

PUBLIC WORKS APPRENTICESHIP COMPLIANCE



Don't panic, it's easier than you think!

By, Karen Belcher, DAS Senior Apprenticeship Consultant

**AWARDING
AGENCIES**

**BUSINESS
AGENTS**

**NON-PROFIT
LABOR/MANAGEMENT
ORGANIZATIONS**

CONSULTANTS

CONTRACTORS

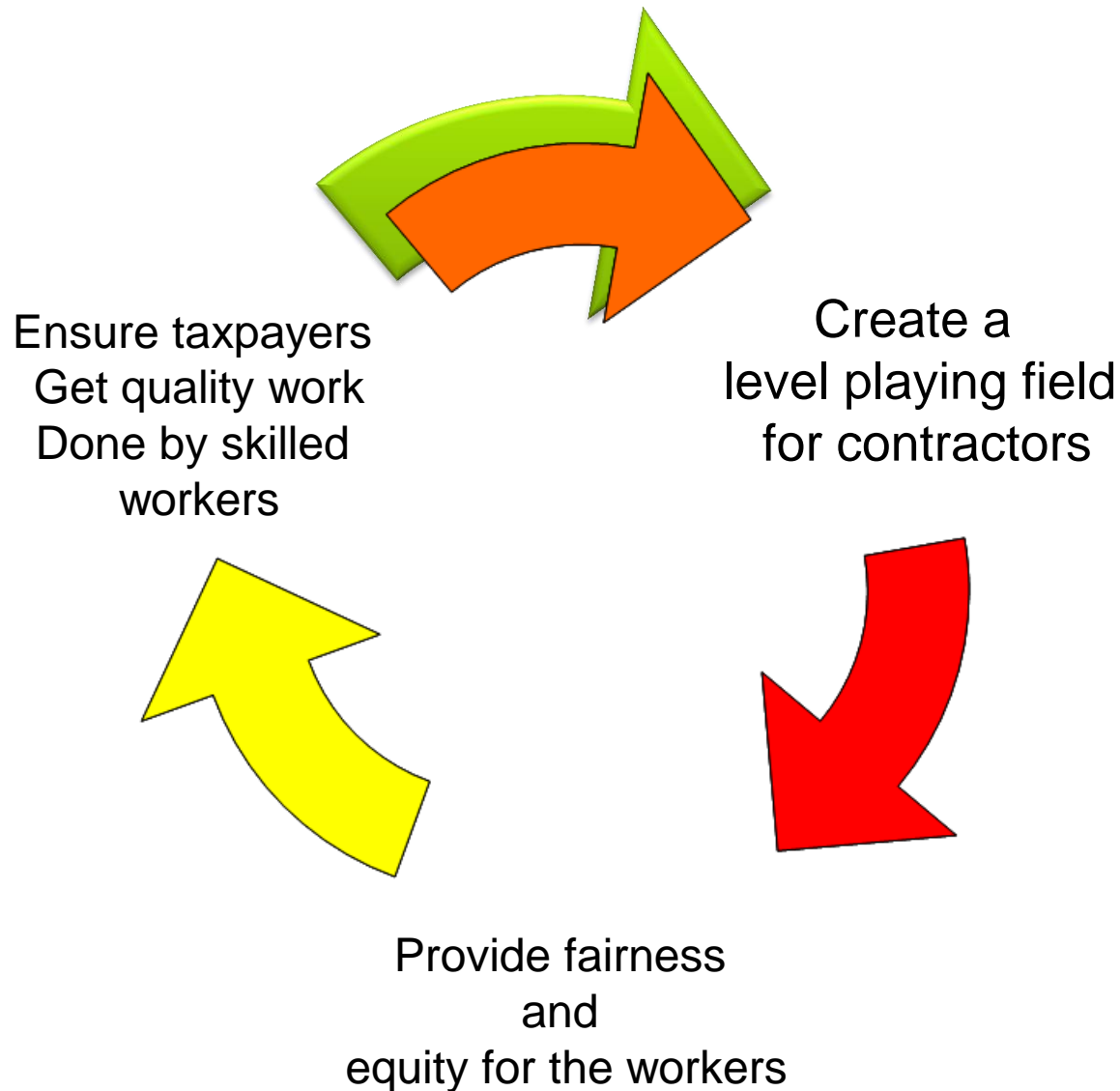
**3RD PARTY Labor
Compliance**

**APPRENTICESHIP
PROGRAMS**

ATTORNEYS



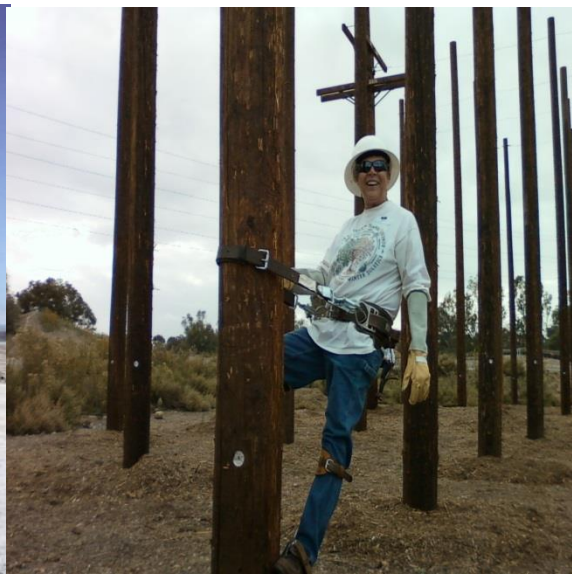
Public Works laws are designed to:





Apprenticeship Not just a paper trail


Apprenticeship requirements on PW translate to jobs for workers and wages earned, in addition to ensuring CA has a future workforce of qualified, skilled tradespeople. When contractors don't employ apprentices they aren't just violating the law they are denying apprentices the opportunity to train and earn wages.



Apprenticeship Exemption




LC §1777.5 does not apply:



To Contracts less than \$30,000. (cost of **total** project)
(Subcontractors **are not exempt** even if the subcontract is less than \$30,000.)



When it is a private project not covered by LC §1720, 1720.2, or 1720.3.



When the project is a federal project and the funding of the project does not contain any city, county, and/or state monies **unless the project is administered by a California Public agency such as a city, county, municipality, school or water district, in which case the apprenticeship requirements apply.**



Sole Proprietor/Owner Operator ***



WHEN AN EXEMPTION IS GRANTED BY **DAS**



When the craft or trade is not apprenticeable.

Apprenticeable Crafts

How do you know if a craft is apprenticeable?

