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ANGELA K. CHABOT  
FELLOW

August 28, 2002



*Via Overnight Delivery*

Clerk to The Honorable John M. Vittone  
Chief Administrative Law Judge  
U.S. Department of Labor  
800 K Street, Suite 400  
Washington, D.C. 20001-8002

2002 AUG 29 P 12:01  
US DEPT OF LABOR  
ADMIN LAW JUDGES

Re: *Department of Labor, Office of Apprenticeship Training, Employer and Labor Services v. California Department of Industrial Relations, U.S. Dept. of Labor, Case No. 2002-CCP-1*

Dear Sir or Madam:

Enclosed for filing in the above-entitled matter are an original plus two copies each of **Request of State Building and Construction Trades Council for Leave to Participate as *Amicus Curiae*** and **Declaration of Robert L. Balgenorth in Support of State Building and Construction Trades Council's Request to Participate as *Amicus Curiae***. Please file the originals and return a conformed copy of each in the envelope provided.

If you have any questions or need anything further, please call Scott Kronland, Eileen Goldsmith or me at 415/421-7151. Thank you.

Sincerely,



Jean Perley, secretary to  
Scott A. Kronland

SAK:jp  
Enclosures

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SCOTT A. KRONLAND (#171693)  
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Attorneys for Proposed *Amicus Curiae*  
 State Building and Construction Trades  
 Council of California, AFL-CIO

IN PROCEEDINGS BEFORE THE  
 UNITED STATES DEPARTMENT OF LABOR

<i>In the Matter of:</i>	)	No. 2002-CCP-1
	)	
DEPARTMENT OF LABOR, OFFICE OF	)	<b>REQUEST OF STATE BUILDING</b>
APPRENTICESHIP TRAINING,	)	<b>AND CONSTRUCTION TRADES</b>
EMPLOYER AND LABOR SERVICES,	)	<b>COUNCIL FOR LEAVE TO</b>
	)	<b>PARTICIPATE AS <i>AMICUS CURIAE</i></b>
Prosecuting Party,	)	
	)	<b>(29 C.F.R. § 18.12)</b>
v.	)	
	)	
CALIFORNIA DEPARTMENT OF	)	Administrative Law Judge:
INDUSTRIAL RELATIONS,	)	The Honorable Joan V. [unclear]
	)	
Respondent.	)	
_____	)	
CALIFORNIA APPRENTICESHIP	)	
COORDINATORS ASSOCIATION,	)	
	)	
<i>Amicus Curiae</i> or Intervenor.	)	
_____	)	

2002 AUG 29 P 12:01  
 US DEPT OF LABOR  
 ADMIN LAW JUDGES

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that the State Building and Construction Trades Council of California, AFL-CIO (“SBCTC”) hereby requests leave to participate in the above-entitled action as *amicus curiae*, with the right to receive copies of all documents, correspondence, and

1 notices served on the parties to this action. In the alternative, if this Administrative Court denies  
2 SBCTC leave to participate as *amicus curiae*, SBCTC requests leave to move to intervene in  
3 this action pursuant to 29 C.F.R. § 18.10.

4 In support of its request to participate in this action as *amicus curiae*, SBCTC states that  
5 it has an interest in this matter as set forth in the attached Declaration of Bob Balgenorth.  
6 SBCTC is a federation of labor organizations composed of about 200 local unions and 20  
7 district councils, which together represent about 375,000 construction workers in California,  
8 including journeypersons and apprentices. Of the approximately 62,500 apprentices registered  
9 in apprenticeship programs in the building and construction trades that are certified by the  
10 California Department of Industrial Relations (“DIR”), about 57,000 are registered in  
11 apprenticeship programs set up pursuant to collective bargaining agreements between building  
12 trades unions and union contractors. Apprentices represented by building trades unions thus  
13 comprise about 90 percent of the individuals who are registered in apprenticeship programs  
14 certified by DIR.

15 OATELS’s threatened derecognition of DIR will adversely affect California apprentices  
16 and the apprenticeship programs in which they are enrolled in several ways. First, California  
17 apprentices will lose employment opportunities on federal public works projects; second,  
18 existing apprenticeship programs will be unable to obtain timely review and approval of their  
19 standards, due to OATELS’s small staff in California; and third, existing apprenticeship  
20 programs will be burdened with duplicative paperwork requirements as they seek both DIR and  
21 federal approval for their standards.

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For these reasons, SBCTC requests leave to participate in these proceedings as *amicus curiae*. If the Administrative Court denies this request, SBCTC respectfully seeks leave to file a motion to intervene in this action pursuant to 29 C.F.R. § 18.10.

Dated: August 28, 2002

Respectfully submitted,

SCOTT A. KRONLAND  
EILEEN B. GOLDSMITH  
Altshuler, Berzon, Nussbaum,  
Rubin & Demain

By:   
Eileen B. Goldsmith

Attorneys for Proposed *Amicus Curiae* State Building and  
Construction Trades Council of California, AFL-CIO

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**PROOF OF SERVICE**

Code of Civil Procedure §1013

**CASE:** *Department of Labor, Office of Apprenticeship Training, Employer and Labor Services v. California Department of Industrial Relations,*

**CASE NO:** U.S. Dept. of Labor, Case No. 2002-CCP-1

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within action; my business address is 177 Post Street, Suite 300, San Francisco, California 94108. On August 28, 2002, I served the following document(s):

**Request of State Building and Construction Trades Council  
for Leave to Participate as *Amicus Curiae***

**Declaration of Robert L. Balgenorth in Support of State Building and Construction  
Trades Council's Request to Participate as *Amicus Curiae***

on the parties, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below for service as designated below:

By First Class Mail: I am readily familiar with the practice of Altshuler, Berzon for the collection and processing of correspondence for mailing with the United States Postal Service. I caused each such envelope, with first-class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection and mailing to the office of the addressee on the date shown herein.

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

John M. Rea  
Office of the Director -- Legal Unit  
Department of Industrial Relations  
P.O. Box 420603  
San Francisco, CA 94142

Fred D. Lonsdale  
Department of Industrial Relations – Legal Unit  
Division of Labor Standards Enforcement  
455 Golden Gate Avenue, #9516  
San Francisco, CA 94102

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Julian O. Standen  
Office of the Attorney General  
455 Golden Gate Avenue, Suite 1100  
San Francisco, CA 94102


Stephen R. Jones  
U.S. Department of Labor  
Office of the Solicitor  
Employment and Training Legal Service Division  
Room N-2101, FPB  
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Washington, D.C. 20210

Anthony Swoope, Director  
Bureau of Apprenticeship and Training  
U.S. Department of Labor  
Employment and Training Administration  
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Washington, D.C. 20210

Stephen J. Smith, Director  
Department of Industrial Relations  
P.O. Box 420603  
San Francisco, CA 94142

Sandra Rae Benson, Esq.  
Patricia M. Gates, Esq.  
Kirstina L. Hillman, Esq.  
Van Bourg, Weinberg, Roger & Rosenfeld  
180 Grand Avenue, Suite 1400  
Oakland, CA 94612

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this August 28, 2002, at San Francisco, California.

  
\_\_\_\_\_  
Jean Perley

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