

COPY

OFFICE OF ADMINISTRATIVE LAW JUDGES  
U.S. DEPARTMENT OF LABOR  
WASHINGTON, D.C. 20001

In the Matter of

U.S. DEPARTMENT OF LABOR,  
OFFICE OF APPRENTICESHIP  
TRAINING, EMPLOYER AND LABOR  
SERVICES,

Prosecuting Party,

v.

CALIFORNIA DEPARTMENT OF  
INDUSTRIAL RELATIONS,

Respondent,

and

CALIFORNIA APPRENTICESHIP  
COUNCIL,

Respondent.

Case Nos. 2002-CCP-1,  
2003-CCP-1

2004 OCT - 5 P 2:55  
US DEPT OF LABOR  
ADMIN LAW JUDGES

**DECLARATION OF SANDRA RAE BENSON IN SUPPORT OF  
BRIEF OF AMICI CURIAE SUPPORTING  
RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

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STATE BUILDING AND CONSTRUCTION  
TRADES COUNCIL OF CALIFORNIA, AFL-CIO

I, Sandra Rae Benson, declare as follows:

1. I am a shareholder in the law firm of Weinberg, Roger & Rosenfeld, counsel of record for amicus curiae California Apprenticeship Coordinators Association. I am duly licensed to practice in the courts of the State of California. I am familiar with the matters set forth herein, and, if called as a witness, I could and would competently testify thereto.
2. On January 9, 2004, I sent a letter via facsimile and overnight mail to Mr. Ronald M. Johnson, the Regional Director of OATELS in Seattle, Washington, under the federal Freedom of Information Act ("FOIA"), 5 U.S.C. §522 et seq., requesting specified documents relating to applications submitted to OATELS by certain California apprenticeship programs for approval for federal purposes (see 29 C.F.R. §29.2(k)), by OATELS or any department of the United States Government. A true and correct copy of my letter of January 9, 2004 is attached hereto as Exhibit 1.
3. Mr. Johnson neither acknowledged receipt of my January 9, 2004 letter; nor did he respond within the time limits prescribed by FOIA.
4. On February 19, 2004, at my direction, another attorney in our office, Ms. Roberta Perkins, again wrote to Mr. Johnson regarding OATELS's failure to timely respond to our FOIA request. A true and correct copy of Ms. Perkins's letter of February 19, 2004 is attached hereto as Exhibit 2.
5. On or about April 27, 2004, I received a set of documents from OATELS in response to our FOIA request. A true and correct copy of the transmittal letter that accompanied OATELS's response is attached hereto as Exhibit 3.
6. Attached hereto as Exhibit 4 are true and correct copies of selected portions of the documents produced by OATELS's in response to our FOIA request regarding applications submitted for OATELS approval by the following unilateral apprenticeship programs: Western Electrical Contractors Association ("WECA"); Plumbing Heating Cooling Contractors ("PHCC"); Independent Roofing Contractors of California ("IRCC"); Air Conditioning Trades Association ("ACTA"); Associated Builders and Contractors—San Diego

("ABC-San Diego"); Associated Builders and Contractors—Southern California ("ABC-SoCal"); and the California Federation of Air Conditioning Contractors of America ("ACCA"). These documents show, inter alia, that OATELS is performing only the most cursory review of the standards submitted by the California programs it has registered for federal purposes since August 2003—i.e., that the programs have been approved on the very same day, within hours of submitting their applications. (See Exhs. 3, 4)

7. In or about August 2004, OATELS approved program standards that had been proposed for an expansion of one of the *union* apprenticeship program sponsored by the Southern California Carpentry JATC to include plasterers and drywall finishers. CDIR had previously declined to approve this expansion because the proposed program did not have sufficient training hours to turn out qualified journeymen in either craft.

8. On or about July 16, 2004, DOL's Assistant Secretary for Employment, Ms. Emily Stover DeRocco, sent a letter to the Acting Director of California's Department of Industrial Relations ("CDIR"), Mr. John Rea, to advise Mr. Rea that OATELS will insist that apprentices enrolled in any program it has registered for "federal purposes" be allowed to work at the reduced apprentice prevailing wage rate on all public works projects, apparently including those of State and local municipalities, that are funded in any amount—however small—with federal funding. A true and correct copy of Ms. DeRocco's letter of July 16, 2004 is attached hereto as Exhibit 5.

9. Apparently, Ms. DeRocco's letter of July 16, 2004, did not reach Mr. Rea's office until July 26, 2004, after the California Apprenticeship Council had concluded its quarterly meeting on July 22 and 23, 2004. Upon receiving Ms. DeRocco's letter, Mr. Rea replied by return letter dated July 27, 2004, disputing OATELS's authority to impose apprenticeship requirements as to State and local public works projects. A copy of Mr. Rea's letter of July 27, 2004 is attached hereto as Exhibit 6.

10. In May 2004, I was informed that the general contractor on the construction project being undertaken at the John Wayne Airport in Orange

County (financed by federal funds) was refusing to hire apprentices from a California apprenticeship program that has maintained State approval for decades to work on the project, because the program did not have OATELS's approval. After I contacted Mr. Ronald M. Johnson, the Regional Director of OATELS, about this problem, Mr. Johnson sent a letter to the general contractor, Morrow-Meadows, dated May 10, 2004, advising him that OATELS still fully recognizes California registered apprentices on federal prevailing wage projects. A true and correct copy of Mr. Johnson's letter of May 10, 2004, is attached hereto as Exhibit 7.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Oakland, California on October 4, 2004.

