

1 ORIGINAL

2 BILL LOCKYER
Attorney General
3 JULIAN O. STANDEN
Deputy Attorney General
4 State Bar No. 51637
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102
Telephone: (415) 703-5535
6 Fax: (415) 703-5480
Attorneys for respondent
7 California Apprenticeship Council

8 UNITED STATES DEPARTMENT OF LABOR
WASHINGTON, D.C.

10 UNITED STATES DEPARTMENT OF LABOR,
11 OFFICE OF APPRENTICESHIP TRAINING,
12 EMPLOYER AND LABOR SERVICES,
Prosecuting Party,
13 v.
14 CALIFORNIA DEPARTMENT OF INDUSTRIAL
RELATIONS and CALIFORNIA APPRENTICESHIP
15 COUNCIL,
16 Respondents.

Case No. 2002 - CCP - 1

CALIFORNIA APPRENTICESHIP
COUNCIL'S RESPONSE TO
OATELS' MOTION TO COMPEL

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21 Respondent California Apprenticeship Council ("CAC") responds as follows to the
22 motion to compel of prosecuting party U.S. Department of Labor ("OATELS").

23 To avoid duplicative briefing, this brief only makes arguments that supplement or differ
24 from arguments set forth in the brief of respondent California Department of Industrial Relations
25 ("DIR). Thus, this brief should be read together with, and not apart from, DIR's brief. CAC
26 joins in and adopts all arguments made by DIR.
27

1 Introduction

2 In a footnote, OATELS attempts to justify its failure to meet and confer with CAC by
3 claiming that "informal resolution [with CAC] would be futile...". OATELS Brief, p. 3, fn. 4.
4 In fact, as will be shown below, even a short discussion could have resolved many of OATELS'
5 objections to CAC's discovery responses. If the opportunity had been presented, CAC would
6 have explained to OATELS that all of CAC's administrative functions, including document
7 retention, are performed by DIR employees. Furthermore, none of the current CAC members
8 individually possess any of the requested documents. Thus, CAC has nothing to produce to
9 OATELS.

10 CAC Has Not Waived Any Privilege

11 OATELS argues that an assertion of privilege is effective only if the assertion is made on
12 a document-by-document basis. Therefore, OATELS argues, CAC is not entitled to withhold
13 any documents because its assertion of the attorney-client, work product and official information
14 privileges is invalid. OATELS Brief, p. 5.

15 But the problem with OATELS' argument is that CAC did not produce any documents.
16 Thus, CAC could not assert the privileges on a document-by-document basis. Nor did CAC
17 withhold any documents from production.

18 It should be noted that the minutes of the CAC's meetings show that CAC often went into
19 executive session to discuss pending litigation. Under California law, meetings of boards such as
20 CAC are required to be open to the public, and the public is entitled to review of all documents
21 considered by the board. Cal. Government Code §§ 11120 et seq. However, an exception
22 permits a board to meet in executive session to discuss, inter alia, pending litigation. Ca.
23 Government Code § 11126(q). For example, the agenda for CAC's October, 2002 meeting
24 shows that CAC went into executive session on October 24, 2002 at 9:15 a.m. to discuss
25 PHCC/IRCC v. CAC, Sacramento County Sup., Ct. No. 01 CS02272.^{1/} Petitioners in PHCC are

26
27 1. A copy of the agenda is attached to this brief as Exhibit A.

28 2.

1 non-union apprenticeship training programs whose complaints to OATELS presumably initiated
2 this decertification proceeding. All matters discussed in such executive sessions are protected
3 from disclosure by the attorney-client privilege. As it happens, no documents were prepared in
4 connection with such executive sessions. However, if documents had been prepared, the
5 documents likewise would be protected from disclosure.

6 CAC's Response To Interrogatory No. 4 Is Adequate

7 Interrogatory No. 4 asks DIR and CAC to provide information about applications for new
8 apprenticeship training programs. Under California law, such applications are presented to DIR,
9 whose decisions are reviewable on appeal by CAC.

10 CAC's response pointed out that it only has information about those applications that
11 resulted in administrative appeals. As for this information, CAC's response stated that all
12 information about the appeals is set forth in CAC's meeting minutes, which OATELS admits it
13 has received from DIR. OATELS now argues that CAC has a duty to summarize the relevant
14 information in the minutes for OATELS' benefit.

