

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JUNE 21, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2523

Introduced by Assembly Member Eng

February 19, 2010

An act to amend Sections ~~3099~~, ~~3099.2~~, 3099.2 and 3099.4 of the Labor Code, relating to apprenticeship.

LEGISLATIVE COUNSEL'S DIGEST

AB 2523, as amended, Eng. Apprenticeship: electricians.

Existing law requires the certification of electricians by the Division of Apprenticeship Standards, except as specified. Existing law allows the chief of the division to approve an apprenticeship program under specified circumstances.

This bill would require that continuing education instruction by an entity that is not approved by the chief of the division as described above be provided under the jurisdiction of the State Department of Education or the Board of Governors of the California Community Colleges.

Existing law allows an uncertified person to perform electrical work for which certification is required if certain requirements are met, including that the person has completed or is enrolled in a curriculum of classroom instruction approved by the electrician certification curriculum committee and provided under the jurisdiction of the State

Department of Education, the Board of Governors of the California Community Colleges, or the Bureau for Private Postsecondary Education.

This bill would require that the curriculum of classroom instruction discussed above be provided by an eligible educational provider, as specified.

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. Section 3099 of the Labor Code is amended to~~
2 ~~read:~~
3 ~~3099. (a) The Division of Apprenticeship Standards shall do~~
4 ~~all of the following:~~
5 ~~(1) On or before July 1, 2001, establish and validate minimum~~
6 ~~standards for the competency and training of electricians through~~
7 ~~a system of testing and certification.~~
8 ~~(2) On or before March 1, 2000, establish an advisory committee~~
9 ~~and panels as necessary to carry out the functions under this~~
10 ~~section. There shall be contractor representation from both joint~~
11 ~~apprenticeship programs and unilateral nonunion programs in the~~
12 ~~electrical contracting industry.~~
13 ~~(3) On or before July 1, 2001, establish fees necessary to~~
14 ~~implement this section.~~
15 ~~(4) On or before July 1, 2001, establish and adopt regulations~~
16 ~~to enforce this section.~~
17 ~~(5) Issue certification cards to electricians who have been~~
18 ~~certified pursuant to this section. Fees collected pursuant to~~
19 ~~paragraph (3) are continuously appropriated in an amount sufficient~~
20 ~~to pay the costs of issuing certification cards, and that amount may~~
21 ~~be expended for that purpose by the division.~~
22 ~~(6) On or before July 1, 2003, establish an electrical certification~~
23 ~~curriculum committee comprised of representatives of the State~~
24 ~~Department of Education, the California Community Colleges,~~
25 ~~and the division. The electrical certification curriculum committee~~
26 ~~shall do all of the following:~~
27 ~~(A) Establish written educational curriculum standards for~~
28 ~~enrollees in training programs established pursuant to Section~~
29 ~~3099.4.~~

1 ~~(B) If an educational provider's curriculum meets the written~~
2 ~~educational curriculum standards established in accordance with~~
3 ~~subparagraph (A), designate that curriculum as an approved~~
4 ~~curriculum of classroom instruction.~~

5 ~~(C) At the committee's discretion, review the approved~~
6 ~~curriculum of classroom instruction of any designated educational~~
7 ~~provider. The committee may withdraw its approval of the~~
8 ~~curriculum if the educational provider does not continue to meet~~
9 ~~the established written educational curriculum standards.~~

10 ~~(D) Require each designated educational provider to submit an~~
11 ~~annual notice to the committee stating whether the educational~~
12 ~~provider is continuing to offer the approved curriculum of~~
13 ~~classroom instruction and whether any material changes have been~~
14 ~~made to the curriculum since its approval.~~

15 ~~(b) There shall be no discrimination for or against any person~~
16 ~~based on membership or nonmembership in a union.~~