WEINBERG, ROGER & ROSENFELD  
A PROFESSIONAL CORPORATION

Sandra Rae Benson

Patricia M. Gates

M. Suzanne Murphy

By: 

Sandra Rae Benson

Attorneys for Amicus Curiae

CALIFORNIA APPRENTICESHIP

COORDINATORS ASSOCIATION

**SERVICE SHEET**

Case Name: DOL – OFFICE OF APPRENTICESHIP TRAINING v. CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS

Case Numbers: 2002-CCP-1, 2003-CCP-1

Document Title: **DECLARATION OF SANDRA RAE BENSON IN SUPPORT OF BRIEF OF AMICI CURIAE SUPPORTING RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 180 Grand Avenue, Suite 1400, Oakland, California 94612-3752. I hereby certify that a copy of the above-referenced document was sent to the following this 4<sup>th</sup> day of October 2004:

Counsel for Litigation  
U.S. Department of Labor  
Division of Employment and Training  
Legal Services  
Room N-2101, FPB  
200 Constitution Ave., N.W.  
Washington, DC 20210

{Electronic – Regular Email  
and Hard Copy – Regular mail}

Director  
Office of Grants and Contract  
Management  
U.S. Department of Labor/ETA  
Room N-4720, FPB  
200 Constitution Ave., N.W.  
Washington, DC 20210

{Electronic – Regular Email  
and Hard Copy – Regular mail}

Anthony Swoope  
Administrator  
Office of Apprenticeship Training  
U.S. Department of Labor  
Room N-4649, FPB  
200 Constitution Ave., N.W.  
Washington, DC 20210

{Hard Copy – Regular mail}

Jackson & Associates  
Suite B  
2300 Bethards Dr.  
Santa Rosa, CA 95405

{Electronic – Regular Email}

Office of Administrative Law Judges  
U.S. Department of Labor  
50 Fremont Street, Suite 2100  
San Francisco, CA 94105

{Hard Copy – Regular Mail}

Fred Lonsdale  
California Dept. of Industrial Relations  
Office of the Director – Legal Unit  
Suite 9516  
P.O. Box 420603  
San Francisco, CA 94142-0603

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San Francisco, CA 94102-3664

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Washington, DC 20210

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Associate Solicitor for Employment and  
Training  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Suite N-2101, FPB  
Washington, DC 20210

{Hard Copy – Regular Mail}

I certify under penalty of perjury that the above is true and correct. Executed at Oakland,  
California, on October 4, 2004.

  
\_\_\_\_\_  
Karen Scott

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MICHAEL B. ROGER  
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JOHN PLOTZ, Of Counsel  
ALBERTO TORRICO, Of Counsel  
PENELOPE S. PAHL, Of Counsel

January 9, 2004

VIA FACSIMILE & U.S. MAIL  
FAX: 206-553-1689

Robert M. Johnson  
Regional Director  
US DOL/ETA/OATELS  
1111 Third Avenue, Suite 830  
Seattle, WA 98101-3212

**FOIA REQUEST**

Re: Freedom of Information Act Request

Dear Mr. Johnson:

This is a formal request made pursuant to the Freedom of Information Act, 5 U.S.C. §552, for the records designated below. Please forward the records to this office to my attention. We will pay reasonable costs for the duplication of the records.

**Records Requested:**

1. All records maintained by the Office of Apprenticeship Training & Employer Labor Services (hereafter "OATELS") setting forth any standards or protocol, whether promulgated by the Department of Labor, OATELS or any other Department of the United States Government, for the approval of apprenticeship programs both nationally and in California specifically.
2. The identification, including name, address and telephone number, of employers or employers associations sponsoring the following OATELS approved apprenticeship programs:

a. Programs located in Sacramento, California:

Western Electrical Contractors Association

Plumbing Heating Cooling Contractors

Independent Roofing Contractors

LOS ANGELES OFFICE  
1605 West Olympic Boulevard, Suite 1023  
Los Angeles, CA 90015-3804  
TEL (213) 487-2222 FAX (213) 487-8786

SACRAMENTO OFFICE  
428 J Street, Suite 520  
Sacramento, CA 95814-2341  
TEL (916) 443-6600 FAX (916) 442-0244

HONOLULU OFFICE  
1099 Alakea Street, Suite 1602  
Honolulu, HI 96813-4500  
TEL (808) 528-8880 FAX (808) 528-8881

Air Conditioning Trades Association

Regional Fresno School Foundation

b. Programs located in San Diego, California:

Air Conditioning Contractors Association – California Federation

Associated Builders and Contractors – San Diego

ABC of Southern California – Anaheim

c. Programs located in Los Angeles, California:

Associated Builders and Contractors – Central Valley

ABC Los Angeles/Ventura

A.J. Kirkwood Incorporated – LA/Ventura County

Calkins Electric – LA/Ventura County

3. All applications for approval of apprenticeship program(s) submitted to OATELS, the Department of Labor or any other Department of the United States Government by the programs listed in paragraphs 2a, 2b and 2c.
4. All information submitted by the programs listed in paragraphs 2a, 2b and 2c, in support of their application(s) for approval including, but not limited to the curriculum of instruction for apprentices, the textbooks or other classroom materials; documents describing the selection procedure for apprentice applicants; documents describing the selection and training of coordinators for such program; documents describing the selection and training of instructors/teachers for such program; documents indicating the total hours of instruction, and the number of hours to be spent by the apprentice in work in the trade, craft or business; protocols for on-the-job training; documents describing the funding mechanism for the program; and all other documents submitted by the program seeking approval.
5. Copies of the Apprenticeship Program Standards approved by OATELS, the Department of Labor or any other Department of the United States Government for each of the programs listed in paragraphs 2a, 2b and 2c listed above.
6. Copies of any and all documents that describe the pre-approval investigation process to be conducted by OATELS' representatives or any other agents or officers of the Department of Labor or United States Government prior to granting approval to operate an apprenticeship program both nationally and in California specifically.



7. All information pertaining to or reflecting any pre-approval investigation into the programs listed in paragraphs 2a, 2b and 2c, including any information on any of the listed programs obtained from or provided by the State of California, Department of Apprenticeship Standards or any other Department of the State of California, collected by OATELS.
8. The dates on which OATELS received the application for approval of apprenticeship program for each of the programs listed in paragraphs 2a, 2b and 2c above.
9. The dates on which the pre-approval investigation was begun by OATELS for each of the apprenticeship programs listed in paragraphs 2a, 2b and 2c above.
10. The dates on which each of the programs listed in paragraphs 2a, 2b and 2c above were approved by OATELS.
11. Any memoranda prepared by OATELS or any other federal agency or officer or agent analyzing the approval or disapproval of programs listed in paragraphs 2a, 2b and 2c seeking certification by OATELS.
12. Any memoranda or documents reflecting OATELS' or any other federal agency's or officer's or agent's investigation into the contractual relationships between the programs listed in paragraphs 2a, 2b and 2c and the LEA's (Local Education Agencies) identified by each of the programs.
13. Any memoranda or documents reflecting OATELS' or any other federal agency's or officer's or agent's investigation into the qualifications of instructors identified by each of the programs.
14. All information contained in OATELS files pertaining to or reflecting any decertification and/or disciplinary warning proceedings undertaken by the State of California against any of the programs listed in paragraphs 2a, 2b and 2c.
15. Any correspondence between OATELS, the Department of Labor or any other Department of the United States Government or its agents or officers and the programs listed in paragraphs 2a, 2b and 2c.
16. OATELS, DOL or other federal agency memoranda, letters, opinion letters and/or internal guidelines regarding protocols and/or criteria for the approval of apprenticeship programs both nationally and in California specifically.
17. Any and all documents describing the process for public access to information of the identity of employers participating in each of the programs listed above for purposes of monitoring compliance with apprenticeship hiring requirements reported on certified payroll records on Davis-Bacon jobsites.