15 In making this argument, OATELS assumes that CAC can locate the requested
16 information in the minutes more easily than can OATELS. OATELS is wrong. For example,
17 simply by turning to the second page of the minutes (DAS 1008) of CAC's October, 2002
18 meeting, OATELS can discover that on October 24, 2002 the Council affirmed an administrative
19 decision by the Chief of the Division of Apprenticeship Standards (a division within DIR)
20 concerning an apprenticeship program operated by the AIR Conditioning Trades Association
21 ("ACTA").^{2/} ACTA presumably is another of the entities whose complaints stirred OATELS to
22 initiate this decertification proceeding.

23 In order to obtain the information requested in Interrogatory number 4, someone has to
24
25

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27 2. A copy of the minutes is attached to this brief as Exhibit B.

28 3.

1 review all of CAC's minutes for the relevant time period.^{3/} Since no special expertise is required
2 to conduct this clerical task, OATELS can do it as easily as CAC.

3 OATELS concedes in its brief that Rule 33(d) requires a responding party to extract
4 information from documents only if responding party can perform the extraction "more
5 efficiently", to use OATELS' words, than the requesting party. OATELS Brief, p 11. OATELS
6 has not even attempted to explain why it needs help read the plain English of CAC's minutes to
7 determine what CAC did and when.

8 In this context, it is necessary to mention OATELS' complaint about the alleged
9 impossibility of understanding DIR's "internal notations, acronyms, short-hand expressions and
10 underlying policies and procedures." OATELS Brief, p. 11. CAC did not create DIR's internal
11 documents and therefore cannot comment about their intelligibility. However, the documents
12 that CAC created, i.e., its meeting minutes and its administrative decisions, do not rely on
13 "internal notations, acronyms and short-hand expressions", and they can be understood without
14 any prior knowledge of CAC's "internal procedures and policies". Therefore, even if OATELS'
15 argument has some validity with respect to documents created by DIR, it has no validity with
16 respect to the documents created by CAC.

17 Lastly, CAC's minutes often refer to administrative decisions by the Chief, DAS and by
18 CAC itself. DIR has already produced these administrative decisions to OATELS, which
19 therefore can analyze their contents for whatever purposes OATELS wishes without needing
20 CAC's assistance. OATELS apparently also wants CAC to summarize these administrative
21 decisions, but the decisions are written in plain English and therefore can be summarized by
22 OATELS without CAC's assistance.

23 OATELS intitaded this proceeding, not CAC. It is up to OATELS to do the preparation
24 that it feels is necessary to bring this proceeding to hearing. OATELS cannot shift this burden to
25 CAC merely because its attorneys want to reduce their workload.

26
27 3. CAC meets quarterly.

28 4.

1 Interrogatory No. 18

2 Interrogatory 18 asks for information about applications for apprenticeship training
3 programs in the building and construction trades. It therefore is similar to Interrogatory No. 4,
4 discussed above.

5 CAC only has information about those applications for building and construction trades
6 apprenticeship programs that resulted in an administrative appeal to CAC from a decision by the
7 Chief, DAS. CAC's rulings in these appeals are stated in its minutes. As shown above, this
8 information is set forth in CAC's minutes and therefore is as accessible to OATELS as it is to
9 CAC.

10 CAC Has Complied With OATELS' Requests For Production

11 OATELS seeks an order compelling CAC to "produce all of the CAC decisions"
12 identified in its discovery responses. CAC does not maintain any documents and cannot produce
13 documents it does not maintain. To the extent they exist, the requested documents have been
14 produced by DIR, which has the responsibility for maintaining CAC's records.

15
16 Conclusion

17 OATELS' motion should be denied in its entirety.

18
19 DATED: July 7, 2003

20 BILL LOCKYER
21 Attorney General


22 
23 JULIAN O. STANDEN
24 Deputy Attorney General
25 Attorneys for respondent
26 California Apprenticeship Council

EXHIBIT A

DEPARTMENT OF INDUSTRIAL RELATIONS
CALIFORNIA APPRENTICESHIP COUNCIL
455 GOLDEN GATE AVENUE, 8TH FLOOR
SAN FRANCISCO, CA 94102
(415) 703-4920