17 ~~(c) As used in this section, "electricians" includes all persons~~
18 ~~who engage in the connection of electrical devices for contractors~~
19 ~~licensed pursuant to Section 7058 of the Business and Professions~~
20 ~~Code. This section does not apply to electrical connections under~~
21 ~~100 volt-amperes. This section does not apply to persons~~
22 ~~performing work to which Section 7042.5 of the Business and~~
23 ~~Professions Code is applicable, or to electrical work ordinarily and~~
24 ~~customarily performed by stationary engineers. This section does~~
25 ~~not apply to electrical work in connection with the installation,~~
26 ~~operation, or maintenance of temporary or portable electrical~~
27 ~~equipment performed by technicians in the theatrical, motion~~
28 ~~picture production, television, hotel, exhibition, or trade show~~
29 ~~industries.~~

30 ~~SEC. 2.~~

31 ~~SECTION 1.~~ Section 3099.2 of the Labor Code is amended to
32 ~~read:~~

33 3099.2. (a) (1) Persons who perform work as electricians shall
34 become certified pursuant to Section 3099 by the deadline specified
35 in this subdivision. After the applicable deadline, uncertified
36 persons shall not perform electrical work for which certification
37 is required.

38 (2) The deadline for certification as a general electrician or
39 fire/life safety technician is January 1, 2006, except that persons
40 who applied for certification prior to January 1, 2006, have until

1 January 1, 2007, to pass the certification examination. The deadline
2 for certification as a residential electrician is January 1, 2007, and
3 the deadline for certification as a voice data video technician or a
4 nonresidential lighting technician is January 1, 2008. The California
5 Apprenticeship Council may extend the certification date for any
6 of these three categories of electricians up to January 1, 2009, if
7 the council concludes that the existing deadline will not provide
8 persons sufficient time to obtain certification, enroll in an
9 apprenticeship or training program, or register pursuant to Section
10 3099.4.

11 (3) (A) For purposes of any continuing education or
12 recertification requirement, an individual who becomes certified
13 prior to the deadline for certification shall be treated as having
14 become certified on the first anniversary of his or her certification
15 date that falls after the certification deadline.

16 (B) Continuing education instruction by an entity that is not
17 approved by the Chief of the Division of Apprenticeship Standards
18 pursuant to subdivision (a) of Section 3075 shall be provided under
19 the jurisdiction of the State Department of Education or the Board
20 of Governors of the California Community Colleges.

21 (b) (1) Certification is required only for those persons who
22 perform work as electricians for contractors licensed *as class C-10*
23 *electrical contractors* under the Contractors' State License Board
24 Rules and Regulations.

25 (2) Certification is not required for persons performing work
26 for contractors licensed as class C-7 low voltage systems or class
27 C-45 electric sign contractors as long as the work performed is
28 within the scope of the class C-7 or class C-45 license, including
29 incidental and supplemental work as defined in Section 7059 of
30 the Business and Professions Code, and regardless of whether the
31 same contractor is also licensed as a class C-10 contractor.

32 (3) Certification is not required for work performed by a worker
33 on a high-voltage electrical transmission or distribution system
34 owned by a local publicly owned electric utility, as defined in
35 Section 224.3 of the Public Utilities Code; an electrical corporation,
36 as defined in Section 218 of the Public Utilities Code; a person,
37 as defined in Section 205 of the Public Utilities Code; or a
38 corporation, as defined in Section 204 of the Public Utilities Code;
39 when the worker is employed by the utility or a licensed contractor

1 principally engaged in installing or maintaining transmission or
2 distribution systems.

3 (c) The division shall establish separate certifications for general
4 electrician, fire/life safety technician, residential electrician, voice
5 data video technician, and nonresidential lighting technician.

6 (d) Notwithstanding subdivision (a), certification is not required
7 for registered apprentices performing electrical work as part of an
8 apprenticeship program approved under this chapter, a federal
9 Office of Apprenticeship program, or a state apprenticeship
10 program authorized by the federal Office of Apprenticeship. An
11 apprentice who is within one year of completion of his or her term
12 of apprenticeship shall be permitted to take the certification
13 examination and, upon passing the examination, shall be certified
14 immediately upon completion of the term of apprenticeship.