January 9, 2004  
Robert M. Johnson  
Page 4

As required under FOIA, please provide the requested information or your response to this request within twenty (20) days of the date of this letter.

Sincerely,

*SRB*

Sandra Rae Benson

SRB/  
9018/330385

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February 19, 2004

VIA FACSIMILE & U.S. MAIL  
FAX: (206) 553-1689

Robert M. Johnson  
Regional Director  
US DOL/ETA/OATELS  
1111 Third Avenue, Suite 830  
Seattle, WA 98101-3212

Re: Freedom of Information Act Request

Dear Mr. Johnson:

Attached is a copy of our letter of January 9, 2004, in which we made a request for various records maintained by the Office of Apprenticeship Training & Employer Labor Services pursuant to 5 U.S.C. §552. The request was served on your office via facsimile and overnight mail. Our records indicate the original was received in your office on January 12, 2004.

The Freedom of Information Act requires an Agency to make a determination of FOIA requests for records within twenty (20) days, excluding Saturdays, Sundays and legal holidays, of receipt of such requests. 5 U.S.C. §552(a)(6)(A)(i). A timely response was due on or before Monday, February 9, 2004. To date we have not received either an acknowledgment of receipt of the FOIA Request or a response.

Because the Agency has failed to comply with its statutory duty to make a determination of this FOIA Request, we consider our administrative remedies to be exhausted.

Sincerely,

/s/

Roberta D. Perkins

RDP/ms

cc: S. Benson  
9018/334969

# U.S. DEPARTMENT OF LABOR



Employment and Training Administration  
Apprenticeship, Training, Employer and Labor Services  
1111 Third Ave. Room 830  
Seattle, WA 98101  
(206) 553-5286 FAX: (206) 553-1689

RD TRACKING NUMBER: 2004-050

April 27, 2004

Ms. Sandra Rae Benson  
Weinberg, Roger & Rosenfeld  
180 Grand Avenue, Suite 1400  
Oakland, California 94612-3752

RECEIVED

APR 28 2004

WR&R

Dear Ms. Benson:

This is in response to your January 9, 2004 letter requesting information covered under the Freedom of Information Act (FOIA).

Records Requested:

1. *All records maintained by the Office of Apprenticeship Training & Employer Labor Services (sic)(hereafter "OATELS") setting forth any standards or protocol, whether promulgated by the Department of Labor, OATELS or any other Department of the United States Government, for the approval of apprenticeship programs both nationally and in California specifically.*

Response:

The documents identified are as follows and are enclosed as "Attachment A"

- Title 29, CFR Part 29 (Specifically 29.3)
- Circular (19)72-1
- Circular (19)88-12
- Circular (19)92-01
- Circular 2002-01

2. *The identification, including name, address and telephone number, of employers or employers associations sponsoring the following OATELS approved apprenticeship programs:*

- a. *Programs located in Sacramento, California:*  
*Western Electrical Contractors Association*  
*Plumbing Heating Cooling Contractors*  
*Independent Roofing Contractors*  
*Air Conditioning Trades Association*  
*Regional Fresno School Foundation*
- b. *Programs located in San Diego, California:*  
*Air Conditioning Contractors Association - California Federation*  
*Associated Builders and Contractors - San Diego*  
*ABC of Southern California - Anaheim*
- c. *Programs located in Los Angeles, California:*  
*Associated Builders and Contractors - Central Valley*  
*ABC Los Angeles/Ventura*  
*A.J. Kirkwood Incorporated - LA/Ventura County*  
*Calkins Electric - LA/Ventura County*

Response:

Contact information, for each program identified in #2 above is included in the copies of the registered apprenticeship standards enclosed as "Attachment B".

3. *All applications for approval of apprenticeship program(s) submitted to OATELS, the Department of Labor or any other Department of the United States Government by the programs listed in paragraphs 2a, 2b and 2c.*

Response:

There is not an application process for approval of an apprenticeship program. Appointments to meet with OATELS representatives were scheduled as follows:

<i>Western Electrical Contractors Association</i>	<i>08-06-2003</i>
<i>Plumbing Heating Cooling Contractors</i>	<i>08-07-2003</i>
<i>Independent Roofing Contractors</i>	<i>08-07-2003</i>
<i>Air Conditioning Trades Association</i>	<i>08-07-2003</i>
<i>Regional Fresno School Foundation</i>	<i>08-12-2003</i>
<i>Air Conditioning Contractors Association - California Federation</i>	<i>08-19-2003</i>
<i>Associated Builders and Contractors - San Diego</i>	<i>08-19-2003</i>
<i>ABC of Southern California - Anaheim</i>	<i>08-18-2003</i>
<i>Associated Builders and Contractors - Central Valley</i>	<i>09-18-2003</i>
<i>ABC Los Angeles/Ventura</i>	<i>09-16-2003</i>
<i>A.J. Kirkwood Incorporated - LA/Ventura County</i>	<i>09-09-2003</i>
<i>Calkins Electric - LA/Ventura County</i>	<i>09-18-2003</i>

4. *All information submitted by the programs listed in paragraphs 2a, 2b and 2c, in support of their applications(s) for approval including, but not limited to the curriculum of instruction for apprentices, the text books or other classroom materials; documents describing the selection procedure for apprentice applicants; documents describing the selection and training of coordinators for such program; documents describing the selection and training of instructors/teachers for such program; documents indicating the total hours of instruction, and the number of hours to be spent by the apprentice in work in the trade, craft or business; protocols for on-the-job training; documents describing the funding mechanism for the program; and all other documents submitted by the program seeking approval.*

Response: While there is no application process for registration, the following information was provided to OATELS for review .