ADDRESS REPLY TO:
P.O. Box 420603
San Francisco, CA 94142

**CALIFORNIA APPRENTICESHIP COUNCIL
QUARTERLY MEETING
PALM SPRINGS RIVIERA HOTEL
1600 N. INDIAN CANYON DRIVE
PALM SPRINGS, CALIFORNIA
OCTOBER 23-25, 2002**

**** REVISED AGENDA ****

THURSDAY, OCTOBER 24, 2002

8:00 A.M. REGISTRATION

9:00 A.M. I. CONVENE REGULAR QUARTERLY MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll call
- C. Minutes of the previous meeting: July 25-26, 2002
- D. Announcements
- E. Communications
- F. Appointment of Nominating Committee

9:15 A.M. II. BREAK FOR EXECUTIVE SESSION; IF NEEDED

Recess to closed executive session pursuant to Government Code section 11126(q) to discuss litigation to which the Council is or may become a party, including, but not limited to:

PHCC/IRCC v. CAC Sacramento Superior Court Nos. 01CS01172 and 01CS011183

ABCSoCal v. Nunn United States District Court, Central Division

No. SA02 131AHS
ACTA v. CAC San Francisco Superior Court No. 02 500 813
OATELS - Derecognition Proceedings 29 CFR § 29.13
CAPERS v. CAC Sacramento Superior Court No. C501561

III. BUSINESS SESSION

A. Legal Matters

PHCC/IRCC v. CAC Sacramento Superior Court Nos. 01CS01172
and 01CS011183

ABCSoCal v. Nunn United States District Court, Central Division
No. SA02 131AHS

ACTA v. CAC San Francisco Superior Court No. 02 500 813
CAPERS v. CAC Sacramento Superior Court No. C501561

A. Appeal Board Decision

B. Old Business

C. New Business

D. Notice of Appeals to the Council during the quarter

E. Automatic Orders of the Council

F. Completed Audit Reports

G. Action Item

- 1) Adoption of Public Works Appeal Hearing Procedures
C.C.R. § 232 et seq.

IV. DEPARTMENT OF EDUCATION ADVISORY COMMITTEE

Richard Dahl, Department of Education

10:30 A.M. BREAK

V. RSI FUNDING UPDATE

Richard Dahl, Department of Education
Barry Noonan, CCC Chancellor's Office

12:00 PM LUNCH

1:30 PM VI. CAC FORUM

- A. California Firefighters JAC Outreach Activities & Report on WIA Grant: "Terrorism Consequences Management Training" – Yvonne de la Pena
- B. Report on Tradeswomen Policy Committee to the State Building and Construction Trades Council & Preview of Recruitment Video and Brochure – Bonnie Hendriquez, Debra Chaplan and Beth Youhn

VII. CAC STANDING COMMITTEE REPORTS

1)AD-HOC Committee Report

School-to-Career/Apprenticeship Committee;
Meeting of October 23, 2002

2)California Conference on Apprenticeship

CCA Planning Meeting of October 23, 2002

**RECESS CAC MEETING UNTIL FRIDAY MORNING
AT 9:00 A.M.**

FRIDAY, OCTOBER 25, 2002

8:00 A.M. REGISTRATION

**9:00 A.M. I. RECONVENE REGULAR QUARTERLY CAC
MEETING TO ORDER**

- A. Pledge of Allegiance
- B. Roll call
- C. Announcements
- D. Report of Nominating Committee

**II RULES & REGULATIONS STANDING COMMITTEE
REPORT**

September 20, 2002

**III. REPORT OF ADMINISTRATIVE AND COOPERATING
AGENCIES**

- A. Division of Apprenticeship Standards
- B. Office of Apprenticeship Training,
Employer and Labor Services (OATELS)
- C. California Community Colleges
- D. Department of Education
- E. California Youth Authority
- F. Department of Corrections
- G. California Apprenticeship Coordinators Association
- H. CA Association for the Advancement of Apprenticeship
Training
- I. Federal Committee on Apprenticeship
- J. Women's Bureau
- K. WINTER
- L. California Workforce Investment Board: Partners

5:00 P.M. ADJOURNMENT

NOTE: The scheduled times may be adjusted, depending on discussion of agenda items, Public comment will be taken before or during consideration of each agenda item.

EXHIBIT B

**CALIFORNIA APPRENTICESHIP COUNCIL
2002 FOURTH QUARTERLY MEETING**

MINUTES

THURSDAY, OCTOBER 24, 2002

Chairman Holmes called the meeting to order.

