

AMENDED IN SENATE JULY 7, 1999  
AMENDED IN ASSEMBLY MAY 20, 1999  
AMENDED IN ASSEMBLY MAY 11, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 921**

**Introduced by Assembly Member Keeley**

February 25, 1999

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An act to amend Sections 1777.5, 1777.7, 3070, 3075, and 3080 of, and to add Sections 3073.1, ~~3098,~~ and ~~3098.1~~ and 3098 to, the Labor Code, relating to apprenticeship programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 921, as amended, Keeley. Apprenticeship programs.

Existing law establishes the California Apprenticeship Council to issue rules and regulations that establish apprenticeship standards, among other things. The council is composed of 14 members appointed by the Governor plus the Director of Industrial Relations or his or her designee, the Superintendent of Public Instruction or his or her designee, and the Chancellor of the California Community Colleges or his or her designee. The Governor's appointees include 6 representatives each from employer and employee organizations, geographically selected, and 2 representatives of the general public. This provision also provides that each member of the council shall receive \$50 for each day of actual attendance at council or committee meetings together with actual and necessary traveling expenses.

This bill would provide that the Governor's appointees shall be 6 representatives each from employer organizations that sponsor apprenticeship programs and employee organizations that sponsor apprenticeship programs, geographically selected, and 2 representatives of the general public. This bill would also increase the council members' per diem to \$100 for each day of actual attendance at council or committee meetings together with actual and necessary traveling expenses.

Existing law requires the Chief of the Division of Apprenticeship Standards or his or her representative, among other things, to foster, promote, and develop the welfare of the apprentice and industry, improve the working conditions of apprentices, and advance their opportunities for profitable employment.

This bill would additionally require the division to audit all apprenticeship programs at least once every 5 years to ensure compliance with specified requirements and require every apprenticeship program sponsor to cooperate with the division in conducting the audit. The audit reports would be presented to the California Apprenticeship Council and made public, except as specified. The chief would recommend remedial action to correct deficiencies and failure to correct them within a reasonable time would be grounds for withdrawing state approval of a program.

Existing law requires that the ratio of apprentice work to journeyman work performed on public works be not less than one hour of apprentice's work for every 5 hours by a journeyman, except as specified in the case of the land surveyor classification. A violation of this provision is punishable by a civil penalty of \$50 per day of noncompliance.

This bill would eliminate the land surveyor exception and increase the civil penalty to \$100 for each day of noncompliance. *This bill would also impose a civil penalty of \$300 for each day of noncompliance in the event of a subsequent violation of this provision within a 3-year period.*

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



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

1 SECTION 1. The Legislature finds and declares that  
2 apprenticeship programs are a vital part of the  
3 educational system in California. It is the purpose and  
4 goal of this legislation to strengthen the regulation of  
5 apprenticeship programs in California, to ensure that all  
6 apprenticeship programs approved under Chapter 4  
7 (commencing with Section 3070) of Division 3 of the  
8 Labor Code meet the high standards necessary to  
9 prepare apprentices for the workplaces of the future and  
10 to prevent the exploitation of apprentices by employers  
11 or apprenticeship programs. It is further the intent of the  
12 Legislature that apprenticeship programs should make  
13 active efforts to recruit qualified men, women, and  
14 minorities and train them in the skills needed for the  
15 workplace.

16 SEC. 2. Section 1777.5 of the Labor Code is amended  
17 to read:

18 1777.5. (a) Nothing in this chapter shall prevent the  
19 employment of properly registered apprentices upon  
20 public works.

21 ~~Every apprentice shall be paid the standard wage paid~~  
22 ~~to apprentices under the regulations of the craft or trade~~  
23 ~~at which he or she is employed, and shall be employed~~

24 (b) *Every apprentice employed upon public works*  
25 *shall be paid the prevailing rate of per diem wages for*  
26 *apprentices in the trade to which he or she is registered*  
27 *and shall be employed only at the work of the craft or*  
28 *trade to which he or she is registered.*

29 ~~Only~~

30 (c) *Only* apprentices, as defined in Section 3077, who  
31 are in training under apprenticeship standards ~~and that~~  
32 *have been approved by the Chief of the Division of*  
33 *Apprenticeship Standards and who are parties to written*  
34 *apprentice agreements under Chapter 4 (commencing*  
35 *with Section 3070) of Division 3 are eligible to be*  
36 *employed on public works. The employment and training*  
37 *of each apprentice shall be in accordance with either (1)*  
38 *the apprenticeship standards and apprentice agreements*



1 under which he or she is training or (2) with the rules and  
2 regulations of the California Apprenticeship Council.

