Enforcement has been stepped up on public works compliance over the past few years, so contractors need to be sure that they are following all the applicable rules and regulations for public works apprenticeship requirements (California Labor Code 1777.5). **Penalties for non-compliance are:** $100 per calendar day for the first violation, $300 per calendar day and/or debarment for the second violation. This includes paperwork violations such as failure to submit a required form. Penalties are typically only assessed after an official public works complaint as been filed and investigated, but non-compliance often results in non-payment by the awarding body and/or GC until it is remedied.

### Apprentice Hiring Requirements

On all public works contracts of $30,000 or more (this refers to the prime contract amount), the general contractor and its subcontractors are responsible for ensuring a ratio of one (1) hour of apprentice work for every five (5) **hours** of journeyperson work, for all apprenticeable crafts. Operating Engineers and Laborers, have received an **exemption** that changes the requirement to a **headcount**: one (1) apprentice for every four (4) journeypersons. These ratios need to be followed for public works projects, while the Master Agreement requirements (if different) need to be followed for private work. The attached chart shows any differences between the two for each craft. **Apprentices must be registered** with a certified apprenticeship program to qualify.

If your company is **not** signatory to a particular craft, performing the work with a different craft worker or non-union worker, you still have apprenticeship notification and apprentice hiring requirements for the craft as it is assigned by the Department of Industrial Relations (DIR). For example, if a Laborer will be performing work that is classified by the DIR as Electrician work, all those hours are considered Electrician hours, not Laborer hours, for the purposes of apprenticeship compliance.

**The only exceptions to this requirement are the following:**

- Prime contracts under $30,000
- When the craft or trade is not apprenticeable.
- 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 state agency in which case the apprenticeship requirements apply.
- When the project is a private project not covered by the definition of public works as found in Labor Code section 1720.
- Bona-fide owner-operators who are sole proprietors/sole owners – any other type of business entity (LLC, partnership, etc.) is not exempt.

### Apprentice Hiring Procedures

Employers should request apprentices from their local hiring hall for crafts they are signatory to, in line with the above requirements. If apprentices are not available, the records will show that the employer did try in good faith to hire apprentices as required. *(See the section below on the DAS 142 for more guidance on the request procedures.)* Another option available with many of the unions is for the employer to sponsor an apprentice. Depending on the union, the employee may have to go through some training classes before starting work or they may be able to start on the job right away. The attached chart shows which unions have sponsorship options and their contacts for more information.
There must always be a journeyman of the same craft supervising/working with an apprentice – if there is not, the apprentice must be classified and paid as a journeyman, and you will not get apprentice credit for those hours.

All apprentices on public works must be registered with the state – you can look up an apprentice’s registration on the DAS website database. If you run into any issues, or if you also need a federal registration (this comes up for projects with federal funds), contact the appropriate JATC.

### Compliance Forms

**DAS 140:** Must be completed within 10 days of the contract being awarded. One form is sent to the Apprenticeship Committee for each union craft. If you are not signatory to the craft, one form must be sent to each DAS-approved apprenticeship program in the project’s geographic area, regardless of whether that program is union or non-union. Check the Division of Apprenticeship Standards (DAS) website to confirm those programs: [www.dir.ca.gov/databases/das/pwaddrstart.asp](http://www.dir.ca.gov/databases/das/pwaddrstart.asp).

**DAS 142:** Used for requesting apprentices from the union or other apprenticeship program. You can use your own form or letter with the same information, but a written request is the only way to prove that you are following the rules. The California Code of Regulations [Title 8, § 230.1 (a)] states that a contractor will not be considered to be in violation if apprentices are not dispatched within 72 hours of a written request (excluding Saturdays, Sundays, and holidays). However, effective on projects bid after June 30, 2009, you must go on to make requests to any and all other DAS-approved apprenticeship programs in the area of the project until you either have enough apprentices or cannot get enough from all programs combined. This is the case whether or not you are signatory to the union or signed up with any other particular apprenticeship program using the DAS 7 (see below). NOTE: If you request an apprentice from a program that you are not signatory to or do not have a DAS 7 with, and they will not send you an apprentice unconditionally without signing other forms, you are not required to sign additional forms and are considered to have met your obligations under the law.

