

State law requires the use of “Skilled and Trained Workforce” standards on many different types of projects, including best value, design-build, and lease-leaseback (for schools). **These requirements are enforceable by the Division of Labor Standards Enforcement (DLSE) and carry non-compliance penalties.** Contractors must employ workers on these projects who meet the following Skilled and Trained Workforce standards per [Public Contract Code Section 2601](#):

- 1) All workers employed in an apprenticeable occupation working on covered projects must be either “skilled journeypersons” or apprentices registered with a California Division of Apprenticeship Standards (DAS) approved apprenticeship program. A “skilled journeyperson” is defined as a worker who either:
 - a. Graduated from an apprenticeship program for the applicable occupation that was approved by the DAS or located outside California and approved for federal purposes pursuant to the apprenticeship regulations adopted by the federal Secretary of Labor; OR
 - b. Has been employed as a journeyperson and has at least as many hours of on-the-job experience in an applicable occupation as would be required to graduate from a DAS-approved apprenticeship program for the applicable occupation.
- 2) A percentage of skilled journeypersons working on the types of projects below must be comprised of graduates of a DAS-approved apprenticeship program.

The following outlines the requirements for the crafts that UCON has agreements with statewide:

➤ **LABORERS, IRON WORKERS**

As of January 1, 2020, **60% of skilled journeypersons on the project** must be graduates of a DAS-approved apprenticeship program. This is the final increase from the percentages that started at 20% or 30% in 2016; see [PCC 2601](#) for information on previous years.

Special Rules for Laborers: Since the Laborers’ apprenticeship programs started after January 1, 1995, Laborer journeypersons who began working before that date may count towards the percentage of employees who are considered as “graduated” from an approved apprenticeship program. However, Laborers grandfathered in under this rule may only account for up to one-half (1/2) of the total percentage needed to comply with the above apprenticeship graduate figures. For example, if a contractor needs to employ at least 30 Laborers who have graduated from the Laborers’ apprenticeship program on a lease-leaseback project, then no more than 15 Laborers grandfathered in under this rule will count towards the 30 Laborers needed for compliance on that project.

➤ **OPERATING ENGINEERS, CEMENT MASONS, CARPENTERS, PILE DRIVERS** – Skilled and Trained Workforce requirements **remain at 30%**.

➤ **TEAMSTERS** - The Northern California Teamsters are the only craft that UCON has an agreement with that is not included in the Skilled and Trained workforce legislation requirements, as they are not currently an apprenticeable craft.

➤ **FOR ALL OTHER APPRENTICEABLE CRAFTS NOT LISTED ABOVE:** Check the craft lists in [PCC 2601](#) to confirm if they are included in the crafts that will remain at 30% or if they are subject to the 60% requirement.

Enforcement of Requirements

When this legislation was originally passed, enforcement was left up to the individual awarding bodies, and by extension the prime contractors on each project. Beginning January 1, 2019, the state Labor Commissioner (DLSE) monitors and enforces the Skilled and Trained Workforce laws. **Enforcement can go back to contracts covered when the original Skilled and Trained Workforce requirements went into effect in 2016.**

- Civil penalties have been established: up to \$5,000 per month of non-compliance, or up to \$10,000 per month for second or subsequent violations within a three-year period.

- Awarding bodies are required to forward monthly reports to the DLSE, along with any plans to achieve substantial compliance from contractors who are not meeting the requirement. They are also limited to withholding 150% of the value of the monthly billing for late reports or non-compliance.
- Contractors are allowed to withhold the same amount from subcontractors and are also required to obtain signed declarations of compliance from subcontractors before releasing final payments.
- Contractors/subcontractors who are found to have violated the requirements willfully, with the intent to defraud or multiple times, may become ineligible to bid on, be awarded, or perform work on a contract with these requirements for one year, and their names are to be published by the DLSE on their website.
- Contractors/subcontractors who are not willfully out of compliance will be afforded an opportunity to become compliant.

Q & A

How do I know if my project is subject to the skilled and trained workforce requirements?

Effective January 1, 2021, [AB 2311](#) requires a notice to be included in all bid documents and construction contracts when the use of a skilled and trained workforce is required.

The DIR has a chart with all applicable skilled and trained workforce [statutes](#).

Do these new laws require that my entire workforce must have graduated from an approved apprenticeship program?

No. These standards are project-specific, and contractors are not required to meet these standards for other types of projects. The law only requires that contractor and subcontractor employees who work on the applicable projects meet the established Skilled and Trained Workforce standards according to the percentages in PCC 2601.

Do the percentages of graduated journeypersons apply across all crafts, or do they apply to each craft respectively?

The percentages of graduated journeypersons are craft-specific, meaning that if you have, for instance, Cement Masons and Operating Engineers working on a design-build, 30% of *each* craft group must have graduated from an approved apprenticeship program.

How do apprentices fit in the Skilled & Trained Workforce ratios?

Registered apprentices are not counted in determining whether or not you are in compliance. This includes both apprentices who are currently in the apprenticeship program and journeypersons who are in one of the new programs to gain certification of having graduated from an apprenticeship program.