Most construction trades are apprenticeable. The Journeyman prevailing wage determination (*your guide map*) will tell you. If the title of the craft has a # before it, the craft is apprenticeable. If there is nothing or ## the craft is NOT apprenticeable.

GENERAL PREVAILING WAGE DETERMINATION MADE BY THE DIRECTOR OF
INDUSTRIAL RELATIONS
PURSUANT TO CALIFORNIA LABOR CODE PART 7, CHAPTER 1, ARTICLE 2, SECTIONS
1770, 1773 AND 1773.1
FOR COMMERCIAL BUILDING, HIGHWAY, HEAVY CONSTRUCTION AND DREDGING
PROJECTS

CRAFT: #CEMENT MASON

DETERMINATION: SD-23-203-3-2006-1

ISSUE DATE: August 22, 2006

EXPIRATION DATE OF DETERMINATION: June 15, 2007**

CRAFT: ELECTRICAL UTILITY LINEMAN

DETERMINATION: C-61-X-3-2011-1

ISSUE DATE: August 22, 2011

EXPIRATION DATE OF DETERMINATION: May 31, 2012* Effective until superseded by a new determination issued by the Director of Industrial Relations. Contact the Division of Labor Statistics and Research at (415) 703-4774 for new rates after 10 days from the expiration date, if no subsequent determination is issued.

LOCALITY: All localities within the State of California, except Del Norte, Modoc, and Siskiyou Counties. (For Del Norte, Modoc and Siskiyou - see page 2I)

Employer Payments Straight-Time Overtime Hourly Rate

CLASSIFICATION Basic Health Pension Training Other Hours Total Daily Saturday
Sunday

(Journeyman) Hourly and Payments Hourly and
Rate Welfare Rate 2X 2X Holiday

Lineman, Cable Splicer \$47.87 4.75 ^a7.68 ^b0.35 0.55 8 62.63 112.29 112.29 112.29

Powderman 42.75 4.75 ^a6.94 ^b0.32 0.49 8 56.53 100.89 100.89 100.89

Groundman 29.25 4.75 ^a6.90 ^b0.21 0.34 8 42.33 72.67 72.67 72.67

Responsibilities



Awarding
Agencies

Contractors



AWARDING AGENCIES

**Guardians of the
public dollar!**



Have a responsibility to ensure that the contractors that win the bid for the projects are complying with California law regarding public works.

Awarding Agencies/Bodies



major responsibilities regarding apprenticeship on public works projects

- 1. Notification**
- 2. Ensure Contractors are in compliance**
- 3. Withhold money**

1. Notification

Awarding agencies must notify the Director of Industrial Relations (DIR) using a PWC 100, within five days of awarding a public works contract. LC1773.3

<https://www.dir.ca.gov/pwc100ext/> (this replaces the DAS 13)

[Home](#) :: [Search PWC-100](#)

Public Search Utility

Awarding Body Name			
<input type="text"/>			
Name of Project			
<input type="text"/>			
Name of Contractor		Contractor Number	
<input type="text"/>		<input type="text"/>	
Name of Subcontractor		Subcontractor Number	
<input type="text"/>		<input type="text"/>	
First Advertised Bid Date	Contract Amount	Project Award Date	Estimate Start Date
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Estimated Completion Date	Classification of Workers:		

Notifying Contractors



Awarding Bodies are **obligated to** inform prime contractors of apprenticeship requirements and other relevant public work requirements in contract documents.

1777.5(n) "The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section."

In addition to contract documents, 1777.5 obligations should be documented/referenced in the bid advertisement and disseminated at a pre-acceptance bid conference, and/or at bid award conferences.

Prime/General contractors also have an obligations to notify sub-contractors of apprentice requirements. Labor Code §1777.7(d).

2. Ensuring Compliance

Awarding Bodies are responsible for ensuring that a contractor or subcontractor is complying with the apprenticeship requirements.

LC1726 The body awarding the contract for public work shall take cognizance of violations of this chapter committed in the course of the execution of the contract, and shall promptly report any suspected violations to the Labor Commissioner. **(LC section 1726).**

If an Awarding Body is to notify DLSE of any discrepancies, it is implied that the AB would be/should be reviewing the Certified Payroll Records.

3. Withholding Money

When a Civil Wage and Penalty Assessment is issued by DLSE to a contractor it is very important that the awarding body withhold payments to the contractor. (LC section 1727, 1777.7)

If the AB is still holding money you can work with them to release the amount of the settlement agreement directly to DLSE!



Contractor Compliance/Responsibilities



1. Submit Contract Award Information (DAS 140) to all appropriate Apprenticeship Committees.
2. Request dispatch of apprentices from all appropriate committees (DAS 142)
3. Employ apprentices in the proper ratio.
4. Pay appropriate training funds.

Labor Code 1777.5 CCR 230, 230.1

1. Submit Contract Award Information (DAS 140) to all appropriate Apprenticeship Committees

Contractors who are already approved to train apprentices

must provide contract award information (DAS 140) to the apprenticeship committee for each applicable apprenticeable craft or trade that has approved the contractor in the area of the site of the of the public works project.

The Contract Award Information must be in writing and submitted to the applicable committee(s) within 10 days of the date of the prime or subcontract **but in no event later than the first day the contractor has workers employed on the public works project.**

This is simply a notification of award; it is not automatically a request for dispatch of a registered apprentice.

If you are only approved in one craft, but employing other crafts, you must notify all programs in those other crafts!



1. Submit Contract Award Information (DAS 140) to all appropriate Apprenticeship Committees

Contractors not approved to train

must send a DAS 140 to all the apprenticeship committees (for each separate craft) in the geographic area where the work is being performed).

The Contract Award Information must be in writing and submitted to the applicable committee(s) within 10 days of the date of the prime or subcontract but in no event later than the first day the contractor has workers employed on the public works project.

This is simply a notification of award; it is not automatically a request for dispatch of a registered apprentice.

PUBLIC WORKS CONTRACT AWARD INFORMATION

Contract award information must be sent to your Apprenticeship Committee if you are approved to train. If you are not approved to train, you must send the information (which may be this form) to ALL applicable Apprenticeship Committees in your craft or trade in the area of the site of the public work. Go to: <http://www.dir.ca.gov/das/PublicWorksForms.htm> for information about programs in your area and trade. You may also consult your local Division of Apprenticeship Standards (DAS) office whose telephone number may be found in your local directory under California, State of, Industrial Relations, Division of Apprenticeship Standards.

Do not send this form to the Division of Apprenticeship Standards.