Commissioner Zampa led those attending in the Pledge of Allegiance.

Chief Nunn did the roll call.

Commissioners present: William Callahan, Yvonne de la Pena, Jeannie Holmes, Lawrence Kay, Marvin Kropke, Dennis Pearl, Jr., Bert Tolbert, Max Turchen, Richard Zampa, Al Tweltridge (in place of Kelly Candaele), Ron Selge (in place of Victoria Morrow) & Chief Henry Nunn III (in place of Acting DIR Director Chuck Cake).

Commissioners absent: Gerrit Buddingh', Charles Burke, Carole Cresci Colbert, Dennis McEuen, and Brad Plueger.

Chief Nunn announced that they had a quorum.

Minutes of the Previous Quarterly Meeting: Chairman Holmes asked for a motion to approve the July 25 & 26, 2002, CAC Minutes. The motion was made and seconded. No corrections were made on the previous minutes. All commissioners voted in favor of the motion to approve the minutes; none opposed. The minutes were approved.

Announcements: Locations and dates for future CAC meetings are as follows:

January 22-24, 2003	Hyatt Regency	Monterey
April 23-25, 2003	Hyatt Regency/Airport	Burlingame
July 23-25, 2003	Hyatt Islandia	San Diego
October 22-24, 2003	Riviera Hotel	Palm Springs

Communications: There was no report given at this time.

Appointment of Nominating Committee: Chairman Holmes appointed Commissioners Callahan, de la Pena and Turchen to the nominating committee for next year's chairman. The report will be given tomorrow.

Executive Session: There was a brief break for an Executive Session.

Legal Matters: Fred Lonsdale, DIR Attorney, gave a report on behalf of Julian Standen, Attorney General's Office. There was no action required by the council on any of the legal matters set forth in the agenda. In the PHCC vs. CAC matter, there is a Superior Court order that is still pending in the trial court and there has not been an appeal or a judgement at this time.

In the IRCC vs. CAC matter, there has been an appeal, but no action is required by the council.

In the ABCSoCal vs. Nunn matter, the District Court decision has been appealed to the 9th Circuit and a briefing schedule with the first brief by ABCSoCal is due in January 2003.

In the ACTA vs. CAC matter & the CAPERS vs. Nunn matter, the cases have been consolidated and are in Sacramento Superior Court. No action is required by the council at this time.

Appeal Board Decision: Commissioner Turchen gave the report. The appeals panel consisting of Commissioner Tolbert, Commissioner Callahan and Commissioner Turchen have reached the following decision. On March 25, 2002, the Appellants for Capers & ACTA requested the Chief of DAS to reverse his refusal to sign DAS 1 forms for apprentices to the Air Conditioning Trades Association (ACTA) Unilateral Apprenticeship Program on the basis of residence. The Appellants argued that the refusal violated their fundamental rights to education and travel. On June 20, 2002, Chief of DAS, on behalf of the Administrator of Apprenticeship, dismissed the Appellants complaint on the grounds that the council's decision of January 24, 2002, prohibits ACTA from using selection methods that result in the enrollment of apprentices who reside outside the counties of Merced, Stanislaus, Mariposa and Tuolumne. The Chief further determined that the prohibition did not infringe on fundamental rights to education and travel. The Appellants appealed the dismissal to the council. Commissioners Turchen, Tolbert & Callahan were appointed to the appeal panel to make a recommendation on this appeal. The panel reviewed the administrative record and presented its recommendation at the council meeting on October 24, 2002. Appellants did not request a hearing before the council. The appeal panel's decision is that the dismissal of the Appellants complaint is affirmed on the grounds stated in the council's decision of January 24, 2002, dismissing the ACTA appeal and on the additional grounds stated in the Chief of DAS's decision in this matter. Commissioner Turchen recommended that the council adopt the above decision. There was a motion to approve the appeal panel's decision and the motion was seconded. There were no comments. All commissioners voted in favor of the motion; none opposed.

Old Business: There was no report given at this time.