- Curriculum, including textbooks and delivery methods, were reviewed on-site by Department representatives.
  - Selection process (including goals, timetables, and AAP) are included in the program standards identified in attachment B.
  - Program coordinator selection and training is the responsibility of the program sponsor.
  - Instructor credentials were reviewed on-site.
  - OJT and RTI schedules are included as part of the registered program standards submitted under attachment B.
  - OATELS/BAT does not review sponsor funding mechanisms as it is not a condition of program approval.
  - Program standards submitted as attachment B.
5. *Copies of the Apprenticeship Program Standards approved by OATELS, the Department of Labor or any other Department of the United States Government for each of the programs listed in paragraphs 2a, 2b and 2c listed above.*

Response:

Enclosed and identified as "Attachment B".

6. *Copies of any and all documents that describe the pre-approval investigation process to be conducted by OATELS' representatives or any other agents or officers of the Department of Labor or United States Government prior to granting approval to operate an apprenticeship program both nationally and in California specifically.*

Response:

OATELS representatives utilized the following documents in determining sponsor eligibility for approval and subsequent registration (copies enclosed as "Attachment C").

- Standards of Apprenticeship – Checklist
- On-site Visit Checklist (2 pages)
- Sponsor Handouts (1 page)
- Sponsor Document Checklist (internal) (1 page)
- Registered Apprenticeship Information System – electronic database (RAIS) Sponsor Registration Information

7. *All information pertaining to or reflecting any pre-approval investigation into the programs listed in paragraphs 2a, 2b and 2c, including any information on any of the listed programs obtained from or provided by the State of California, Department of Apprenticeship Standards or any other Department of the State of California, collected by OATELS.*

Response:

Existing California registered program sponsors were required to bring in copies of their program standards currently registered with the State of California. Additional program information was gathered during the registration process or in an on-site visit to the program sponsor.

No information was obtained from, or provided by, the State of California DAS or any other department of the State of California.

8. *The dates on which OATELS received the application for approval of apprenticeship program for each of the programs listed in paragraphs 2a, 2b and 2c above.*

Response:

This information was provided in attachment B.

9. *The dates on which the pre-approval investigation was begun by OATELS for each of the apprenticeship programs listed in paragraphs 2a, 2b and 2c above.*

Response:

See response to question 7.

10. *The dates on which each of the programs listed in paragraphs 2a, 2b and 2c above were approved by OATELS.*

Response:

The date of approval of each apprenticeship program identified in paragraphs 2a, 2b and 2c is found in the program sponsors standards, see query #2, "Attachment B".

11. *Any memoranda prepared by OATELS or any other federal agency or officer or agent analyzing the approval or disapproval or programs listed in paragraphs 2a, 2b and 2c seeking certification by OATELS.*

Response:

See response to question 6.

12. *Any memoranda or documents reflecting OATELS' or any other federal agency's or officer's or agent's investigation into the contractual relationships between the programs listed in paragraphs 2a, 2b and 2c and the LEA's (Local Education Agencies) identified by each of the programs.*

Response:

No responsive document(s) exist.

13. *Any memoranda or documents reflecting OATELS' or any other federal agency's or officer's or agent's investigation into the qualifications of instructors identified by each of the programs.*

Response:

No responsive document(s) exist.

14. *All information contained in OATELS files pertaining to or reflecting any decertification and/or disciplinary warning proceedings undertaken by the State of California against any of the programs listed in paragraphs 2a, 2b and 2c.*

Response:

No responsive document(s) exist.

15. *Any correspondence between OATELS, the Department of Labor or any other Department of the United States Government or its agents or officers and the programs listed in paragraphs 2a, 2b and 2c.*



Response:

Correspondence between OATELS and the programs listed in paragraphs 2a, 2b and 2c is enclosed as "Attachment D" and oalj.dol.gov Web Site: .

16. *OATELS, DOL or other federal agency memoranda, letters, opinion letters and/or internal guidelines regarding protocols and/or criteria for the approval of apprenticeship programs both nationally and in California specifically.*

Response:

See attachments "A" and "C".

17. *Any and all documents describing the process for public access to information of the identity of employers participating in each of the programs listed above for purposes of monitoring compliance with apprenticeship hiring requirements reported on certified payroll records on Davis-Bacon jobsites.*

Response:

Process is described in the enclosed FOIA Notification document, identified as "Attachment E".

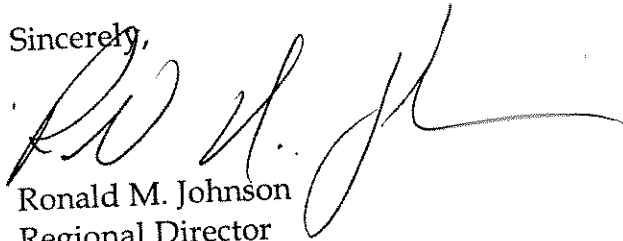
FOIA provides for charges to be assessed. Copying fee is \$.15 per page. The total cost to you for 660 pages (the first 100 pages are free) is \$84.00. Please submit a check or money order for \$84.00 made payable to the U.S. Department of Labor and send to the following address:

Anthony Swoope, Administrator  
U.S. Department of Labor, OATELS/BAT  
Room N-4671  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

When records are denied in whole or part, you may file an appeal within ninety (90) days of the date of this response. Such an appeal shall state in writing, the grounds for such an appeal, including any supporting statements or arguments.

The appeal shall be addressed to the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Such appeal should clearly indicate on the envelope and on the appeal the following: **FOIA Appeal.**

Sincerely,

A handwritten signature in black ink, appearing to read 'R.M. Johnson', with a long horizontal flourish extending to the right.

Ronald M. Johnson  
Regional Director  
Office of Apprenticeship Training, Employer  
and Labor Services

Enclosures: Attachments as identified.