3 ~~When~~

4 (d) ~~When~~ the contractor to whom the contract is  
5 awarded by the state or any political subdivision, or any  
6 subcontractor under him or her, in performing any of the  
7 work under the contract or subcontract, employs workers  
8 in any apprenticeable craft or trade, the contractor ~~and~~  
9 ~~subcontractor shall apply to the joint apprenticeship or~~  
10 ~~subcontractor shall employ apprentices in the ratio set~~  
11 ~~forth in this section and may apply to any apprenticeship~~  
12 ~~committee administering the apprenticeship standards~~  
13 ~~of the craft or trade in the area of that can provide~~  
14 ~~apprentices to the site of the public work for a certificate~~  
15 ~~approving the contractor or subcontractor under the~~  
16 ~~apprenticeship standards for the employment and~~  
17 ~~training of apprentices in the area or industry affected.~~  
18 ~~However, approval as established by the joint~~  
19 ~~apprenticeship committee or committees shall be subject~~  
20 ~~to the approval of the Administrator of Apprenticeship.~~  
21 ~~The joint apprenticeship committee or committees;~~  
22 ~~subsequent to approving the subject committees, upon~~  
23 ~~approving the contractor or subcontractor, shall arrange~~  
24 ~~for the dispatch of apprentices to the contractor or~~  
25 ~~subcontractor in order to comply with this section. Every~~  
26 ~~contractor and subcontractor shall submit contract award~~  
27 ~~information to the applicable joint apprenticeship~~  
28 ~~committee that includes an estimate of journeyman hours~~  
29 ~~to be performed under the contract, the number of~~  
30 ~~apprentices to be employed, and the approximate dates~~  
31 ~~the apprentices will be employed. There is an affirmative~~  
32 ~~duty upon the joint apprenticeship committee or~~  
33 ~~committees administering the apprenticeship standards~~  
34 ~~of the craft or trade in the area of the site of the public~~  
35 ~~work to ensure equal employment and affirmative action~~  
36 ~~in apprenticeship for women and minorities. Contractors~~  
37 ~~or subcontractors shall not be required to submit~~  
38 ~~individual applications for approval to local joint~~  
39 ~~apprenticeship committees provided they are already~~  
40 ~~covered by the local apprenticeship standards. The ratio~~



1 of work performed by apprentices to journeymen who  
2 shall be employed in the craft or trade on the public work  
3 may be the ratio stipulated in the apprenticeship  
4 standards under which the joint apprenticeship  
5 committee operates, but, except as otherwise provided in  
6 this section, in no case shall the ratio be less than one hour  
7 of apprentice's work for every five hours of labor  
8 performed by a journeyman.

9 Any ratio. "Apprenticeable craft or trade," as used in  
10 this section, means a craft or trade determined as an  
11 apprenticeable occupation in accordance with rules and  
12 regulations prescribed by the California Apprenticeship  
13 Council.

14 (e) Prior to commencing work on a contract for public  
15 works, every contractor and subcontractor shall submit  
16 contract award information to an applicable  
17 apprenticeship committee or committees that can supply  
18 apprentices to the site of the public work, including an  
19 estimate of journeyman hours to be performed under the  
20 contract, the number of apprentices proposed to be  
21 employed, and the approximate dates the apprentices  
22 would be employed. A copy of this information shall also  
23 be submitted to the awarding body and to the Division of  
24 Apprenticeship Standards. Within 60 days after  
25 concluding work on the contract, each contractor and  
26 subcontractor shall submit to the awarding body and to  
27 the Division of Apprenticeship Standards a verified  
28 statement of the journeyman and apprentice hours  
29 performed on the contract. The information submitted to  
30 the Division of Apprenticeship Standards under this  
31 subdivision shall be public information.

32 (f) The apprenticeship committee or committees  
33 administering apprenticeship standards of a craft or trade  
34 that can supply apprentices to the area of the site of the  
35 public work shall ensure equal employment and  
36 affirmative action in apprenticeship for women and  
37 minorities. A contractor or subcontractor shall not be  
38 required to submit an individual application for approval  
39 to an apprenticeship committee provided the contractor



1 or subcontractor is already covered by the apprenticeship  
2 committee's standards.

