

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP STANDARDS

DAS File No.: 105047
District No.: 04

January 16, 2004

Findings of Fact and Decision on the Application of The Western Electrical Contractors Association Inc. Unilateral Apprenticeship Committee for Approval of Apprenticeship Standards in the Occupation of Sound and Communication Installer, DOT 829.281 022.

The Western Electrical Contractors Association Unilateral Apprenticeship Committee ("WECA"), a Multi-Employer Association, has submitted an application for approval of apprenticeship program standards. WECA has expressed a desire to start up and fund an additional unilateral apprenticeship program in the occupation of Sound and Communications Systems Installer for employees of the participating employers in the Association. The proposed standards have been reviewed and I find that they meet the requirements of the Labor Code and the California Code of Regulations 8 C. C. R. §§ 212 and 212.2. The applicant has the ability to provide, and under these standards will provide worksite facilities and skilled workers for training in all aspects of this occupation.

Pursuant to 8 C.C.R. § 212.2, a copy of WECA's proposed standards and addendum were provided to the existing programs in the same occupation, as well as some additional programs. The standards were sent out for review and comment on July 22, 2003. The Division of Apprenticeship Standards ("DAS") received comments from eight program sponsors operating in the statewide labor market area, and the law firm of Weinburg, Roger & Rosenfeld.

Various concerns were raised in the comments about the content of the Applicant's apprenticeship standards. Some of the concerns dealt with curriculum content and instructor selection and training. Under Labor Code section 3074 the curriculum development is the responsibility of the Local Education Agency ("LEA") and the program sponsor. The standards in this case do identify the LEAs and I find that those LEAs have agreed to oversee the Related and Supplemental Instruction ("RSI"). Other concerns were raised, but none of these identified concerns were a

is for denial of approval. I believe however that some of the comments warrant further discussion:

- Some comments were made about the reference in the proposed standards, Article III, Organization, paragraph 2, to subcommittees established as needed and ask how many will there be and where will they be located?

After review and consultation, I find that WECA has the following subcommittees already set up throughout the State as they are utilized for WECA's other statewide training programs.

Santa Rosa	Sacramento	Union City	San Jose
Stockton	Fresno	Ventura	San Diego

WECA represents that others will be added as the program grows and the need exists.

- Some comments note that the proposed standards also mention that the subcommittees will supervise the operation of all related and supplemental instruction, and ask where will the training take place, in how many locations and with how many other LEAS's in addition to San Joaquin County Office of Education.

After review and consultation, I find that training is currently taking place in Sacramento and in San Diego where WECA has moved to a 2-week per semester daytime instructional format. WECA currently operates a related Voice Data and Video ("VDV") program as a trainee program that still is taught in Sacramento in the traditional two nights a week format. It is possible if there is a need that WECA may continue to train in both formats and if training takes place at night it would be in the same locations as the subcommittees mentioned above.

- A comment notes that the proposed standards in Attachment "A" define semesters by lesson numbers, (i.e. lessons 101-245) for the first three semesters and asks why the 4th and 5th semesters use Modules.

After review and consultation I find that the 3rd year or 4th and 5th semesters of the curriculum are lessons that are a combination of specific areas of learning that address the education goals and cover distinct bodies of knowledge of the various systems that an apprentice may be called upon to install. WECA delivers the curriculum for 4th and 5th semesters over 160 hours.

- A comment questions whether the program's standards, Article VI, "Responsibilities," properly define the responsibility for conducting the evaluations of the skill level of the trainers.

After review and consultation, I find that WECA's Chief Lead Instructor, the Apprenticeship Director and the Executive Director as well as a team of credentialed teachers on WECA's staff review the training capability of the trainers. Moreover, WECA allows its students to evaluate each teacher and the curriculum as well. LEAs also oversee the training at the school sites. Also, their instructors are required to have a Building Industry Consultants Service International ("BICSI") minimum certificate level prior to teaching.

- Some of the existing programs questioned Article XI, "Related Supplemental Instruction," and asked whether there is undue pressure on apprentices living in Northern California Counties to take work assignments from Southern California contractors.

After review and consultation I found no evidence of undue pressure. WECA provides that an apprentice is only required to commute from his/her home to his/her current daily job site for up to eighty (80) miles each way.

- Questions were raised concerning an alleged low graduation rate from WECA's other programs.

