

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 ("OATELS"),)
)
Prosecuting Party,)
)
v.)
)
)
CALIFORNIA DEPARTMENT OF)
INDUSTRIAL RELATIONS ("CDIR"),)
)
Respondent.)
_____)

Case No. 2002-CCP-1

OATELS' RESPONSE TO STATE BUILDING AND CONSTRUCTION
TRADES COUNCIL OF CALIFORNIA, AFL-CIO's ("SBCTC") REQUEST
FOR LEAVE TO PARTICIPATE

On August 28, 2002, SBCTC requested leave to participate "as an amicus curiae with the right to receive copies of all documents, correspondence and notices served on the parties to this action." While OATELS does not object to SBCTC's request for leave to participate as an amicus curiae, OATELS opposes SBCTC's request that it receive "copies of all documents, correspondence and notices served on the parties to this action." SBCTC's motion is nearly identical to an earlier request filed by another apprenticeship organization, the California Apprenticeship Coordinators Association ("CACA") on August 8. Both requests have now been obviated by the ALJ's September 20 order providing for electronic filing of all documents filed in paper form and posting of such documents on the Office of Administrative Law Judges web site. Since this procedure

provides for public access to all filings here, there is no need to serve paper copies of the same documents by mail on SBCTC and CACA.

To the extent that SBCTC and CACA do request such additional mail service of publicly available documents, OATELS opposes this request for the reasons discussed in its earlier response to CACA's request for leave to participate (copy attached), which OATELS incorporates by reference. In addition to the reasons specified there, OATELS points out that the two apprenticeship organizations represent many of the same individuals and groups. See SBCTC's Request for Leave to Participate as Amicus Curiae at 2 (Aug. 28, 2002) (estimating that 57,000 of the 62,500 apprentices registered in the building and construction trades are in apprenticeship programs set up through collective agreements between building trades unions and union contractors); See CACA's Request for Leave to Participate at 2 (Aug. 8, 2002) (claiming that CACA's programs train over 40,000 building trades apprentices). Neither CACA nor SBCTC has met the regulatory requirements at 29 C.F.R. § 18.10 for participation as a party. A fortiori, there is even less reason for both organizations, which represent duplicate membership, to participate in the same proceeding.

CONCLUSION

For these reasons, while SBCTC's request to participate as an amicus curiae is not objectionable, SBCTC's request to receive paper copies of all documents and pleadings should be denied.

Respectfully submitted,

CHARLES D. RAYMOND
Associate Solicitor for
Employment and Training
Legal Services

HARRY L. SHEINFELD
Counsel for Litigation

STEPHEN R. JONES
SCOTT GLABMAN
Attorneys

Office of the Solicitor
U.S. Department of Labor
Suite N-2101
200 Constitution Ave., N.W.
Washington, D.C. 20210
Tel.: (202) 693-5710
Fax: (202) 693-5732