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

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

32 ~~The contractor or subcontractor, if he or she is covered~~  
33 ~~by this section, upon the issuance of the approval~~  
34 ~~certificate, or if he or she has been previously approved~~  
35 ~~in the craft or trade, shall employ the number of~~  
36 ~~apprentices or the ratio of apprentices to journeymen~~  
37 ~~stipulated in the apprenticeship standards. Upon proper~~  
38 ~~showing by the contractor that he or she employs~~  
39 ~~apprentices in the craft or trade in the state on all of his~~  
40 ~~or her contracts on an annual average of not less than one~~



1 hour of apprentice work for every five hours of labor  
2 performed by a journeyman, the Division of  
3 Apprenticeship Standards may grant a certificate  
4 exempting the contractor from the 1-to-5 hourly ratio as  
5 set forth in this section. This section does not apply to  
6 contracts of general contractors or to contracts of  
7 specialty contractors not bidding for work through a  
8 general or prime contractor, when the contracts of  
9 general contractors or those specialty contractors involve  
10 less than thirty thousand dollars (\$30,000) or 20 working  
11 days. Any work performed by a journeyman in excess of  
12 eight hours per day or 40 hours per week shall not be used  
13 to calculate the hourly ratio required by this section.

14 “Apprenticeable craft or trade,” as used in this section,  
15 means a craft or trade determined as an apprenticeable  
16 occupation in accordance with rules and regulations  
17 prescribed by the California Apprenticeship Council.  
18 The joint apprenticeship committee has the discretion to  
19 grant a certificate, which shall be subject to the approval  
20 of the Administrator of Apprenticeship, exempting a  
21 contractor from the 1-to-5 ratio set forth in this section  
22 when it finds that any one of the following conditions is  
23 met:

24 (a)–

25 (i) A contractor or subcontractor covered by this  
26 section that has agreed to be covered by an  
27 apprenticeship program’s standards upon the issuance of  
28 the approval certificate, or that has been previously  
29 approved for an apprenticeship program in the craft or  
30 trade, shall employ the number of apprentices or the ratio  
31 of apprentices to journeymen stipulated in the applicable  
32 apprenticeship standards.

33 (j) Upon proper showing by a contractor that he or she  
34 employs apprentices in a particular craft or trade in the  
35 state on all of his or her contracts on an annual average  
36 of not less than one hour of apprentice work for every five  
37 hours of labor performed by journeymen, the Division of  
38 Apprenticeship Standards may grant a certificate  
39 exempting the contractor from the 1-to-5 hourly ratio, as  
40 set forth in this section for that craft or trade.



1 (k) An apprenticeship committee has the discretion to  
2 grant a certificate, which shall be subject to the approval  
3 of the Administrator of Apprenticeship, exempting a  
4 contractor from the 1-to-5 ratio set forth in this section  
5 when it finds that any one of the following conditions is  
6 met:

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

9 ~~(b)~~

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

12 ~~(c)~~

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

17 ~~(d)~~

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

25 ~~When exemptions are granted to an organization that~~

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

33 ~~A~~

34 (m) A contractor to whom the contract is awarded, or  
35 any subcontractor under him or her, who, in performing  
36 any of the work under the contract, employs journeymen  
37 or apprentices in any apprenticeable craft or trade and  
38 who is not contributing to a fund or funds to administer  
39 and conduct the apprenticeship program in any craft or  
40 trade in the area of the site of the public ~~work~~ works, to



1 which fund or funds other contractors in the area of the  
2 site of the public ~~work~~ works are contributing, shall  
3 contribute to the fund or funds in each craft or trade in  
4 which he or she employs journeymen or apprentices on  
5 the public work in the same amount or upon the same  
6 basis and in the same manner as the other contractors do,  
7 but, where the ~~trust fund administrators are unable to~~  
8 ~~accept the funds, contractors not signatory to the trust~~  
9 ~~agreement shall pay~~ fund or funds do not accept those  
10 contributions, the contractor or subcontractor shall pay a  
11 like amount to the California Apprenticeship Council.  
12 The contractor or subcontractor may add the amount of  
13 the contributions in computing his or her bid for the  
14 contract. The Division of Labor Standards Enforcement  
15 is authorized to enforce the payment of the contributions  
16 to the fund or funds as set forth in Section 227. *Where an*  
17 *apprenticeship program dispatches apprentices to a*  
18 *contractor or subcontractor, and the contractor or*  
19 *subcontractor makes payments to the California*  
20 *Apprenticeship Council in lieu of contributing to the fund*  
21 *or funds that support the apprenticeship program, the*  
22 *California Apprenticeship Council shall maintain these*  
23 *payments in a separate account. At the end of each fiscal*  
24 *year the California Apprenticeship Council shall make*  
25 *grants to each apprenticeship program equal to the*  
26 *amount that the California Apprenticeship Council has*  
27 *received during the fiscal year in payments pursuant to*  
28 *this subdivision on account of training provided by the*  
29 *apprenticeship program.*