NAME OF YOUR COMPANY	CONTRACTOR'S STATE LICENSE NO.
MAILING ADDRESS- NUMBER & STREET, CITY, ZIP CODE	AREA CODE & TELEPHONE NO.
NAME & ADDRESS OF PUBLIC WORKS PROJECT	DATE YOUR CONTRACT EXECUTED
	DATE OF EXPECTED OR ACTUAL START OF PROJECT
NAME & ADDRESS OF PUBLIC AGENCY AWARDED CONTRACT	ESTIMATED NUMBER OF JOURNEYMEN HOURS
	OCCUPATION OF APPRENTICE
THIS FORM IS BEING SENT TO: (NAME & ADDRESS OF APPRENTICESHIP PROGRAM(S))	ESTIMATED NUMBER OF APPRENTICE HOURS
	APPROXIMATE DATES TO BE EMPLOYED

This is not a request for dispatch of apprentices.

Contractors must make a separate request for actual dispatch, in accordance with Section 230.1(a) California Code of Regulations

Check One Of The Boxes Below

1. ☐ We are already approved to train apprentices by the _____
Apprenticeship Committee. We will employ and train under their Standards. Enter name of the Committee

2. ☐ We will comply with the standards of _____
Apprenticeship Committee for the duration of this job only. Enter name of the Committee

3. ☐ We will employ and train apprentices in accordance with the California Apprenticeship Council regulations, including § 230.1 (c) which requires that apprentices employed on public projects can only be assigned to perform work of the craft or trade to which the apprentice is registered and that the apprentices must at all times work with or under the direct supervision of journeyman/men.

Signature _____

Date _____

Typed Name _____

Title _____

How do you know which apprenticeship committees are approved in a geographic area?

Information of approved apprenticeship programs are available on the DAS website. It is critical that anyone searching for public works information use the link

Apprenticeship Program Information public works – search

<http://www.dir.ca.gov/das/publicworks.html>





Apprenticeship programs information guide - Public Works search

Search available apprenticeship programs by selecting a county and an occupation group

Data is current as of 02/17/2016

Disclaimer

The following is a listing of registered program sponsors in the construction industry, it does not signify they will dispatch apprentices. Program sponsors determine individually when they will dispatch apprentices.

Select a county

Sacramento ▼

Select an occupation

Plumbing & Pipefitting ▼

Search

If you are unable to locate an occupation/craft it may be a sub-craft of a main occupation. Examples:

Electrical & Electronic for Northern California sub-crafts listed are:

- Communication Technician
- Fire/Life Safety, Voice Data, Video & Electronic Security Technician

Laborer for Southern California sub-crafts listed are:

- Landscape and Irrigation Fitter (Laborer)

Electrical & Electronic for Southern California sub-crafts listed are:

Division of Apprenticeship Standards(DAS)

★ Quick Links

- ▶ [Become an apprentice](#)
- ▶ [Find an apprenticeship program](#)
- ▶ [Find a registered apprentice](#)
- ▶ [Train employees through apprenticeship](#)
- ▶ [Program sponsors](#)
- ▶ [Use apprentices on public works projects](#)
- ▶ [I built it!](#)
- ▶ [Apprenticeship Council meetings](#)
- ▶ [DIR Laws and Regulations](#)
- ▶ [Veterans](#)
- ▶ [Refinery Safety Curriculum](#)

★ About DAS

- ▶ [About Us \(Overview of DAS\)](#)
- ▶ [Contact](#)
- ▶ [Locations](#)

[DAS Home](#)

Data is current as of 02/17/2018

Contact information: Associated Builders & Contractors Northern California Chapter Plumbing U.A.C. www.abcnorcal.org
4577 Las Positas Road, Unit C
Livermore, CA 94551

Contact person: Sagit Woodbury, Apprenticeship Director

Contact phone / e-mail: (925) 474-1300 apprenticeship@abcnorcal.org

Contact information: California American Fire Sprinkler Association, U.A.C.
1408 W. Main Street Suite D
Ripon, CA 95388

Contact person: Lorelei Ostrander, Training Coordinator

Contact phone / e-mail: (925) 954-5031 lolelei@cafssa.org

Contact information: Northern California Local 355 J.A.T.C. UALocal355.org
13 Tennessee St
Vallejo, CA 94590

Contact person: Miguel Iniguez, Coordinator

Contact phone / e-mail: (707) 644-0355 ualocal355@aol.com

Contact information: P.H.C.C. Of The Greater Sacramento Area Plumbers U.A.C.
1820 Tribute, Ste. A
Sacramento, CA 95815

Contact person: Theresa Perez, Coordinator

Contact phone / e-mail: (916) 640-0910 t.perez@phccgsa.org

Contact information: Plumbing & Pipefitting Industry Of Sacramento & Yolo District J.A.C.
8750 Younger Creek Drive
Sacramento, CA 95828

Contact person: Randy Boatman, Coordinator

Contact phone / e-mail: (916) 383-1102 psmyth@447jac.org

Contact information: Road Sprinkler Fitters U. A. Local 669 J.A.T.C. www.sprinklerfitters880.org

- Become an apprentice
- Find an apprentice
- Find a registered sponsor
- Train employees through apprenticeship
- Program sponsors
- Use apprentices on projects
- I built it!
- Apprenticeship Co
- DIR Laws and Reg
- Veterans
- Refinery Safety Co

About DAS

- About Us (Overview)
- Contact
- Locations

[DAS Home](#)



INCOMPLETE

2. Request dispatch of apprentices from all appropriate committees

Contractors who are not already employing sufficient registered apprentices to meet the 20% ratio must request dispatch from apprenticeship committees providing training in the applicable craft or trade and whose geographic area of operation includes the site of the public work.

If the apprenticeship committee from which apprentice dispatch(es) are requested does not dispatch apprentices as requested, the contractor must request apprentice dispatch(es) from another committee providing training in the applicable craft or trade in the geographic area of the site of the public work, and must request apprentice dispatch(es) from each such committee, either consecutively or simultaneously, until the contractor has requested apprentice dispatches from each such committee in the geographic area.

DAS 142 Forms are available to Request Dispatch

All requests for dispatch of apprentices shall be in writing, and sent by

FIRST CLASS MAIL

EMAIL

or

FAX



Proof of submission and/or receipt should be available.

Requests must be sent at least 72 hours (excluding Saturdays, Sundays and holidays) before the date on which one or more apprentices are required.