**CAC-2:** Only required for sending in Training Fund contributions directly to the California Apprenticeship Council (CAC), for any apprenticeable crafts to which you are not signatory. If you are working only with crafts to which you are signatory and/or have a DAS 7 agreement, this form is not necessary. NOTE: If you are using one craft to perform work classified by the DIR as belonging to another craft (such as the example of a Laborer performing Electrician’s work), you must pay the full Training Fund amount in the appropriate craft determination to the CAC, even though you are paying Training to the Trust Funds for the craft you are using to perform the work.

**DAS 7:** This is an agreement a non-signatory contractor can use to sign up for a particular apprenticeship plan for the duration of a project or for all public works projects (depending on what that apprenticeship program will do). It is signed by both the contractor and apprenticeship program, and then must be approved by the DAS. The DAS 7 does not bind the contractor to that union for anything else but usually enables them to pay the apprentice’s fringe benefits (including Training Funds) to the appropriate Trust Funds.
PUTTING IT ALL TOGETHER STEP-BY-STEP

Follow these steps as soon as you know that you have been awarded a public works project.

1. **Check which crafts you will be using and which ones are apprenticeable.** They will have a hashtag (#) in front of the craft name in the individual prevailing wage determinations.

2. **Submit DAS 140 forms to all approved apprenticeship committees for the apprenticeable crafts you will be using on the project,** within 10 days of the date of the execution of the contractor but no later than the first day workers are employed on the project.
   a. For any apprenticeable crafts that you are signatory to, you only need to submit the DAS 140 to that union’s Joint Apprenticeship & Training Committee (JATC). In this case, you will check Box #1 on the DAS 140.
   b. For any apprenticeable crafts that you are not signatory to, you need to submit the DAS 140 to all approved programs in the geographic area of the project. This includes crafts whose work you will be performing with other crafts, such as using Laborers to perform work that is classified under prevailing wages as Electricians. You can look them up on the DAS website as mentioned previously. In this case, you will check Box #3 on the DAS 140. (However, if you decide to sign a DAS 7 agreement to train apprentices with that craft, you would check Box #2 on the DAS 140.)

3. **Once work begins on the project, request apprentices using the DAS 142.**
   a. In the case of both Laborers and Operating Engineers, as long as you are signatory you will be required to hire an apprentice as the fifth employee once you have four employees of that craft working on the project. (If you are not sure if you will have enough employees to require the use of an apprentice, you can just write “per standards” in the area of the DAS 140 that asks for the Estimated Number of Apprentice Hours – this is just an estimate.) You are also permitted to hire an apprentice as long as you have at least one journeyman of the same craft working with them on the project.
   b. For all other crafts, you need to plan your manning so that you will try to achieve 20% of total project hours worked by apprentices and request apprentices accordingly. You need to make sure that you will have at least one journeyman of the same craft working with an apprentice on the project, and that you do not exceed the ratios allowed by the apprenticeship standards.

4. **Pay the required Training Funds.**
   a. For signatory contractors using your signatory crafts, this is simple as the Training Funds are contained in your monthly contribution reports for all fringe benefits.
   b. For contractors using any craft classifications that you are not signatory to, payments of the appropriate Training Fund amounts (as listed in the prevailing wage determinations) must be paid to the CAC monthly using the CAC-2 form mentioned previously. This includes crafts whose work is performed by other crafts – in our example of Laborers performing Electricians’ work, you would need to pay Laborers their full fringe benefits including the Laborers’ Training Fund amount, and then send a separate payment for the Electricians’ Training Fund amounts to the CAC.
COMPLIANCE ASSISTANCE RESOURCES