\2004 R6 RD Memos\2004-050rdm

# STANDARDS OF APPRENTICESHIP

developed by



Apprenticeship and Training Committee

for the occupation of

**Journeylevel**

**Commercial/Industrial Electrician**

DOT Code: 824.261-010

ONET: 47-21111.00

**Residential Electrician**

DOT Code: 824.261-01A

ONET: 47-21111.00

**Sound and Communication Systems Installer**

DOT Code: 829.281-022

ONET: 49-2022.03



APPROVED AND CERTIFIED BY THE  
UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF APPRENTICESHIP TRAINING, EMPLOYER AND LABOR SERVICES

Registration Date: August 11, 2003

Registration Number: CA002SA0004

SERVING THE INDUSTRY WITH A BUREAU OF APPRENTICESHIP AND TRAINING (BAT)  
APPROVED APPRENTICESHIP PROGRAM

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**SECTION XXVII. - OFFICIAL ADOPTION OF APPRENTICESHIP STANDARDS:**

The Western Electrical Contractors Association, Inc. (WECA) hereby adopts these Standards of Apprenticeship on this 11<sup>th</sup> Day of August, 2003

REPRESENTING The Western Electrical Contractors Association Inc., Apprenticeship and Training Committee (ATC):

L.T. Seabury  
Signature

L. TERRY SEABURY  
Printed Name-Executive Director

**REGISTRATION AGENCY APPROVAL**

R.W. Johnson                      August 11, 2003  
Signature                                      Date

Ronald M. Johnson                      CA002SA0004  
Printed Name                                      Registration Number

Region 6 Director  
Title

USAOL-DATELS-BAT  
Agency Name



# STANDARDS OF APPRENTICESHIP

DEVELOPED BY

**PLUMBING-HEATING-COOLING CONTRACTORS OF CALIFORNIA**

FOR THE OCCUPATION OF

## PLUMBER

DOT CODE: 862.381-030 O\*NET CODE: 47-2152.02

DEVELOPED IN COORDINATION WITH THE  
BUREAU OF APPRENTICESHIP AND TRAINING  
U.S. DEPARTMENT OF LABOR

APPROVED BY

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF APPRENTICESHIP TRAINING, EMPLOYER AND LABOR SERVICES

BY:   
ANTHONY SWOOPE, ADMINISTRATOR  
OFFICE OF APPRENTICESHIP TRAINING, EMPLOYER AND LABOR SERVICES

CERTIFICATION DATE: August 11, 2003  
CERTIFICATION NUMBER: CA0025A0002

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**SECTION XXVI. - TECHNICAL ASSISTANCE**


Technical Assistance such as that from the U.S. Department of Labor, Bureau of Apprenticeship and Training, State Apprenticeship Agencies, and vocational schools--maybe requested to advise the Sponsor.

The Sponsor is encouraged to invite representatives from industry, education, business, private and/or public agencies to provide consultation and advice for the successful operation of their training program.

**SECTION XXVII. - OFFICIAL ADOPTION OF APPRENTICESHIP STANDARDS:**

The Plumbing-Heating-Cooling Contractors of California hereby adopts these Standards of Apprenticeship on this 11th Day of August, 2003.

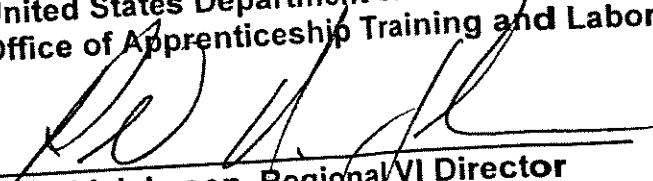
REPRESENTING THE California P. H. C. C. Apprenticeship Committee.

  
Signature of (SPONSOR)

STEPHEN J. LEHTONEN  
Printed Name

**Registration Agency**

United States Department of Labor  
Office of Apprenticeship Training and Labor Employment Services

  
Ronald Johnson, Regional VI Director

August 11, 2003  
Date



# STANDARDS OF APPRENTICESHIP

DEVELOPED BY THE

INDEPENDENT ROOFING CONTRACTORS  
OF CALIFORNIA, INC.  
UNILATERAL APPRENTICESHIP COMMITTEE



FOR THE OCCUPATION:

**ROOFER**

**DOT # 866.381.01**

Approved by the  
United States Department of Labor  
Office of Apprenticeship Training, Employer and Labor Services  
Bureau of Apprenticeship and Training



Registered as part of the National Apprenticeship Program in accordance  
with the basic Standards of Apprenticeship established  
by the Secretary of Labor

BY:

*R. W. [Signature]*  
Regional Director, Bureau of Apprenticeship and Training  
UNITED STATES DEPARTMENT OF LABOR, OFFICE OF  
APPRENTICESHIP TRAINING, EMPLOYER AND LABOR SERVICES

DATE OF REGISTRATION:

*August 11, 2003*

RAIS NO.

*CA002 SA 0003*

# INDEPENDENT ROOFING CONTRACTORS OF CALIFORNIA, INC.

## Occupation: Roofer

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# INDEPENDENT ROOFING CONTRACTORS OF CALIFORNIA, INC.

Occupation: Roofer

## Section XXIV - Consultants

1. Advice and assistance in the successful operation of this Apprenticeship Program will be available at any time, upon request by the Sponsor, from representatives of the U.S. Department of Labor, Bureau of Apprenticeship and Training.

## Section XXV - Program Deregistration [29 CFR 29.5(b)(17)]

**Explanation:** This section outlines the Program Sponsor's intent to register the Standards of Apprenticeship and its commitment to notify the Registration Agency of any intent to cancel the Standards. It also outlines the Registration Agency's right to deregister the Program for cause after due process.

1. These Apprenticeship Standards will, upon adoption by the Independent Roofing Contractors of California, Inc. be submitted to the Registration Agency for approval. Such approval will be required before implementation of the Apprenticeship Program.
2. The Independent Roofing Contractors of California, Inc. reserves the right to discontinue at any time the Program set forth herein. The Registration Agency shall be notified promptly of any decision to cancel the Apprenticeship Program.
3. Deregistration of these Standards of Apprenticeship may be initiated by the Registration Agency for failure of the Independent Roofing Contractors of California, Inc. to abide by the provisions herein.

## Section XXVI - Conformance with Federal Laws and Regulations

1. No Section of these Standards of Apprenticeship shall be construed as permitting violation of any Federal Law or Regulation.