CCR 230.1



REQUEST FOR DISPATCH OF AN APPRENTICE – DAS 142 FORM

DO NOT SEND THIS FORM TO DAS

You may use this form to request dispatch of an apprentice from the Apprenticeship Committee in the craft or trade in the area of the public work. Go to: <http://www.dir.ca.gov/DAS/PublicWorksForms.htm> for information about programs in your area and trade. You may also consult your local Division Apprenticeship Standards (DAS) office whose telephone number may be found in your local directory under California, State of, Industrial Relations, Division of Apprenticeship Standards. **Except for projects with less than 40 hours of journeyman work, you must request and employ apprentices in no less than 8 hour increments.**

Date: _____	Contractor Requesting Dispatch:
To Applicable Apprenticeship Committee:	Name: _____
Name: _____	Address: _____
Address: _____	_____
_____	License No. _____
Tel. No. _____ Fax No. _____	Tel. No. _____ Fax No. _____

Project Information:

Contract No. _____

Name of the Project: _____

Address: _____

Dispatch Request Information:

Number of Apprentice(s) Needed: _____ **Craft or Trade:** _____

Date Apprentice(s) to Report: _____ (72 hrs. notice required) **Time to Report:** _____

Name of Person to Report to: _____

Address to Report to: _____

*You may use this form to make your written request for the dispatch of an apprentice. Requests for dispatch must be in writing and submitted at least 72 hours in advance (excluding weekends and holidays) via either first class mail, fax or email. **Proof of submission may be required.** Please take note of California Code of Regulations, Title 8, § 230.1 (a) for all applicable requirements regarding apprenticeship requests and/or visit <http://www.dir.ca.gov/DAS/DASApprenticesOnPublicWorksSummaryOfRequirements.htm>*

DAS 142 (Revised 12/11)

APR-13-2011 11:47 From:

To:19513468545

Page:4/5

REQUEST FOR DISPATCH OF AN APPRENTICE

Do not send this form to DAS

You may use this form to request dispatch of an apprentice from the Apprenticeship Committee in the craft or trade in the area of the public work. Go to: <http://www.dir.ca.gov/DAS/PublicWorksForms.htm> for information about programs in your area and trade. You may also consult your local Division of Apprenticeship Standards (DAS) office whose telephone number may be found in your local directory under California, State of, Industrial Relations, Division of Apprenticeship Standards.

Date: 0324 11

To Applicable Apprenticeship Committee: South CA Carpenter framing fund

Address: 513 G. Lamont AV. Suite # 41 Los Angeles, CA

Telephone: (213) 385-1457 Fax: _____

Contractor Requesting Dispatch: Tobasco Interiors, Inc.

Address: 10305 Vassar Avenue Chatsworth, CA 91311

Telephone: (818) 718-0261 Fax: (818) 718-0316

Person making request: Thomas

Number of Apprentice(s) Needed 2 Craft or Trade General finishers

Date Apprentice(s) to Report: 02-25-11 (hours notice required)

Name of Person to Report to: Tobascos Rep

Address to Report to

if different from above:

3. Employ apprentices in the proper ratio

Apprentices must be employed in a minimum of 1 hour for every 5 hours, or 20% of Journeyman straight time hours, **for each separate craft** employed on the project.

A graphic showing the number '20' in a light blue, hand-painted style, followed by a black percentage symbol '%'. The '20' is composed of two parts, each with a light blue background and a darker blue outline.

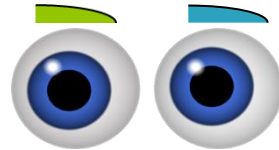
Hours are calculated at the end of the project!

Apprenticeship Programs must be willing to dispatch
UNCONDITIONALLY !

How do you know if a dispatched apprentice on is a legitimate registered apprentice?

A registered apprentice is someone who is participating in an approved apprenticeship program and has a signed written agreement approved by DAS. You can check the status of an apprentice on the DAS website at www.dir.ca.gov/DAS/appcertpw/AppCertSearch.asp

If the individual does not show up in the data base, or cannot produce a DAS-1 signed by DAS, he/she is not an registered apprentice in the



of the State,

They must be paid the Journeyman rate and hours worked count as journeyman hours, not apprentice hours.

No Trainees are allowed!



4. Pay appropriate training fund \$

Training Funds:

- Are part of the prevailing wage package listed in the determination and **paid even if the contractor is exempt from employing apprentices!**
- Are not** paid to the worker **unless** it is a non-apprenticeable craft.
- Are paid for **all hours** worked by both Journeymen and Apprentices! *Overtime included*
- Are paid to the California Apprenticeship Council (CAC) or an approved apprenticeship program.
- Are due on the 15th of the month for work performed during the preceding month.**

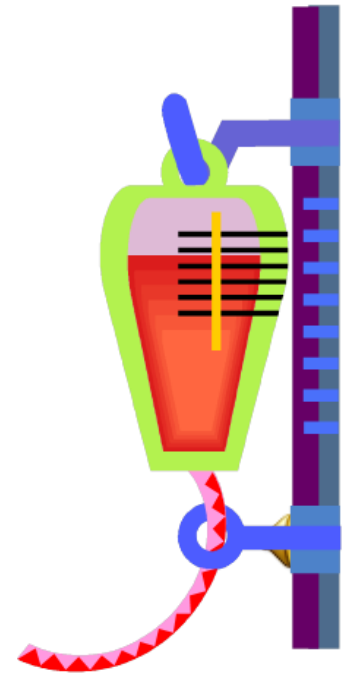
Training fund amounts should be deducted from the total hourly wage –BEFORE fringes or wages are paid.

Do not pay the training fund to the employee and then deduct it to pay to the CAC or an apprenticeship program.

Employees should not have to pay taxes on the TF amount!



TF contributions are critical to the success of Apprenticeship!



Training Funds paid by contractors are given back to approved apprenticeship training programs in the form of grants.

When contractors do not properly pay the proper training fund contribution, there is less money to support the programs and fewer training opportunities for prospective workers!

How do you know if the training fund contribution has been paid?

- Ask for cancelled checks
- Check on the web at <http://www.dir.ca.gov/DAS/PublicWorksForms.htm>





Can a General or Prime contractor be held responsible for the violations of their sub-contractors?