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

36 ~~All decisions of the joint apprenticeship committee~~  
37 (o) *This section does not apply to contracts of general*  
38 *contractors or to contracts of specialty contractors not*  
39 *bidding for work through a general or prime contractor*  
40 *when the contracts of general contractors or those*



1 *specialty contractors involve less than thirty thousand*  
2 *dollars (\$30,000) or 20 working days.*

3 *(p) All decisions of an apprenticeship committee*  
4 *under this section are subject to Section 3081.*

5 SEC. 3. Section 1777.7 of the Labor Code is amended  
6 to read:

7 ~~1777.7. (a) In the event a contractor or subcontractor~~  
8 ~~willfully fails to comply with Section 1777.5, the Director~~  
9 ~~of Industrial Relations shall deny to the contractor or~~  
10 ~~subcontractor, both individually and in the name of the~~  
11 ~~business entity under which the contractor or~~  
12 ~~subcontractor is doing business, the right to bid on, or to~~  
13 ~~receive, any public works contract for a period of up to~~  
14 ~~one year for the first violation and for a period of up to~~  
15 ~~three years for the second and subsequent violations.~~  
16 ~~Each period of debarment shall run from the date the~~  
17 ~~determination of noncompliance by the Administrator of~~  
18 ~~Apprenticeship becomes an order of the California~~  
19 ~~Apprenticeship Council.~~

20 ~~(b)~~  
21 *1777.7. (a) A contractor or subcontractor who that*  
22 *knowingly violates Section 1777.5 shall forfeit as a civil*  
23 *penalty the sum of one hundred dollars (\$100) for each*  
24 *full calendar day of noncompliance. A contractor or*  
25 *subcontractor that knowingly commits a second or*  
26 *subsequent violation of Section 1777.5 within a three-year*  
27 *period, where the noncompliance results in*  
28 *apprenticeship training not being provided as required*  
29 *by this chapter, shall forfeit as a civil penalty the sum of*  
30 *not more than three hundred dollars (\$300) for each full*  
31 *calendar day of noncompliance. Notwithstanding*  
32 *Section 1727, upon receipt of a determination that a civil*  
33 *penalty has been imposed, the awarding body shall*  
34 *withhold the amount of the civil penalty from contract*  
35 *progress payments then due or to become due.*

36 *(b) In the event a contractor or subcontractor is*  
37 *determined by the Director of Industrial Relations to*  
38 *have knowingly violated any provision of Section 1777.5,*  
39 *the Director of Industrial Relations shall deny to the*  
40 *contractor or subcontractor, both individually and in the*



1 *name of the business entity under which the contractor*  
2 *or subcontractor is doing business, the right to bid on or*  
3 *receive any public works contract for a period of up to one*  
4 *year for the first violation and for a period of up to three*  
5 *years for a second or subsequent violation. Each period of*  
6 *debarment shall run from the date the determination of*  
7 *noncompliance by the Administrator of Apprenticeship*  
8 *becomes an order of the California Apprenticeship*  
9 *Council.*

10 (c) In lieu of the penalty provided for in subdivision  
11 (a) or (b), the director may for a first-time violation and  
12 with the concurrence of the joint apprenticeship  
13 committee, order the contractor or subcontractor to  
14 provide apprentice employment equivalent to the work  
15 hours that would have been provided for apprentices  
16 during the period of noncompliance.

17 (d) Any funds withheld by the awarding body  
18 pursuant to this section shall be deposited in the General  
19 Fund if the awarding body is a state entity, or in the  
20 equivalent fund of an awarding body if the awarding body  
21 is an entity other than the state.

22 (e) The interpretation and enforcement of Section  
23 1777.5 and this section shall be in accordance with the  
24 rules and procedures of the California Apprenticeship  
25 Council.