## Section XXVII - Official Adoption of Apprenticeship Standards

1. The foregoing Standards of Apprenticeship have been formulated for the reasons and purposes set forth and are hereby adopted by the Independent Roofing Contractors of California, Inc.

\_\_\_\_\_  
Signature

Chairman - IRCC UAC

\_\_\_\_\_  
Title

**John R. Upshaw**

\_\_\_\_\_  
Printed Name

8/11/03

\_\_\_\_\_  
Date of Adoption

## SECTION V - ANNUAL REVIEW OF AFFIRMATIVE ACTION PLAN

The Apprenticeship Committee will make an annual review of its current Plan and its overall effectiveness and institute any revisions or modifications warranted. The review will analyze (independently and collectively) the affirmative action steps taken by the Apprenticeship Committee for evaluating the positive impact, as well as the adverse impact in the areas of outreach and recruitment, selection, employment, and training. They will work diligently to identify the cause and affect that result from their affirmative action measures. The Apprenticeship Committee will continually monitor these processes in order to identify the need for a new affirmative action effort and/or deletion of ineffective existing activity(ies). All changes to the Plan must be submitted to the Registration Agency for approval. The Apprenticeship Committee will continually monitor the participation rates of minorities and women in the apprenticeship program in an effort to identify any type of underutilization. If underutilization exists, corrective action will be immediately implemented. The goals and timetables also will be reviewed periodically as determined by the Registration agency and updated where necessary.



**STANDARDS OF APPRENTICESHIP**

**DEVELOPED BY**

***AIR CONDITIONING TRADE ASSOCIATION***

**FOR THE OCCUPATION OF**

**SHEET METAL WORKERS**

**DOT CODE: 804.281-010    O\*NET CODE: \_\_\_\_\_**

**In Cooperation With:**

**The Bureau of Apprenticeship and Training  
U.S. Department Of Labor**



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- G. The apprentice will be provided with a copy of the written rules and policies and will sign an acknowledgment receipt of same. This procedure will be followed whenever revisions or modifications are made to the rules and policies.

**SECTION XXVI. – TECHNICAL ASSISTANCE**


Technical Assistance such as that from the U.S. Department of Labor, Bureau of Apprenticeship and Training, State Apprenticeship Agencies, and vocational schools--maybe requested to advise the Sponsor.

The Sponsor is encouraged to invite representatives from industry, education, business, private and/or public agencies to provide consultation and advice for the successful operation of their training program.

**SECTION XXVII. - OFFICIAL ADOPTION OF APPRENTICESHIP STANDARDS:**

The Air Conditioning Trade Association hereby adopts these Standards of Apprenticeship on this 7<sup>th</sup> Day of August, 2003.

REPRESENTING THE Air Conditioning Trade Association Apprenticeship and Training Committee:

  
\_\_\_\_\_  
Signature of Executive Director

Jim Young  
\_\_\_\_\_  
Printed Name



# STANDARDS OF APPRENTICESHIP

DEVELOPED BY

## ASSOCIATED BUILDERS & CONTRACTORS OF SAN DIEGO, INC.

FOR THE OCCUPATIONS OF

### Electrician

DOT CODE: 824261010      O\*NET CODE: 47-2111.00

### Plumber

DOT CODE: 862381030      O\*NET CODE: 47-2152.02

### Pipefitter

DOT CODE: 862281022      O\*NET CODE: 47-2152.01

### Sheet Metal Worker

DOT CODE: 804281010      O\*NET CODE: 47-2211.00

### Heating & Air Conditioning Technician

DOT CODE: 637261014      O\*NET CODE: 49-9021.01

### Carpenter

DOT CODE: 860381022      O\*NET CODE: 47-2031.01

### - Carpenter, Interior Systems

DOT CODE: 860381583      O\*NET CODE:

### - Construction Equipment Operator

DOT CODE: 859683010      O\*NET CODE: 47-2073.02

### Sound & Signal Technician

DOT CODE: 829281022      O\*NET CODE: 49-2022.03

APPROVED BY

*US Department of Labor  
Office of Apprenticeship Training, Employer and Labor Services*

*August 27, 2003*

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**SECTION XXVII. - OFFICIAL ADOPTION OF APPRENTICESHIP STANDARDS:**

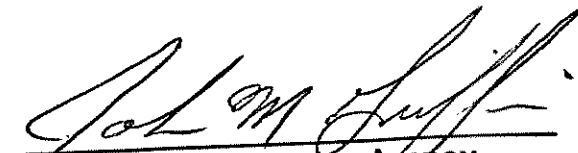
The *Associated Builders & Contractors of San Diego, Inc.* hereby adopts these Standards of Apprenticeship on this twenty seventh day of August, 2003

REPRESENTING THE *Associated Builders & Contractors of San Diego, Inc.*):



Signature of Sponsor

Sherry J. Yarbrough  
Printed Name



Signature of Approving Agency  
Apprenticeship Training, Employer and Labor Services  
US Department of Labor - ETA

8/27/03

Date



CA003-SD0003

# **STANDARDS OF APPRENTICESHIP**

**DEVELOPED BY**

## **SOUTHERN CALIFORNIA CHAPTER OF THE ASSOCIATED BUILDERS AND CONTRACTORS, INC.,**

**5109 E. La Palma Ave., Suite A  
Anaheim Hills, California 92807**  
*Chapter (714) 779-3199 Training (714) 779-3187 Fax (714) 779-3193*

**In Cooperation With**

**U.S. DEPARTMENT OF LABOR  
Bureau of Apprenticeship and Training Administrator**

**August 2003**

**Serving the Industry with a Bureau of Apprenticeship and Training (BAT)  
Approved Program**



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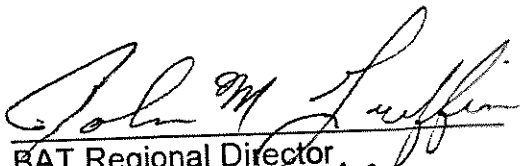
SECTION XXVII. - OFFICIAL ADOPTION OF APPRENTICESHIP STANDARDS:

The SOUTHERN CALIFORNIA CHAPTER OF THE ASSOCIATED BUILDERS AND CONTRACTORS, INC. hereby adopts these Standards of Apprenticeship on this 29 Day of August, 2003.