To avoid liability the prime must do all of the following:

Yes

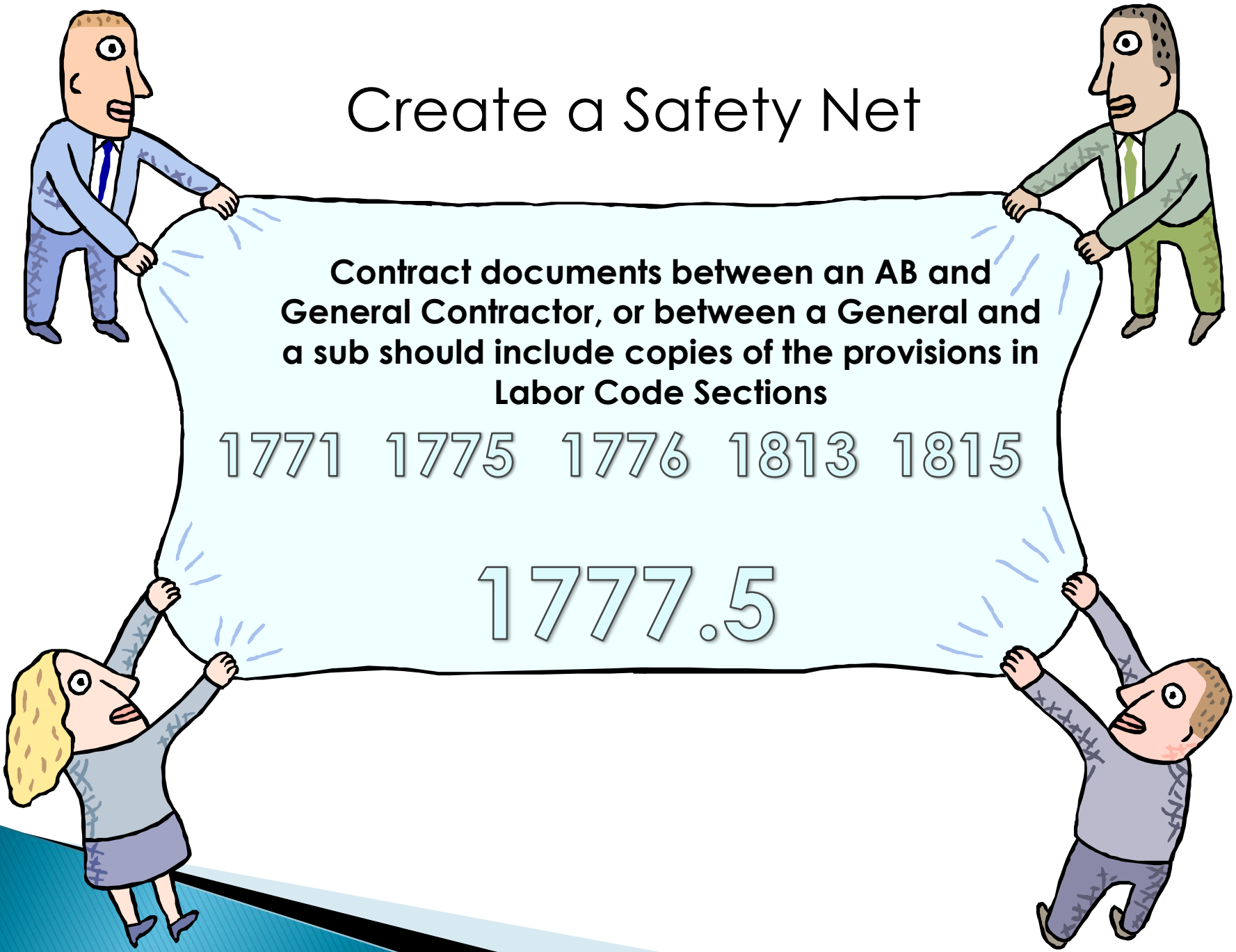
1. Include a copy of the provisions of LC Sections 1771, 1775, 1776, 1777.5, 1813, and 1815 in the subcontract.
2. Continually monitor the subcontractor's use of apprentices including review of the CPRs.
3. Upon finding that the sub is not employing apprentices in the proper ratio, the general must take corrective action to correct the situation including retaining funds until the problem is corrected
4. Prior to making the final payment to the subcontractor for the contractor shall obtain a declaration signed under penalty of perjury from the subcontractor that the subcontractor has employed the required number of apprentices.