New Business: Bryan Goyette, DAS Area Administrator, gave the report. Since the last quarterly meeting, the division has been pursuing the industry training criteria activities with two new occupations: Air Conditioning & Refrigeration Fitters Committee & Sprinkler Fitters Industry Committee. A preliminary meeting was held with the Air Conditioning & Refrigeration group. They have a total of seven members made up of both joint programs and open shop programs. They reviewed their existing standards to make sure that the OJT work hours were all consistent. In speaking with Tom Newbro, who was acting on their behalf, he felt that shortly they could meet again and possibly finish this by the next quarterly meeting.

There was a meeting with the Sprinkler Fitters JAC. They have currently about six members. They are extending an invitation to the one open shop program in California. That open shop program has four different regions. So, that committee may total six to eight members from open shop and joint programs. They also believed that it wouldn't take long to wrap up their minimum standards and propose them to the council. As Commissioner Kay pointed out before, the clock has been running and all of these 16 crafts of the Building Trades only had a three-year window. Diane Ravnik, DAS Deputy Chief, pointed out the regulations have a sunset date on this and our OD Legal Department is looking at it. So, they're very aware of the timeline they have. Bryan stated that most of the trades that have statewide standards already in place, he's confident that they should be able to finish this task. Commissioner Kay asked for information on who has been approved and who is still in the works. Bryan reported that the following programs are approved: Electrician, Sheet Metal Worker, and Cement Mason. The programs just initiated are Sprinkler Fitter & Air Condition Refrigeration Fitter. The Plumbers may be starting soon. Bryan said that initially he asked the trades not to step forward and overload them. However, now is the time to step forward, so he can look at the deadline they are facing.

Notice of Appeals to the Council during the quarter: Chief Nunn gave the report. This quarter, DAS received one notice of appeal for Western Burglar Alarm & Fire Association apprenticeship program that was approved in September 2002. The appeal is with OD Legal at this time.

Automatic Orders of the Council: There was no report given at this time.

Completed Audit Reports: Chief Nunn announced that he would discuss this in his Chief's Report tomorrow.

Action Item - Adoption of Public Works Appeal Hearing Procedures (CCR 232 et seq.): Fred Lonsdale, DIR OD Legal Unit, gave the report. Unfortunately, there was a conflict in the hearing dates and the hearing was not held before this meeting. The new hearing dates are set, though, and the information has been sent to the interested parties. The hearing dates are in

late November/early December. The two scheduled hearings will cover the procedural regulations for the hearings held by the Director on complaints about apprenticeship violations on Public Works. The regulations basically correspond and conform to the regulations that were previously adopted by the Director for similar hearings dealing with wage violations that the Division of Labor Standards & Enforcement (DLSE) hold. He anticipates that at the next meeting, the process should be completed. Chairman Holmes asked if the hearing dates are posted on the DIR or DAS website. Fred announced that the information is posted on the DAS website. Bryan Goyette announced that one hearing date is on November 22, 2002, in the San Francisco DIR HQ Building and the other hearing is on December 6, 2002, in the San Diego ATC Training Center.

Department of Education (CDE) Advisory Committee: Richard Dahl, California Department of Education ROP Centers & Programs Unit, gave the report. There was a recent meeting, about a month ago, of the CDE Apprenticeship Advisory Committee. The committee was formed about two years ago and meets quarterly. Representatives on the Advisory Committee include the CDE, CAC, RSI, CCC Chancellor's Office, DAS, and program sponsors. The Advisory Committee discussed SB 287, which has reached its two-year lifespan. This was a deficiency bill that would bring back to the CDE some money to pay for apprenticeship/RSI hours that were not paid in years 1998-1999, 1999-2000, and 2000-2001. The committee agreed that what was needed was to develop a strategy for the upcoming legislative to introduce a new bill which would seek deficiency repayments those years. Unfortunately, since the bill has expired, the years 1998-1999 will not be available to seek deficiency repayments, although it wasn't a big year. So, it is not as big a loss when compared to the other years. One of the difficulties faced in reporting their hours was that the statistics and data they get could sometimes change. For example, when the annual report is done in May, the fiscal year ends in June and the LEAs are not required until August to turn in their final numbers. On top of all this, the LEAs have until February of the following year to make any corrections that they might find. Consequently, hours for 2001-2002 will not actually be certified until February 2003. It is difficult to report exact hours when it comes to these deficiencies unless it is for a previous year. The committee went on record to support new dollars for RSI. They have been very fortunate the last few years to get increases in RSI Funding, on two separate occasions. One was an increase in the hourly rate and the other was an increase in dollars for additional hours to help cover some of the costs for expanding programs. The CDE planned on submitting a Budget Change Proposal (BCP) to try to get a change on or about the May revision date. However, this year isn't a good year to go after a change in the budget due to the state of the economy. They will consider trying for a BCP next year. Some committee members even suggested they seek legislation to go after increases in the RSI dollars.