REPRESENTING THE SOUTHERN CALIFORNIA CHAPTER OF THE ASSOCIATED BUILDERS AND CONTRACTORS, INC.

  
Signature of

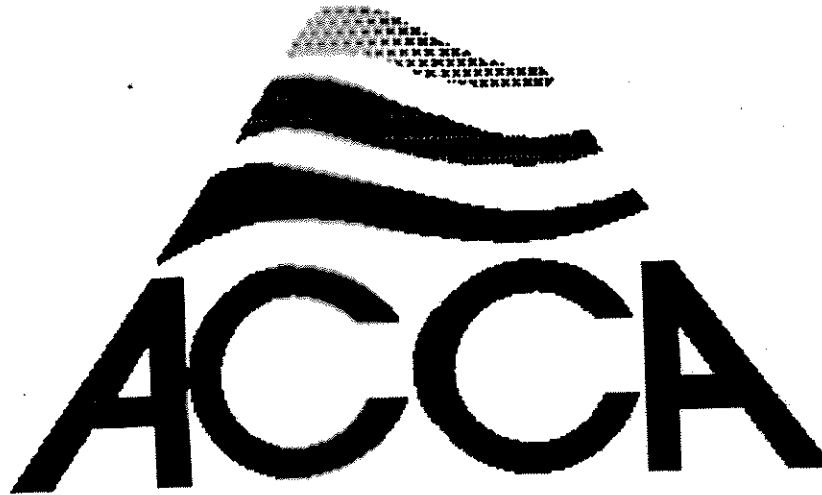
Susan McNeil Corry  
Printed Name

 8/29/03  
BAT Regional Director  
John M. Griffin

Sponsor ID # ~~552842~~ 552842

Program # CA003-SD0003





# **Apprenticeship and Training Standards**

for the

**California Federation  
of  
Air Conditioning Contractors of America**

Approved by:

**U.S. Department of Labor  
Employment and Training Administration  
Bureau of Apprenticeship and Training**

# California Federation of Air Conditioning Contractors of America Standards of Apprenticeship

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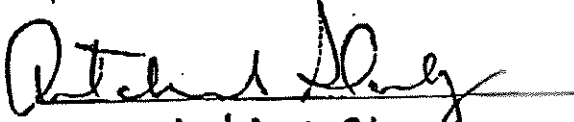
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Application for Apprenticeship, Apprenticeship Agreement, Transmittal of Apprenticeship Actions, Application for Certificate of Completion of Apprenticeship, Application for Apprenticeship, and Apprentice OJT Work Record	

**California Federation of Air Conditioning Contractors of America  
Standards of Apprenticeship**

**Section XXIII — Official Approval of Apprenticeship Program**

**ADOPTED AND APPROVED:**

**California Federation of ACCA Apprenticeship Standards**

  
Signature **Mitchell Slawsky**  
Chairman of the Committee

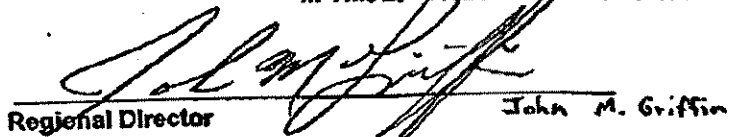
August 27, 2003  
Date

  
Signature **Bryan I. Gilbert**  
Committee Member

8/27/03  
Date

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Approved and Registered as part of the  
National Apprenticeship Program in accordance with the basic  
Standards of Apprenticeship established by the Secretary of Labor  
in Title 29 CFR 29 and Title 29 CFR 30 as amended.

  
Regional Director **John M. Griffin**  
Apprenticeship Training, Employment Labor Services  
Bureau of Apprenticeship and Training

8/27/03  
Date

Original Registration:  
Standards Revised, Approved: 8-27-03

Registration Number: CA003-5D0001

U.S. Department of Labor

Assistant Secretary for  
Employment and Training  
Washington, D.C. 20210



JUL 16 2004

Mr. John M. Rea  
Acting Director  
Department of Industrial Relations  
Office of the Director  
455 Golden Gate Avenue  
San Francisco, California 94102

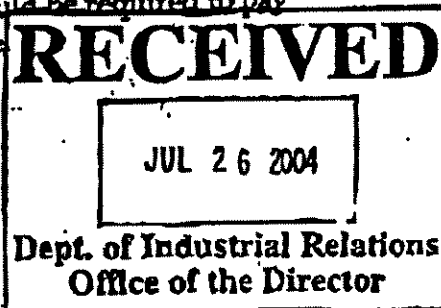
Dear Mr. Rea:

The Associated Builders and Contractors recently requested that I explain the status of apprenticeship programs registered by the Office of Apprenticeship Training, Employer and Labor Services (OATELS) in California, which has an OATELS-recognized State Apprenticeship Council (SAC) for Federal purposes. I feel it is important to share the Department of Labor's (DOL) response regarding apprenticeship programs registered by OATELS.

DOL's position is that all SACs, including California's, are to accept programs and apprentices registered by OATELS, for Federal purposes, on all federally funded or supported public works projects, regardless of how much Federal funding or support is provided. Accordingly, the Department expects the SACs to accept OATELS registration for an entire public works project, even if the project is funded in part by the state or local government.


OATELS sets minimum wage requirements for apprentices. However, states have the authority to set higher wages. 29 CFR § 29.5(b)(5). The minimum wage rates for apprentices working on federally funded or supported public works projects are set through reference to the prevailing wages established under the Davis-Bacon Act. DOL continues to hold the position that the Davis-Bacon Act does not preempt state laws that establish more generous prevailing wage standards for public works projects. In California, this means that the apprentice wage rates set pursuant to 8 CCR § 208(b) would apply to all registered apprentices working on state, Federal, and mixed-funding public works projects.

Further, for private sector construction projects, OATELS registration would permit employers to use apprentices. Those employers would be required to pay their apprentices at the 8 CCR § 208(c) apprentice wage rate.



If you need additional information, please feel free to contact me on (202) 693-2700 or OATELS Administrator Anthony Swoope at (202) 693-2796.