Websites:
FAQ on apprenticeship procedures, including links to the required forms, is available at [www.dir.ca.gov/DAS/PublicWorksFAQ.html](http://www.dir.ca.gov/DAS/PublicWorksFAQ.html). The DIR has a Public Works page at [www.dir.ca.gov/Public-Works/PublicWorks.html](http://www.dir.ca.gov/Public-Works/PublicWorks.html), which includes the [DLSE Public Works Manual](http://www.dir.ca.gov/DAS/PublicWorksFAQ.html). The United Contractors website has links to the DIR and DAS websites in our [Labor & HR Links](http://www.unitedcontractors.org) section.

Foundation for Fair Contracting (FFC):
3807 Pasadena Avenue, Suite 150 • Sacramento, CA 95821 • Phone 916/487-7871 • Fax 916/487-0306
[www.ffccalifornia.com](http://www.ffccalifornia.com)
The FFC is an excellent resource for public works compliance issues and their services (including seminars several times a year and availability for individualized training) are free to anybody in the public works construction industry. Please do not hesitate to call them with questions, including problems with specific projects, concerns about non-compliant contractors, or issues with compliance officers. Their website also has a helpful [Links](http://www.unitedcontractors.org) section with public works web links.
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<th>UNION</th>
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<th>APPRENTICESHIP REQUIREMENTS</th>
<th>MASTER AGREEMENT LANGUAGE</th>
<th>CONTACT INFORMATION</th>
</tr>
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<tr>
<td><strong>Carpenters &amp; Pile Drivers</strong></td>
<td>Follow Labor Code 1777.5: at least one hour of apprentice work for every five hours of journeyman work. 1 hr : 5 hrs</td>
<td><strong>Carpenters - Section 39-G:</strong> “An individual employer who is entitled to employ apprentices may employ not more than one (1) apprentice for the first two (2) journeymen regularly employed by him and not more than one (1) additional apprentice for each three (3) additional journeymen employed by him. Any individual employer employing five (5) journeymen shall...also employ at least one (1) apprentice. For each additional five (5) journeymen then in his employ, he shall employ at least one (1) additional apprentice.”</td>
<td><strong>Pile Drivers - Section VII-D-4:</strong> “Approved Employers having three (3) journeymen employed on the job may have one (1) apprentice and one (1) additional apprentice may be employed for five (5) additional journeymen, (no more than one [1] apprentice assigned to any one crew), exceptions may be made at the discretion of the local Joint Apprentice Committee.”</td>
<td>Carpenters Training Committee for Northern California 2350 Santa Rita Road Pleasanton, CA 94566 TEL: 925/462-9644 FAX: 925/462-5293 <a href="http://www.ctcnc.org">www.ctcnc.org</a></td>
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<td><strong>Cement Masons</strong></td>
<td>Follow Labor Code 1777.5: at least one hour of apprentice work for every five hours of journeyman work. 1 hr : 5 hrs</td>
<td><strong>Section 3-B-20:</strong> “The ratio of apprentices to journeypersons shall be a mandatory one (1) apprentice for every four (4) journeypersons and this ratio will be continued for every four (4) additional journeypersons and may be as low as one (1) apprentice when at least one (1) journeyperson is employed at the option of the Individual Employer.”</td>
<td></td>
<td>Northern California Cement Masons JATC 2350 Santa Rita Road Pleasanton, CA 94566 TEL: 925/484-2271 FAX: 925/484-2312 <a href="http://www.norcalcemtncjatcapprenticeship.org/">http://www.norcalcemtncjatcapprenticeship.org/</a></td>
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<td><strong>Iron Workers</strong></td>
<td>Follow Labor Code 1777.5: at least one hour of apprentice work for every five hours of journeyman work. 1 hr : 5 hrs</td>