Another item discussed was college credit given in some ROC/P and Adult Education Programs. The census was that all apprentices, if they wish to have it, should be able to have the opportunity to receive college credit. *The committee moved and seconded to bring to the CAC RSI Committee, a request to review a policy/strategy by which ROC/P and Adult Education students along with community college apprentices are able to receive college credit.* The census suggests that this should be a statewide policy. Richard will be forwarding this information to the CAC RSI Committee. Indirect costs were also discussed. Direct costs are the cost of instruction, such as paying the teacher. Indirect costs are paying for the janitor, the lights, and heating bills. ROC/P & Adult Education Programs seem to have a big variation in their indirect costs. *So, the committee, after much discussion, moved and seconded to ask the CAC RSI Committee to investigate indirect costs.* There were no comments or questions from the public.

Rules & Regulations Standing Committee Report: Per Chairman Holmes, this report, which is scheduled on the agenda for tomorrow, will be given today. Commissioner Kay gave the report. (See attached) Commissioner Kay made a motion that the 3-year statute of limitations for DAS enforcement should be referred back to the Rules & Regs Committee for adoption and putting together the language for regulations and public hearings. The motion was seconded. All commissioners voted in favor of the motion; none opposed.

RSI Funding Update: Richard Dahl, Department of Education (CDE), gave the report. (See attached)

Barry Noonan, CCC Chancellor's Office, gave his RSI Funding Update report. (See attached)

Chairman Holmes complimented Richard Dahl, Barry Noonan, Al Tweltridge, and Ron Selge for their detailed report and the work they put forth in gathering their data.

OATELS Derecognition Update: Fred Lonsdale gave an update on the OATELS derecognition proceedings. The Department of Labor (DOL) is still pursuing the concept of derecognizing the State of California. There has been no change in substance since the last meeting. There have been a couple of procedural pre-hearing discussions. DOL will make documents concerning the derecognition process available to the public on this website: DOL is supposed to be posting the administrative record, which it considers to be the basis for their complaint. There will be discovery opportunity as to the issues that are being raised to the Administrative Law Judge.

The council was recessed until 1:30 p.m.

CAC Presentation (1)

California Firefighters JAC Outreach Activities & Report on WIA Grant: "Terrorism Consequences Management Training": Commissioner de la Pena, Program Director for the CA Firefighter JAC, gave the report. Their program is statewide and represents about 90% of the fire service. They currently have about 95 participating departments. They represent state, federal and local government. Their program does not get into the actual hiring process, rather they provide tools, recruitment and outreach. Some of those tools include a database for interested individuals in the fire service, a video that can be shown at career and job fairs, and recruitment brochures. It is very competitive to enter the fire service, so they try to reach out to high schools to help prepare students as early as possible. The hiring process consists of a physical ability test, a written test, an oral interview, a background check, and medical exams. Then, Commissioner de la Pena played a recruitment video entitled "A Proud Profession." As a statewide program, they have over 6,000 apprentices. They have sub-committees within each department that oversee the apprenticeship program along with the Training Office and Training Coordinator. They also communicate with the apprentices through conferences and other events. Apprentices are shown a video once they go through the academy so that they understand the role of the apprenticeship training program. The next video shown is directed to the apprentice after being hired. It's entitled "The Tools Inside." Everyone in the video has gone through the apprenticeship program.

The California Firefighters JAC received a grant through the Workforce Investment Act (WIA) under Governor Davis' 15% discretionary funds (\$941,000). This grant is to provide all first-responders in the state (30,000 firefighters) with terrorism training. They will train 24 master trainers who, in turn, will go out and train 625 trainers. Then, they will go to their individual departments and train them in this 16-hour program. With the grant, they developed the curriculum, provided the materials, the student manual, the video, workbook, PowerPoint presentation, and a Mark 1 trainer kit. It was an 18-month grant. A marketing packet went out to let the various fire services know about this training. The Office of Emergency Services, State Fire Marshall, CA Professional Firefighters, International Association of Firefighters, CA Fire Chief's Association, Metro Chief's Association, and everyone else in management and labor are in collaboration to make this become a standard in CA. The 16-hour training is a start for terrorist training. There was a video shown regarding the grant and the training available. Also, their website will be used to provide additional information regarding class start dates. The classes will be hosted by local fire agencies throughout the state to conduct the demonstrations.