15 (e) Notwithstanding subdivision (a), certification is not required
16 for any person employed pursuant to Section 3099.4.

17 (f) Notwithstanding subdivision (a), certification is not required
18 for a nonresidential lighting trainee (1) who is enrolled in an
19 on-the-job instructional training program approved by the Chief
20 of the Division of Apprenticeship Standards pursuant to Section
21 3090, and (2) who is under the onsite supervision of a
22 nonresidential lighting technician certified pursuant to Section
23 3099.

24 (g) Notwithstanding subdivision (a), the qualifying person for
25 a class C-10 electrical contractor license issued by the Contractors'
26 State License Board need not also be certified pursuant to Section
27 3099 to perform electrical work for that licensed contractor or to
28 supervise an uncertified person employed by that licensed
29 contractor pursuant to Section 3099.4.

30 (h) Commencing July 1, 2009, the following shall constitute
31 additional grounds for disciplinary proceedings, including
32 suspension or revocation of the license of a *class C-10 electrical*
33 contractor pursuant to Article 7 (commencing with Section 7090)
34 of Chapter 9 of Division 3 of the Business and Professions Code:

35 (1) The contractor willfully employs one or more uncertified
36 persons to perform work as electricians in violation of this section.

37 (2) The contractor willfully fails to provide the adequate
38 supervision of uncertified workers required by paragraph (3) of
39 subdivision (a) of Section 3099.4.

(3) The contractor willfully fails to provide adequate supervision of apprentices performing work pursuant to subdivision (d).

(i) The Chief of the Division of Apprenticeship Standards shall develop a process for referring cases to the Contractors' State License Board when it has been determined that a violation of this section has likely occurred. On or before July 1, 2009, the chief shall prepare and execute a memorandum of understanding with the Registrar of Contractors in furtherance of this section.

(j) Upon receipt of a referral by the Chief of the Division of Apprenticeship Standards alleging a violation under this section, the Registrar of Contractors shall open an investigation. Any disciplinary action against the licensee shall be initiated within 60 days of the receipt of the referral. The Registrar of Contractors may initiate disciplinary action against any licensee upon his or her own investigation, the filing of any complaint, or any finding that results from a referral from the Chief of the Division of Apprenticeship Standards alleging a violation under this section. Failure of the employer or employee to provide evidence of certification or trainee status shall create a rebuttable presumption of violation of this provision.

(k) For the purposes of this section, "electricians" has the same meaning as the definition set forth in Section 3099.

~~SEC. 3.~~

SEC. 2. Section 3099.4 of the Labor Code is amended to read:

3099.4. (a) After the deadline for certification, an uncertified person may perform electrical work for which certification is required under Section 3099 in order to acquire the necessary on-the-job experience for certification, if all of the following requirements are met:

(1) The person is registered with the Division of Apprenticeship Standards. A list of current registrants shall be maintained by the division and made available to the public upon request.

(2) The person either has completed or is enrolled in an approved curriculum of classroom instruction provided by one of the following:

(A) A community college.

(B) An apprenticeship program approved pursuant to subdivision (a) of Section 3075 to provide electrical training.

(i) An apprenticeship program approved under this subparagraph may provide classroom instruction only to the employees of the

1 contractors signatory to the entity operating the approved
2 apprenticeship program or to members of the entity operating the
3 approved apprenticeship program.

4 (ii) An apprenticeship program approved under this
5 subparagraph shall satisfy, at a minimum, the following
6 requirements:

7 (I) The content of each educational program can achieve its
8 stated objective.

9 (II) The facilities, instructional equipment, and materials are
10 sufficient to enable students to achieve the educational program's
11 goals.

12 (III) The apprenticeship program maintains a withdrawal policy
13 and provides refunds.

14 (IV) The directors, administrators, and faculty are properly
15 qualified.