Sincerely,



Emily Stover DeKocco



nt By: 01/01/04  
Aug. 13, 2004 8:30AM

415 588 4117;  
FRLM UAS SAN FRANCISCO 4157035427

Aug-12-04 1:07 No. 3168 P. 4e 4/5  
P. 4

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
Office of the Director  
455 Golden Gate Avenue, 10<sup>th</sup> Floor  
San Francisco, CA 94102  
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Arnold Schwarzenegger, Governor



MAILING ADDRESS:  
P. O. Box 420603  
San Francisco, CA 94142-0603

By FAX: HARD COPY TO FOLLOW

Ms. Emily Stover DeRocco  
Assistant Secretary for Employment and Training  
U.S. Department of Labor  
Washington D.C. 202101

Dear Ms. DeRocco:

Thank you very much for sharing your explanation of your expectations concerning apprentices registered by OATELS. It is most regrettable that your letter, dated July 16, only reached my office on July 26th. This made it impossible to share with the California Apprenticeship Council at its meeting of July 22 and 23<sup>rd</sup>. I am sure the CAC would also have been interested in your expectations. Indeed, the CAC's counsel had formally requested OATELS position on so-called federal apprentices in February, but had not received a response. As you may know, when I was the Department's chief counsel, I had initiated discussions last Fall with your counsel concerning the practical consequences of the Department of Labor's decision to register apprentices in California. But, again, we had not been given any formal OATELS position.

I accept the invitation in your letter to provide further clarification. The practice of respecting the division of registration authority between a SAC state and OATELS (formerly BAT), so that there are never two sources of federal recognition, is long standing, and has been relied upon by federal and state regulators over all three decades of my legal experience, and across regimes of very differing political persuasion, at both the state and federal level. This rests on your own regulation 29 C.F.R. 29.2(o) that defines a SAC as "the appropriate body for State registration and/or approval of local apprenticeship programs and agreements for federal purposes." While the use of the article "the" may not be dispositive, 29 CFR 29.12(e) removes any ambiguity and states that a program may be submitted to BAT for federal purposes in certain specified circumstances: "In the event that a State Apprenticeship Agency is not recognized by the Bureau for Federal purposes, or that such recognition has been withdrawn, or if no State Apprenticeship Agency exists." None of those three conditions exist at this time in California. We would appreciate any legal authority you may have which would make your expectations a legal requirement that California must follow, either on pain of derecognition, or as a matter of legal right that apprentices or programs could enforce.

Your letter does appear to provide some much needed clarification on a related point. You indicate that DOL's position is that "all SACs, including California's are to accept programs and apprentices registered by OATELS, for Federal purposes, on all federally funded or supported public works projects...." (emphasis added). We understand this to mean that you expect that Federal apprentices will be accepted for Federal purposes only. There had been some confusion as to whether DOL took the position that programs and apprentices registered by OATELS would be expected to be recognized for state purposes as well. This clarification is helpful as the California Apprenticeship Council is considering regulations that would provide grants to state approved programs and is also reviewing state educational funding for state approved programs. There is, however, some ambiguity in your statement of expectations that California's apprentice wage rate

July 27, 2004

Page: 2

set pursuant to 8 CCR§208(b) would apply to "all registered apprentices working on state... public works projects." Did you intend to suggest that apprentices registered for Federal purposes only who were working on a state funded project would, as a matter of state or federal law, be paid the apprentice wage set by state law? I believe that is not true as a matter of state law, and if it is as a matter of federal law, I would be interested to be advised of the case law or regulation which makes this a requirement. If the matter is unclear, may I suggest that a regulation may be the correct method of resolution, and far preferable to regional litigation?

We look forward to hearing from you at your earliest convenience.

Yours truly

John M. Rea  
Acting Director

cc: CAC Commissioners, via Deputy Attorney General, Julian Standen  
Victoria Bradshaw, Secretary, Labor and Workforce Development Agency  
Lucille Acosta, Acting Chief, division of apprenticeship standards  
Michael Longuey, OATELS Representative, Region 9  
Counsel in OATELS litigation

05/2004 15:28 FAX

## U.S. DEPARTMENT OF LABOR



Employment and Training Administration  
 Apprenticeship, Training, Employer and Labor Services  
 1111 Third Ave. Room 830  
 Seattle, WA 98101  
 (206) 553-5286 FAX: (206) 553-1689

RD TRACKING NUMBER: 2004-053

May 10, 2004

Robert E. Meadows  
 Executive Vice President  
 Morrow-Meadows  
 231 Benton Court  
 City of Industry, CA 91789

Dear Mr. Meadows:

The purpose of this letter is to confirm the U.S. Department of Labor's recognition of the California State Apprenticeship system for federal purposes.

In the National Apprenticeship System, the recognition of a State Apprenticeship Agency by the Secretary of Labor (through the Office of Apprenticeship Training, Employer and Labor Services - OATELS) insures that programs and apprentices registered with the State Agency will be recognized for federal purposes on any project involving federal funds.

The California Department of Industrial Relations and the Division of Apprenticeship Standards are recognized by the USDOL/OATELS for apprenticeship purposes. Any program or apprentice legally registered with DAS is recognized for federal purposes.

It is my understanding that, as the general contractor for a project at the John Wayne airport, you are uncertain as to your authority to recognize California registered apprentices for federal prevailing wage purposes. I assure you that, at this time, the USDOL fully recognizes California registered apprentices on any federal prevailing wage project.

If you have any questions regarding this determination or require additional clarification, please contact me at your earliest convenience.

Sincerely,

Ronald M. Johnson, Region 6 Director

Cc: RD Longueay  
 SD Kober  
 File

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# U.S. DEPARTMENT OF LABOR



**Employment and Training Administration  
Apprenticeship, Training, Employer and Labor Services  
1111 Third Ave. Room 830  
Seattle, WA 98101  
(206) 553-5286 FAX: (206) 553-1689**

**FAX COVER PAGE:**

**NUMBER OF PAGES INCLUDING COVER: 2**

**DATE: May 10, 2004**

**TO: Robert E. Meadows, Executive Vice President  
FAX Number: 909-839-8043**

**FROM: Ronald M. Johnson  
ATELS Region 6 Director**

*Handwritten signature of R.M. Johnson*  
*909-839-8051*  
*510-891-0400*

**SUBJECT: USDOL/OATELS recognition of California registered apprentices for federal purposes**

**COMMENTS:**

Mr. Meadows,

The attached is in response to an inquiry directed to this office regarding the status of California registered apprentices on federal prevailing wage projects.