CAC Presentation (2)

Report on Tradeswomen Policy Committee to the State Building and Construction Trades Council & Preview of Recruitment Video and Brochure: Presentors included: Bonnie Henriquez, Glaziers Apprenticeship Program; Debra Chaplan, State Building & Construction Trades Council and Tradeswomen Inc.; Beth Youhn, Operating Engineer and Executive Director of Tradeswomen Inc.; and Veda Johnson, Executive Director of WINTER. Lauren Sugarman, Chicago Women in the Trades, created the PowerPoint presentation that was shown. Lauren did a study on tradeswomen in the US and other countries. Nationally, there are less than 3% women in the trades, and here in CA, there are about 5% women in the trades. Most women work in jobs such as childcare, teachers, waitresses and cashiers. Construction pays more than the amount women are usually paid in these other jobs. In the video, it shows how much pride and dedication the tradeswomen have in their jobs. Debra handed out some promotional material on tradeswomen. Beth reported that in the past couple of years, the number of women in apprenticeship is declining in CA. On a positive note, they have been awarded a \$100,000 grant from DOL's Women's Bureau to provide technical assistance to promote and help keep women in the trades. This is a partnership with WINTER. The people in Century Housing also received a WANTO grant this year. So, three different organizations in CA are receiving federal resources to help keep women in the trades. Also, BACSIC has a strong commitment to develop a large number of women as part of their client base, and they are working closely with them. Mega-projects such as the Bay Bridge renovation, the S.F. Federal Building being built, and the expansion of the Port of Oakland will have about 6.9% women which is a required goal of the OFCCP. Tradeswomen Inc. and WINTER are members of Tradeswomen Now & Tomorrow, which is a national coalition of over 20 tradeswomen focused organizations. Veda reported that WINTER also received a \$100,000 grant in collaboration with Tradeswomen Inc. They will be helping unions and apprenticeship training programs bring women get into the trades and to continue their careers in the trades. They are currently working on a project where young women, ages 18-24, are recruited and assisted in entering the painting trades apprenticeship programs. Debra reported that the State Building Trades are doing various partnerships, such as one with Tradeswomen Inc. There is another project called Building CA Construction Careers (BC3). Last May, they did something new which was a statewide conference for women in the trades called Women Building California. The Building Trades Council sponsored this conference. IBEW and Ironworkers sent more than ten women and got special recognition for that. There were over 200 women in attendance in Sacramento where they discussed recruitment and retention issues. Some of the speakers at the conference included the Building Trades Council President Bob Balgenorth and Ironworker Jean Park. A Tradeswomen Policy and Tradeswomen Advisory Committee met for the first time in late September. They had 17 people attend from around Northern California. They want to make it a statewide committee that will be

able to advise in both legislative and administrative issues as well unions and employers. At the conference, they asked some women to tell their stories on video. After reviewing the women's stories, they decided to use the video, as well as utilizing posters and brochures, as an effective tool in increasing and maintaining women in the trades. Also, the video and brochures will be translated into Spanish as well.

Adjournment: Chairman Holmes adjourned the meeting until tomorrow at 9:00 a.m.

FRIDAY, OCTOBER 25, 2002

Chairman Holmes called the meeting to order.

Commissioner Tolbert led those attending in the Pledge of Allegiance.

Chief Nunn did the roll call.

Commissioners present: Gerrit Buddingh', Yvonne de la Pena, Jeannie Holmes, Lawrence Kay, Marvin Kropke, Dennis Pearl, Jr., Bert Tolbert, Max Turchen, Richard Zampa, Al Tweltridge (in place of Kelly Candaele), Ron Selge (in place of Victoria Morrow) & Chief Henry Nunn III (in place of Acting DIR Director Chuck Cake).

Commissioners absent: William Callahan, Charles Burke, Carole Cresci Colbert, Dennis McEuen, and Brad Plueger.

Chief Nunn announced that they had a quorum.

Announcements: There was no report given at this time.