16 (V) Adequate records and standards are kept.

17 (VI) A student grievance resolution process is available.

18 (iii) As used in this subparagraph, "contractor signatory" means
19 a contractor who has entered into a collective bargaining agreement
20 with a labor union that provides apprenticeship training in
21 compliance with the standards established by the Division of
22 Apprenticeship Standards.

23 (C) A public school district or public educational institution.

24 (D) A state-licensed private postsecondary institution that is
25 either under contract with a public educational institution or
26 approved and registered with the Bureau for Private Postsecondary
27 Education.

28 (E) Approved trainee education courses offered pursuant to
29 subparagraph (B) shall be for those members with minimum
30 educational needs and shall supplement and not supplant electrician
31 educational training leading to a degree.

32 (3) The employer attests that the person shall be under the direct
33 supervision of an electrician certified pursuant to Section 3099
34 who is responsible for supervising no more than one uncertified
35 person. An employer who is found by the division to have failed
36 to provide adequate supervision may be barred by the division
37 from employing uncertified individuals pursuant to this section in
38 the future.

39 (b) For purposes of this section, an "approved curriculum of
40 classroom instruction" means a curriculum of classroom instruction

1 approved by the electrician certification curriculum committee
2 established pursuant to paragraph (6) of subdivision (a) of Section
3 3099.

4 (c) The curriculum committee may grant approval to an
5 educational provider that presently offers only a partial curriculum
6 if the educational provider intends in the future to offer, or to
7 cooperate with other educational providers to offer, a complete
8 curriculum for the type of certification involved. The curriculum
9 committee may require an educational provider receiving approval
10 for a partial curriculum to periodically renew its approval with the
11 curriculum committee until a complete curriculum is offered and
12 approved. A partial curriculum means a combination of classes
13 that do not include all classroom educational components of the
14 complete curriculum for one of the categories of certification
15 established in accordance with subdivision (c) of Section 3099.2.

16 (d) An educational provider that receives approval for a partial
17 curriculum must disclose in all communications to students and
18 to the public that the educational provider has only received
19 approval for a partial curriculum and shall not make any
20 representations that the provider offers a complete approved
21 curriculum of classroom instruction as established by subparagraph
22 (A) of paragraph (6) of subdivision (a) of Section 3099.

23 (e) For purposes of this section, a person is “enrolled” in an
24 approved curriculum of classroom instruction if the person is
25 attending classes on a full- or part-time basis toward the completion
26 of an approved curriculum.

27 (f) Registration under this section shall be renewed annually
28 and the registrant shall provide to the division certification of the
29 classwork completed and on-the-job experience acquired since the
30 prior registration.

31 (g) For purposes of verifying the information provided by a
32 person registered with the division, an educational provider of an
33 approved curriculum of classroom instruction shall, upon the
34 division’s request, provide the division with information regarding
35 the enrollment status and instruction completed by a person
36 registered. By registering with the division in accordance with this
37 section, a person consents to the release of this information.

38 (h) The division shall establish registration fees necessary to
39 implement this section, not to exceed twenty-five dollars (\$25) for
40 the initial registration. There shall be no fee for annual renewal of

1 registration. Fees collected are continuously appropriated in an
2 amount sufficient to administer this section and that amount may
3 be expended by the division for this purpose.

4 (i) The division shall issue regulations to implement this section.

5 (j) For purposes of Section 1773, persons employed pursuant
6 to this section do not constitute a separate craft, classification, or
7 type of worker.

8 (k) Notwithstanding any other provision of law, an uncertified
9 person who has completed an approved curriculum of classroom
10 instruction and is currently registered with the division may take
11 the certification examination. The person shall be certified upon
12 passing the examination and satisfactorily completing the requisite
13 number of on-the-job hours required for certification. A person
14 who passes the examination prior to completing the requisite hours
15 of on-the-job experience shall continue to comply with subdivision
16 (f).