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Attorneys for *Amicus Curiae*,  
WESTERN ELECTRICAL  
CONTRACTORS ASSOCIATION, INC.

BEFORE THE  
UNITED STATES DEPARTMENT OF LABOR

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

*In the Matters 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

**DECLARATION OF CARRIE E.  
BUSHMAN IN SUPPORT OF WESTERN  
ELECTRICAL CONTRACTORS  
ASSOCIATION, INC.'S *AMICUS  
CURIAE* BRIEF IN SUPPORT OF  
OATELS**

Chief Administrative Law Judge:  
The Honorable John M. Vittone

I, CARRIE E. BUSHMAN, hereby declare as follows:

1. I am an attorney with Cook Brown, LLP, WECA's attorneys of record in the above-referenced matter. I make this declaration in support of WECA's *AMICUS CURIAE* BRIEF IN SUPPORT OF OATELS.

2. At the time that DAS first approved WECA's statewide expansion in 1997, Labor Code section 3075 provided that apprenticeship programs "may be approved by the chief in any trade in the state or in a city or trade area, whenever the apprentice training needs justifies the

1 establishment.”

2 3. Attached hereto as Exhibit 1 is a true and correct copy of the original text of  
3 Assembly Bill 921 which I downloaded from the Official California Legislative Information Web  
4 Page (www.leginfo.ca.gov). Attached hereto as Exhibit 2 are true and correct copies of letters  
5 submitted in support of AB 921, which were obtained from the Assembly file maintained in  
6 connection with AB 921. Attached hereto as Exhibit 3 are true and correct copies of letters  
7 submitted in opposition to AB 921, which were obtained from the Assembly file maintained in  
8 connection with AB 921.

9 4. Attached hereto as Exhibit 4 is a true and correct copy of the April 22, 2003 Decision  
10 issued by Suzanne Marria, Acting Chief Deputy Director of the Department of Industrial Relations/  
11 Administrator of Apprenticeship in *Alameda County JATC v. WECA*, DAS Case No. 02-0055.

12 5. Attached hereto as Exhibit 5 is a true and correct copy of the Complaint Against  
13 Apprenticeship Program filed with DAS on December 7, 2001 against WECA by the Alameda  
14 County Joint Apprenticeship and Training Committee for the Electrical (Inside Wiremen) Trade  
15 (without attached exhibits).

16 6. WECA appealed the Administrator of Apprenticeship’s decision to CAC.  
17 Attached hereto as Exhibit 6 is a true and correct copy of the December 26, 2003 Order issued by  
18 the CAC upholding the Administrator’s decision.

19 7. Because DAS delayed in instituting program approval procedures pertaining to  
20 WECA’s commercial electrician standards pursuant to the Administrator of Apprenticeship’s  
21 decision, WECA was forced to seek and obtain a court order directing DAS to do so.

22 8. Despite the Administrator of Apprenticeship’s directive that comments be made  
23 pursuant to the prior version of Labor Code section 3075, several existing union programs  
24 challenged WECA’s expansion on the grounds that there was no need for the program pursuant  
25 to Labor Code section 3075(b) as revised in 2002.

26 9. Attached hereto as Exhibit 7 is a true and correct copy of the January 16, 2004  
27 decision of then-Chief DAS, Henry Nunn, approving WECA’s statewide commercial electrician  
28 apprenticeship program standards.

1           10.     Attached hereto as Exhibit 8 is a true and correct copy of the appeal filed with the  
2 CAC by the California State-Wide Electrical Joint Apprenticeship & Training Committee on behalf  
3 of itself and on behalf of its affiliated State-Approved Apprenticeship Programs on February 14,  
4 2004 to challenge Chief Nunn's approval of WECA's commercial electrician and sound and  
5 communication system installer statewide apprenticeship standards.

6           11.     WECA has submitted evidence to the CAC in the form of declarations signed by  
7 merit shop electrical contractors across the State who have attested to their ongoing and future  
8 need for apprentices from non-union programs like WECA's.

9           12.     WECA has also challenged the "evidence" of capacity submitted by the union  
10 programs on various procedural grounds.

11           13.     Although the CAC was scheduled to hear oral argument and decide whether to  
12 uphold or overturn Chief Nunn's decisions approving WECA's commercial electrician and  
13 sound and communication system installer apprenticeship standards at its Quarterly Meeting in  
14 July, 2004, it moved at very last minute to delay its consideration and determination of the  
15 matters until its next meeting scheduled for October, 2004.

16           14.     According to the official administrative record maintained by DAS, on July 22,  
17 2003, DAS sent WECA's proposed statewide sound and communication system installer  
18 program standards to existing program sponsors for review and comment. Pursuant to 8 C.C.R.  
19 section 212.2(b), comments had to be submitted to DAS no later than August 26, 2003; however,  
20 the official administrative record indicates that no program which submitted comments did so  
21 earlier than September 5, 2003.

22           15.     Several of the union programs which did submit untimely comments regarding  
23 WECA's sound and communication system installer program objected to approval of WECA's  
24 programs on need grounds pursuant to Labor Code section 3075(b).

25           16.     Attached hereto as Exhibit 9 is a true and correct copy of the January 16, 2004  
26 decision of then-Chief DAS, Henry Nunn, approving WECA's statewide sound and communication  
27 system installer apprenticeship program standards.

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17. WECA has specifically challenged the procedural validity of said appeal, which was filed in conjunction with the appeal of the commercial electrician program approval, on the grounds that, pursuant to 8 C.C.R. section 212.2(k), only parties which properly filed pre-approval comments with DAS are authorized to file an appeal to the CAC. In a proposed Panel Decision, the CAC responded to this argument, stating, "The Council declines to decide these issues at this time."

I hereby declare under penalty of perjury that the foregoing is true and correct and of my personal knowledge and that, if asked, I could and would testify competently thereto in a court of law.

Executed on this 20<sup>th</sup> day of September, 2004 at Sacramento, California.

  
\_\_\_\_\_  
CARRIE E. BUSHMAN