Since WECA is adding a new occupation, there are no graduates at this time. A review of the DAS Record Section statistics for the past few years shows the WECA program in the electrical trade to have a graduation rate that is comparable to other existing programs considering all surrounding facts and circumstances.

- Questions were raised concerning the need for a new Sound and Communication Installer program.

Construction is an area of the labor market where there is a great need for trained workers. For example, according to the latest published California Employment and Development Department Survey for Labor Market Information (Revised 4/10/03), electrician was listed as one of the occupations with the greatest growth for the years 2000 - 2010. The total increase listed is 18,000 additional electricians needed.

DAS statistics for total electrician graduates from all approved sponsors for a similar period as listed above were as follows:

	<u>2001</u>	<u>2002</u>	<u>2003</u>
All Electrical Program graduates	758	790	690

As these projections show, the California economy is in need of far more trained workers than are currently graduating from existing programs.

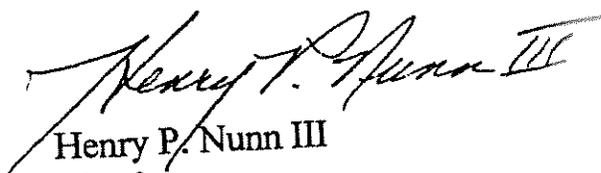
Labor Code section 3075(b)(2) provides that a new program can be established where existing programs "do not have the capacity, or neglect or refuse, to dispatch sufficient apprentices to qualified employers at a public works site who are willing to abide by the applicable apprenticeship standards." I find that this test requires me to look at the capacity of existing programs to meet the needs for trained workers. In the prior administration, the Department explained the nature of this test. Director Stephen Smith, on behalf of the Department in response to a federal Department of Labor inquiry, stated in a letter dated April 11, 2002, "I have thought all along that the test of the "need" for a program is whether the existing programs lack the capacity to train all the apprentices we need. While a public process of comment will let the existing programs make their case that they have unused capacity available, no one has demonstrated to me that we have all the capacity to train that we need for California's future skilled workforce." The CAC and the Department have repeated this understanding in formal proceeding before the Department of Labor. I agree and find that the existing programs have not demonstrated to me that we have all the capacity to train that we need for California's future skilled workforce. By carrying out this policy consistent over two administrations we will be able to expand apprenticeship opportunities and supply California's workforce with the trained workers necessary for the future.

In addition to the above findings, I make the following findings of fact and decision concerning this request for approval:

I find the applicant employer association, Western Electrical Contractors Association, has a need for trained workers in the Sound and Communication Installer occupation and that there are workers who want and need the training.

I further find that the Apprenticeship Standards and Selection Procedures developed by applicant employer meet the requirements of the Labor Code and the California Code of Regulation sections, including 8 C.C.R. §§ 212 and 212.2.

Therefore, it is my decision that WECA's Apprenticeship Standards and Selection Procedures developed for the occupation of Sound and Communication systems Installer are approved January 16, 2004.



Henry P. Nunn III

Chief

Division of Apprenticeship Standards

PROOF OF SERVICE

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2 I am a resident of the State of California, over the age of eighteen years, and not a party to
3 the within action. My business address is Cook Brown, LLP, 555 Capitol Mall, Suite 425,
4 Sacramento, California 95814. On September 20, 2004, I served the within documents described
5 as: **DECLARATION OF CARRIE E. BUSHMAN IN SUPPORT OF WESTERN**
6 **ELECTRICAL CONTRACTORS ASSOCIATION INC.'S AMICUS CURIAE BRIEF IN**
7 **SUPPORT OF OATELS**

8 X (BY OVERNIGHT MAIL) I caused such document(s) to be sent by overnight mail by using
9 Federal Express Mail addressed as set forth below. Under that practice it would be deposited
that same day in a Federal Express drop box for delivery the next business day.

10 John M. Vittone
11 Chief Administrative Judge
12 U.S. Department of Labor
800 K Street, NW., Suite 400-N
Washington, D.C. 20001-8002

13 X (BY U.S. MAIL) by placing the document(s) listed above in a sealed envelope with
14 postage thereon fully prepaid, in the United States mail at Sacramento, California
addressed as set forth below.

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28 I am readily familiar with the firm's practice of collection and processing correspondence for

1 mailing. Under that practice it would be deposited with U.S. postal service on that same day with
2 postage thereon fully prepaid.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing
4 is true and correct. Executed on September 20, 2004, at Sacramento, California.

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6 KRISTIN D. BIGLEY

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