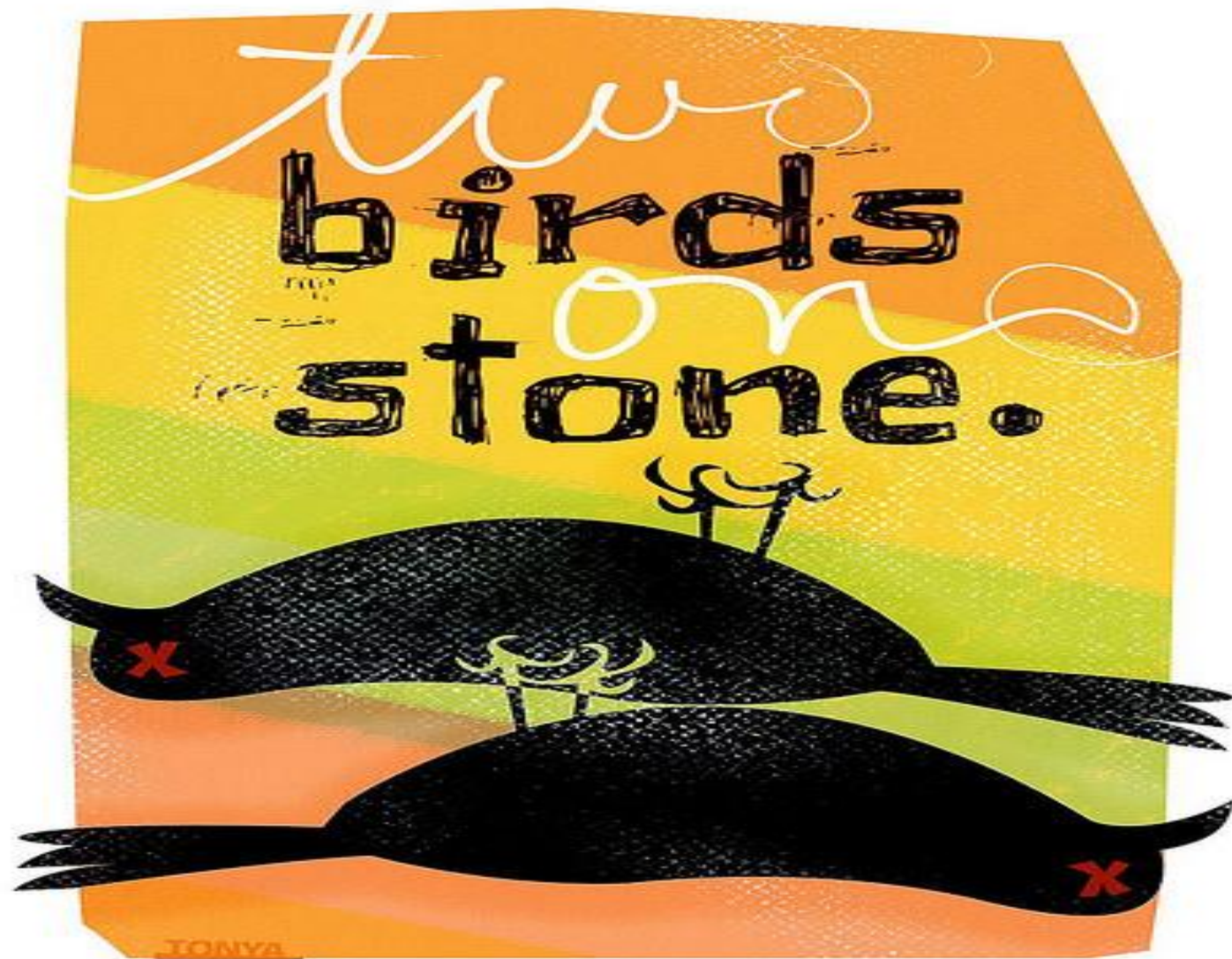
Create a Safety Net

Contract documents between an AB and General Contractor, or between a General and a sub should include copies of the provisions in Labor Code Sections

1771 1775 1776 1813 1815

1777.5





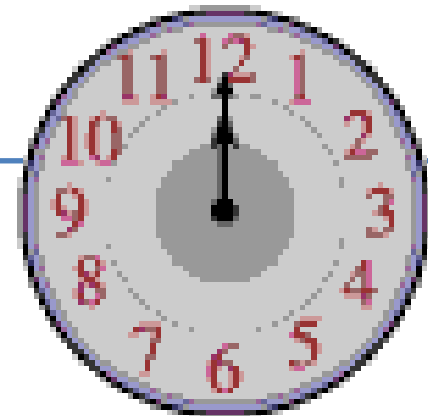


HOT TOPICS

CCR Title 8 §230.1

**Projects less than 40 hrs.
are not exempt!**

**But contractors can request
in less than 8 hour
increments.**



Minimum vs. Maximum Ratios



Minimum Ratios

- There are no exemptions based on minimum project hours (unless the project is less than 5 hours)
- 1 apprentice hour for every 5 journeyman hours (20% of total journeyman hours for each individual craft)
- Hours are calculated at the end of the project
- Any work performed by a journeyman in excess of eight hours per day or 40 hours per week shall not be used to calculate the ratio. LC 1777.5(h)

You need to determine if Saturday and Sunday hours are overtime or premium pay

work will extend past this date, the new rate must be paid and should be incorporated in contracts entered into now. Contact the Office of the Director – Research Unit for specific rates at (415) 703-4774.

LOCALITY: All localities within San Diego County

Classification (Journey person)	<u>Employer Payments</u>						<u>Straight-Time</u>		<u>Overtime Hourly Rates</u>		
	Basic Hourly Rate	Health and Welfare	Pension	Vacation/ Holiday ^a	Training	Other Payments	Hours	Total Hourly Rate	Daily 1 1/2X ^b	Saturday 1 1/2X ^b	Sunday and Holiday 2X
Drywall Installer/ Lather	\$30.30	\$6.10	\$3.91	\$2.40	\$0.47	\$0.30	8	\$43.48	\$58.63	\$58.63	\$73.78

DETERMINATION: SD-31-X-41-2015-1A

Indicates an apprenticeable craft. The current apprentice wage rates are available on the Internet at <http://www.dir.ca.gov/OPRL/PWAppWage/PWAppWageStart.asp>. To obtain any apprentice wage rates as of July 1, 2008 and prior to September 27, 2012, please contact the Division of Apprenticeship Standards or refer to the Division of Apprenticeship Standards' website at <http://www.dir.ca.gov/das/das.html>.

^a Includes an amount for Supplemental Dues.

^b Rate applies to the first 4 daily overtime hours and to the first 8 hours on Saturday. All other overtime will be paid the Sunday and Holiday double time rate. Saturdays in the same workweek may be worked at straight-time if job is shut down during the normal work week due to inclement weather.

RECOGNIZED HOLIDAYS: Holidays upon which the general prevailing hourly wage rate for Holiday work shall be paid, shall be all holidays in the collective bargaining agreement, applicable to the particular craft, classification, or type of worker employed on the project, which is on file with the Director of Industrial Relations. If the prevailing rate is not based on a collectively bargained rate, the holidays upon which the prevailing rate shall be paid shall be as provided in Section 6700 of the Government Code. You may obtain the holiday provisions for the current determinations on the Internet at <http://www.dir.ca.gov/OPRL/PWD>. Holiday provisions for current or superseded determinations may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

TRAVEL AND/OR SUBSISTENCE PAYMENT: In accordance with Labor Code Sections 1773.1 and 1773.9, contractors shall make travel and/or subsistence payments to each worker to execute the work. You may obtain the travel and/or subsistence provisions for the current determinations on the Internet at <http://www.dir.ca.gov/OPRL/PWD>. Travel and/or subsistence requirements for current or superseded determinations may be obtained by contacting the Office of the Director – Research Unit at (415) 703-4774.

MAXIMUM RATIOS

Too Many Apprentices?!

Maximum ratios are calculated at the end of a project.

The maximum ratio is 20% unless the contractor is bound by the program standards and those standards allow for a higher ratio.

How do you know if they are “bound” by the Standards?
How do you know what the Standards are?



You need to review the DAS140 to determine the maximum ratio allowed

PUBLIC WORKS CONTRACT AWARD INFORMATION

Contract award information must be sent to your Apprenticeship Committee if you are approved to train. If you are not approved to train, you must send the information (which may be this form) to ALL applicable Apprenticeship Committees in your craft or trade in the area of the site of the public work. Go to: <http://www.dir.ca.gov/das/PublicWorksForms.htm> for information about programs in your area and trade. You may also consult your local Division of Apprenticeship Standards (DAS) office whose telephone number may be found in your local directory under California, State of, Industrial Relations, Division of Apprenticeship Standards.

Do not send this form to the Division of Apprenticeship Standards.

NAME OF YOUR COMPANY	CONTRACTOR'S STATE LICENSE NO.
MAILING ADDRESS- NUMBER & STREET, CITY, ZIP CODE	AREA CODE & TELEPHONE NO.
NAME & ADDRESS OF PUBLIC WORKS PROJECT	DATE YOUR CONTRACT EXECUTED
	DATE OF EXPECTED OR ACTUAL START OF PROJECT
NAME & ADDRESS OF PUBLIC AGENCY AWARDED CONTRACT	ESTIMATED NUMBER OF JOURNEYMEN HOURS
	OCCUPATION OF APPRENTICE
THIS FORM IS BEING SENT TO: (NAME & ADDRESS OF APPRENTICESHIP PROGRAM(S))	ESTIMATED NUMBER OF APPRENTICE HOURS
	APPROXIMATE DATES TO BE EMPLOYED

This is not a request for dispatch of apprentices.

