hereby created in the State Treasury.
27 Upon appropriation by the Legislature, all moneys in the
28 Apprenticeship Training Contribution Fund shall be used for the
29 purpose of carrying out this subdivision and to pay the expenses
30 of the Department of Industrial Relations.

31 (n) The body awarding the contract shall cause to be inserted
32 in the contract stipulations to effectuate this section. The
33 stipulations shall fix the responsibility of compliance with this
34 section for all apprenticeable occupations with the prime contractor.

35 (o) This section does not apply to contracts of general
36 contractors or to contracts of specialty contractors not bidding for
37 work through a general or prime contractor when the contracts of
38 general contractors or those specialty contractors involve less than
39 thirty thousand dollars (\$30,000).

1 (p) An awarding body that implements an approved labor
2 compliance program in accordance with subdivision (b) of Section
3 1771.5 may, with the approval of the director, assist in the
4 enforcement of this section under the terms and conditions
5 prescribed by the director.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

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