26 SEC. 4. Section 3070 of the Labor Code is amended to  
27 read:

28 3070. There is in the Division of Apprenticeship  
29 Standards the California Apprenticeship Council, which  
30 shall be appointed by the Governor, composed of six  
31 representatives each from *employers or* employer  
32 organizations that sponsor apprenticeship programs  
33 under this chapter and employee organizations that  
34 sponsor apprenticeship programs under this chapter,  
35 respectively, geographically selected, and of two  
36 representatives of the general public. The Director of  
37 Industrial Relations, or his or her permanent and best  
38 qualified designee, and the Superintendent of Public  
39 Instruction, or his or her permanent and best qualified  
40 designee, and the Chancellor of the California



1 Community Colleges, or his or her permanent and best  
2 qualified designee, shall also be members of the California  
3 Apprenticeship Council. The chairperson shall be elected  
4 by vote of the California Apprenticeship Council.  
5 Beginning with appointments in 1985, three  
6 representatives each of employers and employees, and  
7 one public representative shall serve until January 15,  
8 1989. In 1987, three representatives each of the employers  
9 and employees, and one public representative shall serve  
10 until January 15, 1991. Any member whose term expires  
11 on January 15, 1986, shall continue to serve until January  
12 15, 1987. Thereafter each member shall serve for a term  
13 of four years. Any member appointed to fill a vacancy  
14 occurring prior to the expiration of the term of his or her  
15 predecessor shall be appointed for the remainder of that  
16 term. Each member of the council shall receive the sum  
17 of one hundred dollars (\$100) for each day of actual  
18 attendance at meetings of the council, for each day of  
19 actual attendance at hearings by the council or a  
20 committee thereof pursuant to Section 3082, and for each  
21 day of actual attendance at meetings of other committees  
22 established by the council and approved by the Director  
23 of Industrial Relations, together with his or her actual and  
24 necessary traveling expenses incurred in connection  
25 therewith.

26 SEC. 5. Section 3073.1 is added to the Labor Code, to  
27 read:

28 3073.1. (a) The division shall audit ~~all apprenticeship~~  
29 ~~programs each apprenticeship program~~ approved under  
30 this chapter at least once every ~~five years to ensure that~~  
31 ~~the provisions of this chapter are being followed, that only~~  
32 ~~qualified instructors are being used, that apprentices are~~  
33 ~~actually receiving the training and instruction required~~  
34 ~~by the apprenticeship agreement, that apprentices are~~  
35 ~~actually graduating from the program, that graduates~~  
36 ~~have actually acquired the skills and training necessary~~  
37 ~~for the work force, and that the programs have actually~~  
38 ~~implemented affirmative action programs for minorities~~  
39 ~~and women in accordance with the rules, regulations, and~~  
40 ~~guidelines of the California Apprenticeship Council.~~



1 ~~Every apprenticeship~~ *five years to ensure that the*  
2 *program is complying with its standards, that all*  
3 *on-the-job training is performed by journeymen, that all*  
4 *related and supplemental instruction required by the*  
5 *apprenticeship standards is being provided, that all work*  
6 *processes in the apprenticeship standards are being*  
7 *covered, and that graduates have completed the*  
8 *apprenticeship program's requirements. The California*  
9 *Apprenticeship Council may adopt industry-specific*  
10 *training criteria, and these audits shall ensure that any*  
11 *applicable training criteria are being followed. The*  
12 *division shall also examine each apprenticeship program*  
13 *to determine whether apprentices are graduating from*  
14 *the program on schedule or dropping out and to*  
15 *determine whether graduates of the program have*  
16 *obtained employment as journeymen. Every*  
17 *apprenticeship program sponsor shall have a duty to*  
18 *cooperate with the division in conducting an audit.*

19 ~~Audit~~

20 *(b) Audit reports shall be presented to the California*  
21 *Apprenticeship Council and shall be made public, except*  
22 *that the division shall not make public information which*  
23 *would infringe on the privacy of individual apprentices.*  
24 *The division shall recommend remedial action to correct*  
25 *deficiencies recognized in the audit report, and the*  
26 *failure to correct deficiencies within a reasonable period*  
27 *of time shall be grounds for withdrawing state approval*  
28 *of a program. Nothing shall prevent the division from*  
29 *conducting more frequent audits of apprenticeship*  
30 *programs where deficiencies have been identified.*

31 *(c) The division shall give priority in conducting*  
32 *audits to programs that have operated under approval of*  
33 *the California Apprenticeship Council for fewer than 10*  
34 *years and to programs that have been identified as having*  
35 *deficiencies. The division may conduct simplified audits*  
36 *for programs with fewer than five registered apprentices.*

37 SEC. 6. *Section 3075 of the Labor Code is amended to*  
38 *read:*

39 3075. *(a) An apprenticeship program sponsor may*  
40 *be a joint apprenticeship committee, unilateral*



1 management or labor apprenticeship committee, or an  
2 individual employer. Programs may be approved by the  
3 chief in any trade in the state or in a city or trade area,  
4 whenever the apprentice training needs—~~justifies~~ *justify*  
5 the establishment. Where a collective bargaining  
6 agreement exists, a program shall be jointly sponsored  
7 unless either party to the agreement waives its right to  
8 representation in writing. Joint apprenticeship  
9 committees shall be composed of an equal number of  
10 employer and employee representatives.