Do I still have to hire apprentices on these kinds of jobs?

Yes. Contractors are still required to meet apprenticeship hiring standards for public works. Please refer to UCON's [Apprenticeship Basics for Public Works](#) guide for more information about hiring apprentices.

What do I do about my long-time employees who are skilled journeypersons but did not go through an apprenticeship program?

Many of the construction trades have created "advanced apprenticeship" programs to enable such journeypersons to qualify as a graduate of a DAS-approved apprenticeship program. See Appendix A of this guide for more details.

Do advanced apprentices count as apprentices on public works jobs or as journeypersons?

While they are registered apprentices, they are still classified and paid as journeypersons on certified payrolls. Technically, they also should not be included in the count for determining the journeyperson to apprentice ratio on the jobsite because they are apprentices registered with the DAS while enrolled in their advanced apprenticeship program. However, contractors may need to add special notes for compliance officers, stating that this employee is currently registered in an advanced apprenticeship program and therefore should not count as either a journeyperson or an apprentice for the purposes of compliance with apprenticeship

Do advanced apprentices have to take classes or exams? If so, where do they take place?

Depending on the craft, apprentices may or may not have to take classes; however, most programs require examinations and may require additional classes if a journeyperson fails an exam. Classes and examinations occur at local union halls and/or at union training/apprenticeship facilities.

How can a journeyperson sign up to enroll into a craft's advanced apprenticeship program?

Have the journeyperson contact his/her respective union through the number or email in Appendix A. Alternatively, contractors may reach out to each union to schedule journeypersons for these advanced apprenticeship programs. In some cases, enrollment is by employer request only. Enrollment is on a first-come-first-served basis, so it is critical to get journeypersons signed up as soon as possible.

As a contractor, do I have to pay a journeyperson for their time in training?

Whether a contractor needs to pay journeypersons for their time in training depends on a variety of factors. The simplest way to look at it is if you are directing an employee to enroll in a journeyman apprenticeship program, then the time spent in the program is compensable. For more information, refer to UCON's [Compensation for Training](#) guide.

Can I pay a journeyperson enrolled in an advanced apprenticeship program apprentice wages?

No. Journeypersons should still receive their respective journeyperson rates regardless if they are enrolled or not.

Who is keeping track of which journeypersons have graduated from an approved apprenticeship program?

The Unions have been updating their dispatch systems so that information on whether the member graduated from the apprenticeship program will appear on each member's profile. You can also check the DAS apprenticeship records [here](#).

Will these laws affect other types of jobs aside from those mentioned here?

The types of projects affected by Skilled and Trained Workforce legislation continue to expand, and the Unions have indicated long-term plans to try to expand these standards to other types of public works projects.

Where can I go for more information?

Please see the DIR website for their [FAQ](#). Reach out to UCON anytime for further assistance – (925) 855-7900.

Appendix A

Advanced Apprenticeship Programs by Craft

In response to these standards, many unions have developed systems to address increased demand for journeypersons who graduated from approved apprenticeship programs. In some cases (i.e., many of the sub-trades such as Electricians and Plumbers) most workers have already graduated from approved apprenticeship programs. The Carpenters, Cement Masons, Laborers, and Operating Engineers created “advanced apprenticeship” programs so that experienced journeypersons can attain the necessary credentials quickly. These programs bring the added benefit of additional training to journeypersons who will be able to bring improved and even new skills to the job. See below for who to contact to enroll journeypersons in these offerings.

CRAFT & PROGRAM	PROGRAM SUMMARY	CONTACT INFO
OE3 (Advanced Apprenticeship Program)	<p>Qualifications Needed:</p> <ul style="list-style-type: none"> • Journeyworker member of union in good standing. • Must have a valid California Drivers’ License, as well as provide a copy of their DMV record. • Worked for same number of hours as would be needed to graduate from the apprenticeship program (6,400 hours for Construction Equipment Operators). • Must pass 1) assessment test (ASVAB test), 2) equipment tests (written and hands-on) on three pieces of equipment, and 3) substance abuse swab test. <p>To Graduate:</p> <ul style="list-style-type: none"> • Work 1,000 hours and at least 7 months as an Advanced Apprentice. 	Greg Gasaway Operating Engineers JAC TEL: (916) 354-2029 ggasaway@oe3jac.org https://www.oe3.org/training-california/ - scroll down to Employer Agreement Packet for Advanced B Training
Laborers (N. CA) (Accelerated Apprenticeship Program)	<p>Qualifications Needed:</p> <ul style="list-style-type: none"> • Employer must make the request • Journeyworker member of union in good standing • Proof of 4,000 hours worked in the field <p>To Graduate:</p> <ul style="list-style-type: none"> • Work 1,000 hours and at least 6 months as an Accelerated Apprentice. • Complete 40 hours of classroom training. 	Trevor Walker Laborers’ Training Center TEL: (925) 828-2513 CELL: (925) 307-4493 twalker@norcaltc.org
Cement Masons (N. CA) (Hybrid Apprenticeship Program)	<p>Qualifications Needed:</p> <ul style="list-style-type: none"> • Journeyworker member of union in good standing. • Minimum of 4,200 work hours. • Must make application at a designated application location - i.e., complete Information Sheet, sign Apprentice Agreements and provide a copy of proof of age. <p>To Graduate:</p> <ul style="list-style-type: none"> • Indentured into the Program for a minimum of 6 months (72 class hours and 700 work hours). • Must attend all scheduled classes. 	Veronica Godinez Cement Masons Training Center TEL: (925) 484-2271 nccmjtac@sbctglobal.net
Carpenters (N. CA) (Skilled & Trained Journeyworker Training Program)	<ul style="list-style-type: none"> • There are different tiers of requirements depending on how many hours a journeyman has logged. • Prior, documented certificate/training hours are being counted towards the training hours requirement of the program. • Journeymen are being encouraged to sign up by the Union. • Contractors should contact the Training Center regarding enrollment procedures. 	Scott Lewis Carpenters Training Committee for Northern California CELL: (510) 377-5170 slewis@ctcnc.org