Contractors must make a separate request for actual dispatch, in accordance with Section 230.1(a) California Code of Regulations

Check One Of The Boxes Below

1. ☐ We are already approved to train apprentices by the _____
Apprenticeship Committee. We will employ and train under their Standards. Enter name of the Committee
2. ☐ We will comply with the standards of _____
Apprenticeship Committee for the duration of this job only. Enter name of the Committee
3. ☐ We will employ and train apprentices in accordance with the California Apprenticeship Council regulations, including § 230.1 (c) which requires that apprentices employed on public projects can only be assigned to perform work of the craft or trade to which the apprentice is registered and that the apprentices must at all times work with or under the direct supervision of journeyman/men.

Signature _____ Date _____

Typed Name _____

Title _____

State of California - Department of Industrial Relations DIVISION
OF APPRENTICESHIP STANDARDS

Cement Masons Standards

ARTICLE XV

Ratio of Journey-Level to Apprentices

A qualified employer may employ one apprentice when at least 1 *journeyman* is regularly employed, and 1 additional apprentice for each 5 additional *journeyman*.

$$\begin{array}{r} 1 \text{ for } 1 \\ + 1 \text{ for } 5 \\ \hline 2 \text{ apprentices for } 6 \end{array} = 33\%$$

Hours conversion

1 jnyman = 8 hours	2 apprentices = 16
5 jnymen = <u>40 hours</u>	hours
48 hours	

$$16/48 = 33\%$$

More advantageous than 20%

Apprentices Working Alone!

This is a wage issue- WHY?

Because an apprentice working alone could be considered a journeyman!




APPRENTICES WORKING ALONE

LC1777.5(h) This ratio of apprentice work to journeyman work shall apply during any day or portion of a day when any journeyman is employed at the jobsite and shall be computed on the basis of the hours worked during the day by journeymen so employed. Any work performed by a journeyman in excess of eight hours per day or 40 hours per week shall not be used to calculate the ratio. The contractor shall employ apprentices for the number of hours computed as above before the end of the contract or, in the case of a subcontractor, before the end of the subcontract. However, the contractor shall endeavor, to the greatest extent possible, to employ apprentices during the same time period that the journeymen in the same craft or trade are employed at the jobsite.

CCR §210. Working Conditions.

Apprentices shall work under and with competent journeymen and/or instructors and shall be assigned to work and learning tasks so that they obtain the diversified training on-the-job provided for in the apprenticeship standards.



Apprentices Working Alone cont.

- ▶ CCR 230.1 (c) Apprentices employed on public works can only be assigned to perform work of the craft or trade to which the apprentice is registered. Work of the craft or trade consists of job duties normally assigned to journeymen in the apprenticeable occupation. Where an employer employs apprentices under the rules and regulations of the California Apprenticeship Council, as set forth in Labor Code Section 1777.5(c)(2), apprentices employed on public works must at all times work with or under the direct supervision of journeyman/men.

EXEMPT

2 TYPES OF EXEMPTIONS GRANTED BY DAS

- ★ PROGRAM
- ★ INDIVIDUAL CONTRACTOR

Exemptions only change the obligation to employ apprentices from an hourly ratio at the end of the project to a daily man for man ratio.

Contractors are still obligated to submit a DAS 140!

1777.5(k) PROGRAM EXEMPTION

1777.5 (k) An **apprenticeship program** has the discretion to grant to a participating contractor or contractor association a certificate, which shall be subject to the approval of the Administrator of Apprenticeship, exempting the contractor from the 1-to-5 ratio set forth in this section when it finds that any one of the following conditions is met: (1) Unemployment for the previous three-month period in the area exceeds an average of 15 percent. (2) The number of apprentices in training in the area exceeds a ratio of 1 to 5. (3) There is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journeymen annually through apprenticeship training, either on a statewide basis or on a local basis. (4) Assignment of an apprentice to any work performed under a public works contract would create a condition that would jeopardize his or her life or the life, safety, or property of fellow employees or the public at large, or the specific task to which the apprentice is to be assigned is of a nature that training cannot be provided by a journeyman.

These Exemptions are granted by the Chief of DAS to Approved Programs who in turn approve individual contractors.

These are posted on our Public Works Information website under Important Notices

<http://www.dir.ca.gov/DAS/PublicWorksForms.htm>



I WANT TO ...

- Become an apprentice
- Find an apprenticeship program
- Train my employees through apprenticeship
- Contact DAS
- Attend an event/meeting
- Use apprentices on public works projects
- See if an apprentice is registered with the State of California
- I built it!
- Find out about the California Apprenticeship Council
- Become a certified electrician
- See how apprenticeship can change lives

LINKS

Division of Apprenticeship Standards - Labor Code 1777.5 (h),(k) Minimum Ratio Exemptions

The following are exemptions to the minimum 5-1 journeymen to apprentice hourly ratio as required by Labor Code 1777.5 (g), however an employer can and is encouraged to employ an apprentice as the second person on the job whenever possible and allowed by the apprenticeship program standards.

Operating Engineers

Northern California - Applies to all Contractors

- Contractors are required to utilize a minimum ratio of not less than one apprentice for each four journeymen, [Operating Engineers Apprentice Ratio Exemption Request, Northern California](#) - August 2011

Southern California - Applies to all Contractors

- Contractors are required to utilize a minimum ratio of not less than one apprentice for each five journeymen, [Operating Engineers Apprentice Ratio Exemption Request, Southern California](#) - April 2011

Laborers

Northern California - Applies only to contractors that participate in the Northern California Laborers Joint Apprenticeship Training Committee.

- Participating contractors are not required to hire an apprentice until there are four journeymen on the jobsite. [Laborers Apprentice Ratio Exemption Request, Northern California](#) - December 2011

Southern California - Applies only to contractors that participate in the Laborers Southern California Apprenticeship Program.

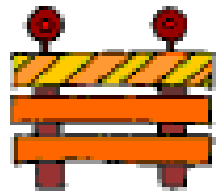
- Participating contractors are not required to hire an apprentice until there are four journeymen on the jobsite. [Laborers Apprentice Ratio Exemption Request, Southern California](#) - March 2011

**Contractors that have been granted an exemption from the 1 to 5 hourly ratio per Labor Code 1777.5 (k)(4).
by the Southern California Laborers JAC and approved by the Administrator of Apprenticeship.**

The following contractors are approved to use a 1 to 4 person ratio for projects with a bid date between the effective date and the expiration date.