<td><strong>Section 10-C:</strong> “When an individual employer has four (4) journeymen Iron Workers employed, excluding Foreman and supervisory employees, the fifth person employed shall be an indentured apprentice. An individual employer may hire indentured apprentices at a ratio of four (4) journeymen Iron Workers to one (1) indentured apprentice. The ratio of journeymen to indentured apprentice may be adjusted by mutual agreement between the employer and the appropriate Local Union Business Agent and/or the General Executive Board.” Ornamental &amp; Misc. Iron Work – 2 workers, 1 may be an apprentice Reinforcing Iron Work – employer may hire at ratio of 3 journeymen to 1 apprentice</td>
<td></td>
<td>Iron Workers Apprenticeship Training 130 Allison Court Vacaville, CA 95688 TEL: 707/454-0497 FAX: 707/454-0498 <a href="http://www.ironworkers.org/training">http://www.ironworkers.org/training</a></td>
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<td><strong>Laborers</strong></td>
<td>One (1) apprentice required for every four (4) journeymen; one (1) allowed if there is at least one (1) journeyman 1 : 4 headcount</td>
<td><strong>Supplement No. 5:</strong> “When four (4) journey-level Laborers are employed on a project for a particular Individual Employer, the next employee hired to perform Laborers’ work must be an Apprentice and this ratio will be continued for every four (4) additional Laborers being employed on the Project. On projects with fewer than four (4) journey-level Laborers an Individual Employer may employ one (1) apprentice per project with at least one (1) journey-level Laborer.”</td>
<td></td>
<td>Laborers’ JATC Laborers’ Training Center 1001 Westside Drive San Ramon, CA 94583-4098 TEL: 925/556-0858 FAX: 925/556-0652 <a href="http://norcaljtc.org/">http://norcaljtc.org/</a></td>
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<td><strong>Operating Engineers</strong></td>
<td>One (1) apprentice required for every four (4) journeymen; one (1) allowed if there is at least one (1) journeyman 1 : 4 headcount</td>
<td><strong>Section 07.10.04 Private Work:</strong> “A qualified Individual Employer shall employ one (1) Apprentice when at least nine (9) Journeymen are regularly employed. Individual Employers may utilize a one to one (1:1) Apprentice to Journeyman ratio up to a maximum of four (4) Apprentices. After nine (9) Journeymen, Individual Employer may employ one (1) Apprentice for each additional two (2) Journeymen Employees hired.” <strong>Public Works:</strong> “On public works projects, the Individual Employer agrees to comply with the State law for apprenticeship manning requirements as provided by the Division of Apprenticeship Standards. A qualified Individual Employer may employ one (1) Apprentice when at least one (1) Journeyman is regularly employed. When four (4) Journeyman Operators are employed on a Project for a particular Individual Employer, the next Employee hired to perform Operators work must be an Apprentice, and this ratio will be continued for every four (4) additional Operators being employed on the Project.”</td>
<td></td>
<td>Operating Engineers JAC Rancho Murieta Training Center 14738 Cantova Way Sloughhouse, CA 95683 TEL: 916/354-2029 FAX: 916/354-1126 <a href="https://www.oe3.org/training-california/">https://www.oe3.org/training-california/</a></td>
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<td><strong>Teamsters</strong></td>
<td>N/A – No certified program; trainees can be used but must be paid and counted as journeymen.</td>
<td><strong>Section 4-A:</strong> “An individual Employer may employ one (1) trainee for every four (4) journey level Teamsters actively employed. Individual Employers with less than four (4) journey level Teamsters may utilize one (1) trainee; thereafter, one (1) for every four (4) journey level Teamsters.”</td>
<td></td>
<td>Northern California Teamster Apprentice Training P.O. Box 1404 Rancho Murieta, CA 95683 TEL: 916/354-2122 FAX: 916/354-2234 <a href="http://www.nctatc.org/">www.nctatc.org/</a></td>
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