CRAFT & PROGRAM	PROGRAM SUMMARY	CONTACT INFO
OE12 (Skilled & Trained Journeyperson Training Program)	<p>Qualifications Needed:</p> <ul style="list-style-type: none"> • Journeyperson member of union in good standing with a minimum of 2 ½ years in Local 12 • Minimum of 6,000 work hours • Must provide Pension print-out for hours verification • Must have a letter of sponsorship from their current signatory employer • Provide Sexual Harassment Prevention Training Completion Certificate <p>To Graduate:</p> <ul style="list-style-type: none"> • 72 hours of online training within 6 months • Test on 1 piece of equipment 	Larry L. Hopkins Operating Engineers Training Trust Southern California TEL: (562) 695-0611 FAX: (562) 695-4676 skilled-trained@oett.net https://www.oett.net/skilled-trained
Laborers (S. CA) (Expedited Apprenticeship)	<p>Qualifications Needed:</p> <ul style="list-style-type: none"> • Journeyperson member of union in good standing • Minimum of 10,000 work hours • Employer must submit “Request to Indenture” form and sponsorship letter. <p>To Graduate:</p> <ul style="list-style-type: none"> • Work for at least 6 months as an Expedited Apprentice. • Complete 40 hours of classroom training. 	Scott Gordon Southern California Laborers Training School & Apprenticeship TEL: (626) 610-1700 FAX: (626) 633-0204 dsg@laborersjac.com http://www.laborerstrainingschool.com/ - click on “Expedited Apprenticeship”
Laborers (S. CA) Local 1184 – Parking & Highway Improvement Agreement (Expedited Apprenticeship)	<p>Qualifications Needed:</p> <ul style="list-style-type: none"> • Employer must make the request. • Minimum of 3,800 work hours • Other basic requirements: CA Drivers’ License and DMV report, U.S. high school diploma or GED <p>To Graduate:</p> <ul style="list-style-type: none"> • Work for at least 6 months as an Expedited Apprentice. • Complete minimum 40 hours of classroom training; can get credit for other certifications from the same training center. 	Vicky Pope Southern California Pavement Striper, Road Slurry, Seal Coat & Highway Maintenance Apprenticeship & Training Trust TEL: (951) 248-4337 vpope@local1184.com
Cement Masons (S. CA) (Hybrid Apprenticeship Program)	<p>Qualifications Needed:</p> <ul style="list-style-type: none"> • Journeyperson member of union in good standing • Minimum of 4,200 work hours as a Cement Mason • Must verify hours with Local and Trust. • Must pass a skills test after submitting application. <p>To Graduate:</p> <ul style="list-style-type: none"> • Complete 1,000 work hours of Cement Mason work. • Must attend 16 hours of classroom training. 	Armando Pena Southern California Cement Masons Apprenticeship Program TEL: (626) 444-4600 FAX: (626) 258-4092 apenacmsc@gmail.com <i>Process can also be started with the Local.</i>
Carpenters (S. CA) (Skilled & Trained Journeyperson Training Program)	<p>Qualifications Needed:</p> <ul style="list-style-type: none"> • Journeyperson member of union in good standing • Minimum of 10,000 work hours <p>To Graduate:</p> <ul style="list-style-type: none"> • Complete a minimum of 6 months. • Complete 4 weeks of essential core classes – typically scheduled on Saturdays but can be scheduled as needed by employer. 	Jamie Robison Southwest Carpenters’ Training Fund TEL: (714) 367-7159, x 2001 jrobison@swctf.org Josh Raper Southwest Regional Council of Carpenters (661) 374-7085 jraper@swcarpenters.org

Appendix B

SAMPLE REPORT

[SUBCONTRACTOR]

[NAME OF PROJECT]

[WORK MONTH AND YEAR]

Summary

Craft/Classification:

Skilled and Trained Workforce Percentage Achieved:

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. This declaration is executed on _____, 20____, in _____ (city), California.

Signature: _____

Print Name: _____

Company: _____