Please note, a contractors exemption can be revoked at any time by the committee or the Administrator of Apprenticeship

License #	Employer Name	Employer City	State	Zip Code	Effective Date	Expiration Date
833651	DARCO ENGINEERING, INC.	Santa Fe Springs	CA	90670	6/1/2012	5/31/2013
	DIAMONDBACK SAWING CORING & DEMO	Fontana	CA	92336	6/1/2012	5/31/2013
434800	DODGE CONCRETE SURFACES	Huntington Bch	CA	92647	6/1/2012	5/31/2013
597764	DOJA, INC.	Ontario	CA	91762	6/1/2012	5/31/2013
651848	EARTH CONSTRUCTION & MINING (DBA)	Garden Grove	CA	92841	6/1/2012	5/31/2013
720016	EBS GENERAL ENGINEERING, INC.	Corona	CA	92879	6/1/2012	5/31/2013
932798	EBS UTILITIES ADJUSTING, INC	Corona	CA	92879	6/1/2012	5/31/2013
622534	EDICK & WATT, INC.	El Cajon	CA	92022	6/1/2012	5/31/2013
274857	EL CAJON GRADING & ENGINEERING	Lakeside	CA	92040	6/1/2012	5/31/2013
95881	ELECTRO CONSTRUCTION CORP.	Los Angeles	CA	90039	6/1/2012	5/31/2013
811415	ENVIRONMENTAL CONST. GROUP, INC.	Long Beach	CA	90755	6/1/2012	5/31/2013
	ERREAS, INC	Lakeside	CA	92040	6/1/2012	5/31/2013
592985	FAST FORWARD CONCRETE CUTTING, INC.	Van Nuys	CA	91405	6/1/2012	5/31/2013
378377	GOSS CONSTRUCTION CO., INC.	Rancho Cucamonga	CA	91730	6/1/2012	5/31/2013
629489	GRANSTROM MASONRY, INC.	Torrance	CA	90504	6/1/2012	5/31/2013
945534	GRBAVAC, TOM & SONS INC.	Seal Beach	CA	90740	6/1/2012	5/31/2013
522846	GRIFFIN CONTRACT Dewatering	Ontario	CA	91761	6/1/2012	5/31/2013



1777.5(j)

Individual Contractor EXEMPTIONS

- ▶ 1777.5(j) Upon proper showing by a contractor that he or she employs apprentices in a particular craft or trade in the state on all of his or her contracts on an annual average of not less than one hour of apprentice work for every five hours of labor performed by journeymen, the Administrator of Apprenticeship may grant a certificate exempting the contractor from the 1-to-5 hourly ratio, as set forth in this section for that craft or trade.

Individual Contractors can write to the Chief and request an exemption. If they can prove that they have employed apprentices at an average ratio of 20% on all projects for the previous 12 months, they receive a letter granting the exemption for one year.

Ratios and exemptions are craft specific.



important

If contractors are exempt either
through a program exemption

OR

an individual exemption

They must still submit a DAS 140!

Project Labor Agreements



Temp Agencies



The CONTRACTOR, not the temp agency, is responsible for ensuring apprentices are employed on the project and for sending out

Contract Award information (DAS 140)

And

Requesting dispatch of apprentices (DAS 142)

TEMP agencies must be registered
with DLSE!



In review



What is a DAS Violation?

- ✓ Failure to provide contract award information (CCR 230)
- ✓ Failure to request dispatch/hire registered apprentices (CCR 230.1)
- ✓ Failure to employ apprentices in correct ratio (CCR 230.1)
- ✓ Failure to make apprentice training contributions (CCR 230.2)

Penalties are expensive



\$100 a day for every
day there is a violation

\$300 if it is the second
violation in a 3 year period

RESOURCES

<http://www.dir.ca.gov/DAS/PublicWorksForms.htm>

DIR <http://www.dir.ca.gov/DAS/PublicWorksForms.htm> DIR - Compliance Monitoring ... DIR Division of Apprenticeship ...

File Edit View Favorites Tools Help

[http--www.dir.ca](#) [Suggested Sites](#) [Web Slice Gallery](#) [Adjust Your Desktop Clear...](#) [Free Hotmail](#) [Microsoft Media Center E...](#)

X Find: apprentices Previous Next Options

Research and Legislation .

Forms

1. Public Works Contract Award Information - DAS 140 [version](#) [version](#)
2. [Request for Dispatch of an Apprentice](#) - DAS 142
3. Report [CAC Training Fund Contributions](#) on this website

For more information on public works

- [If You've Been Awarded a Public Works Contract \(Summary of Requirements\)](#)
- [Frequently asked questions](#)
- [Laws & Regulations](#)
- [The Division of Labor Standards Enforcement](#) enforces labor law related to the payment of prevailing wage and working conditions.
- [The Director's office of Policy, Research and Legislation](#) conducts labor research and provides statistics for public works projects.

Files in Adobe Acrobat PDF [format](#) are viewed with Adobe Acrobat Reader. If you do not already have Adobe Acrobat installed on your computer, you should download the free Acrobat Reader from



Contact information:

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(619) 517-5933 kbelcher@dir.ca.gov

BIO – Karen Belcher

Karen Belcher currently is a Senior Apprenticeship Consultant for the Department of Industrial Relations, Division of Apprenticeship Standards and a recipient of the State's Superior Accomplishment Award. Ms. Belcher is currently assigned to the DAS Program Oversight Unit and is responsible for all matters related to DAS Public Works.

During her 15 years of State service, Karen has also served as: a Deputy Labor Commissioner enforcing Public Works and other components of Labor Standards Laws and Regulations, a Medi-Cal fraud investigator with the Department of Health Services, and an elevator and ride Inspector with Cal-OSHA. She is a frequent seminar presenter and labor compliance instructor and was instrumental in developing the curriculum for the DIR Labor Compliance Training Program for Fresno City College and Labor Studies Program at San Diego City College.

Prior to entering State service Karen was a Chief Negotiator and International Officer for the United Transportation Union, and represented Bus Drivers, Mechanics and Railroad Workers, in both public and private sectors. In addition to serving 6 years as a Transportation Commissioner for the City of Escondido, Karen has also served as an Executive Board Member of the San Diego/Imperial Counties Labor Council and the San Diego Industrial Relations Research Association.

Karen exhausted her fifteen minutes of fame when she appeared on television at age 8 as the Birthday Girl on Chucko the Clown! She later unsuccessfully tried to recapture fame and fortune by playing bass and singing rock and roll in the all-women's band, "Girls Gone Band".