11 *(b) For purposes of this section, the apprentice*  
12 *training needs shall be deemed to justify the approval of*  
13 *a new apprenticeship program only if any of the following*  
14 *conditions are met:*

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

18 *(2) Existing apprenticeship programs approved under*  
19 *this chapter that serve the same craft or trade and*  
20 *geographic area do not have the capacity, or neglect or*  
21 *refuse, to dispatch sufficient apprentices to qualified*  
22 *employers willing to abide by the applicable*  
23 *apprenticeship standards.*

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

29 *SEC. 7.* Section 3080 of the Labor Code is amended to  
30 read:

31 3080. (a) For the purpose of providing greater  
32 diversity of training or continuity of employment, any  
33 apprentice agreement made under this chapter may in  
34 the discretion of the California Apprenticeship Council  
35 be signed by an association of employers or an  
36 organization of employees instead of by an individual  
37 employer. In that case, the apprentice agreement shall  
38 expressly provide that the association of employers or  
39 organization of employees does not assume the obligation  
40 of an employer but agrees to use its best endeavors to



1 procure employment and training for an apprentice with  
2 one or more employers who will accept full responsibility,  
3 as herein provided, for all the terms and conditions of  
4 employment and training set forth in the agreement  
5 between the apprentice and employer association or  
6 employee organization during the period of the  
7 apprentice's employment. The apprentice agreement  
8 shall also expressly provide for the transfer of the  
9 apprentice, subject to the approval of the California  
10 Apprenticeship Council, to an employer or employers  
11 who shall sign a written agreement with the apprentice,  
12 and if the apprentice is a minor, with the apprentice's  
13 parent or guardian, as specified in Section 3079,  
14 contracting to employ the apprentice for the whole or a  
15 definite part of the total period of apprenticeship under  
16 the terms and conditions of employment and training set  
17 forth in the apprentice agreement.

18 ~~(b) All apprenticeship programs with more than one  
19 employer or an association of employers shall include  
20 provisions sufficient to ensure meaningful and  
21 trustworthy representation of the interests of employees  
22 and apprentices in the management of the program.~~

23 *(b) Apprenticeship programs not sponsored by joint  
24 apprenticeship committees shall include in their  
25 standards provisions to ensure that the interests of  
26 journeymen and apprentices are taken into account in  
27 the management of the program.*

28 ~~SEC. 7. Section 3098 is added to the Labor Code, to  
29 read:~~

30 ~~3098. Apprenticeship standards adopted pursuant to  
31 Section 3071 shall not vary based on whether an  
32 apprentice in the building and construction trades is  
33 employed on a public works project.~~

34 ~~SEC. 8. Section 3098.1 is added to the Labor Code, to  
35 read:~~

36 ~~3098.1. Employers in the building and construction  
37 trades shall not employ individuals registered in  
38 approved apprenticeship programs as nonapprentices on  
39 construction projects so as to avoid complying with  
40 apprenticeship standards for minimum wages, maximum~~



1 ~~hours, and working conditions. Apprenticeship standards~~  
2 ~~under this chapter shall apply to all individuals registered~~  
3 ~~in approved apprenticeship programs whenever they are~~  
4 ~~employed on construction projects.~~

5 *SEC. 8. Section 3098 is added to the Labor Code, to*  
6 *read:*

7 *3098. (a) Apprenticeship standards for minimum*  
8 *wages, maximum hours, and working conditions adopted*  
9 *by the California Apprenticeship Council pursuant to*  
10 *Section 3071 shall not vary based on whether the*  
11 *apprentice is employed on public work.*

12 *(b) An apprentice registered in an approved*  
13 *apprenticeship program in any of the building and*  
14 *construction trades shall be covered by the standards for*  
15 *minimum wages, maximum hours, and working*  
16 *conditions adopted by the California Apprenticeship*  
17 *Council pursuant to Section 3071 for all work performed*  
18 *by the individual on any construction project, regardless*  
19 *of whether the individual is classified by the employer as*  
20 *an apprentice with respect to particular work.*