Report of Nominating Committee: Commissioner de la Pena gave the report. Commissioner Callahan, Turchen and de la Pena met to nominate the next chairman for the CAC in 2003. First, she thanked Chairman Holmes, on behalf of the council, for her hard work, dedication and leadership. Also, on behalf of the committee, Commissioner de la Pena made a motion to nominate Commissioner Lawrence Kay for chairman in 2003. The motion was seconded. There were no comments or questions given. All commissioners voted in favor of the motion; none opposed.

CAC Standing Committee Reports

1) **AD-HOC Committee Report:** Bryan Goyette gave the report on the School-to-Career/Apprenticeship Committee Meeting of October 23, 2002. (See attached)

2) California Conference on Apprenticeship: Rick Cole, Southern CA Carpenters & Co-Chairman of 2004 CCA, gave the report on behalf of Pat Pico, current Chairman. The CCA meeting was held on October 23, 2002. They are checking into the possibility of using a hotel in the Sacramento area for the next CCA conference. They felt the format used this year was successful and plan to again have a large general session and smaller breakout sessions. Rick reported that Pete Saucedo, San Diego AGC & CCA Treasurer, did an analysis on the expenditures and profits of this year's conference. Jim Westfall, who was the Chairman for 2002, inherited a bank account of about \$7,000. One of his goals was to leave more money for the 2004 conference, and Rick was pleased to announce that the current bank balance is \$18,000.

Report of Administrative & Cooperating Agencies

Division of Apprenticeship Standards (DAS): Chief Nunn gave the Chief's Report. (See attached)

Office of Apprenticeship Training Employer & Labor Services (OATELS): There was no report given at this time.

California Community Colleges: Barry Noonan, CCC Chancellor's Office, gave the report. (See attached)

Department of Education: Richard Dahl, CA Department of Education (CDE), gave the report. (See attached)

California Youth Authority (CYA): Sam Jones, Career Technical Education Administrator, gave the report. (See attached)

Department of Corrections: There was no report given at this time.

California Apprenticeship Coordinators Association (CACA): Michael Longeuay, Sheet Metal Workers Local 104 and President of CACA, gave the report. They met yesterday, at the conclusion of the CAC meeting, and they had over 60 members and guests attend. There were reports from seven regional areas. Unfortunately, there was no representative from OATELS or BAT. There were reports given from the State Building Trades. One report was about their BC3 grant and the other report was about their bill program and safety program. Also, they went into Executive Session and they discussed OATELS's derecognition situation. CACA is an active participant in this and they go on record in support of DIR/DAS and the CAC. That concludes his report.

California Association for the Advancement of Apprenticeship Training (CAAAT): John Upshaw, President of CAAAT, gave the report. (See attached)

Federal Committee on Apprenticeship: Art Shanks, Director of the Cypress Mandela/WIST Training Center & Cement Mason Local 300, announced that, unfortunately, the committee has not met. Therefore, there is nothing to report at this time.

Women's Bureau: Jenny Erwin, Regional Administrator of the Women's Bureau, gave the report. (See attached)

WINTER: The report was already given yesterday and there was nothing new to report.

California Workforce Investment Board Partners: There was no report given at this time.

At this time, Chairman Holmes asked if there was any other questions or comments for the council. Rick Cole made a positive comment to Chairman Holmes for her hard work and efforts as CAC Chairman.

Adjournment: With no further business, Chairman Holmes asked for a motion to adjourn the CAC meeting. The motion was made and seconded. The meeting is adjourned.

DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: *United States Department of Labor, Office of Apprenticeship Training, Employer and Labor Services v. California Department of Industrial Relations and California Apprenticeship Council*

United States Department of Labor, Washington, D.C., Case No.: 2002 - CCP - 1

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102.

On July 8, 2003, I served the attached

California Apprenticeship Council's Response to OATEL's Motion to Compel

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows:

Stephen R. Jones
Office of the Solicitor
U.S. Department of Labor
200 Constitution Avenue N.W., Suite N-2101
Washington, DC 20210

Fred D. Lonsdale, Counsel
Department of Industrial Relations
Office of the Director - Legal Division
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102

John M. Vittone
Chief Administrative Law Judge
800 K Street, Suite 400
Washington, DC 20201-8002

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 8, 2003, at San Francisco, California.

Emily Aquino

Typed Name



Signature