REVISED: Skilled and Trained Workforce Guide

State law requires the use of “Skilled and Trained Workforce” standards on best value, design-build, and lease-leaseback (for schools) projects. Contractors must employ workers on these projects who meet the following Skilled and Trained Workforce standards:

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;
   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) The 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:

   ➢ LABORERS***, IRON WORKERS

<table>
<thead>
<tr>
<th>Project</th>
<th>Effective Date of % Increases</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lease-Leaseback (Schools)</td>
<td>AB 566 – January 1</td>
<td>“At least” (≥) 30%</td>
<td>≥ 30%</td>
<td>≥ 40%</td>
<td>≥ 50%</td>
<td>≥ 60%</td>
</tr>
<tr>
<td>Design-Build (Schools)</td>
<td>AB 1358 – July 1</td>
<td>≥ 20%</td>
<td>≥ 30%</td>
<td>≥ 40%</td>
<td>≥ 50%</td>
<td>≥ 60%</td>
</tr>
<tr>
<td>LAUSD Best Value</td>
<td>AB 1185 – January 1</td>
<td>≥ 20%</td>
<td>≥ 30%</td>
<td>≥ 40%</td>
<td>≥ 50%</td>
<td>≥ 60%</td>
</tr>
<tr>
<td>Best Value Pilot – only 7 counties</td>
<td>SB 762 – January 1</td>
<td>≥ 20%</td>
<td>≥ 30%</td>
<td>≥ 40%</td>
<td>≥ 50%</td>
<td>≥ 60%</td>
</tr>
<tr>
<td>Design-Build – DGS, CDCR, and various local agencies</td>
<td>SB 785 – January 1</td>
<td>≥ 20%</td>
<td>≥ 30%</td>
<td>≥ 40%</td>
<td>≥ 50%</td>
<td>≥ 60%</td>
</tr>
</tbody>
</table>

***Since the Laborers’ apprenticeship program 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.

➢ TEAMSTERS - The 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.

➢ OPERATING ENGINEERS, CEMENT MASONS, CARPENTERS, PILE DRIVERS – Through the passage of clean-up bill SB 418 in September 2017, Skilled and Trained Workforce requirements will not increase year-to-year for certain other apprenticeable crafts and will remain at 30%.
FOR ALL OTHER APPRENTICEABLE CRAFTS NOT LISTED ABOVE: Check the craft lists in SB 418 to confirm if they are included in the crafts that will remain at 30% or if they are subject to the annual percentage increases.

SB 693 –Skilled and Trained Workforce Standards Clean Up

On September 28, 2016, Governor Brown signed into law SB 693 to help union contractors comply with these requirements. SB 693 most notably enacted the following measures:

1. Places all of the Skilled and Trained Workforce requirements into one section of law so that future amendments can be made more swiftly.

2. Delays the increase in the percentage of required apprenticeship program graduates on lease-leaseback (for schools) projects for one (1) year. This change is reflected in the chart above.

3. Allows for the required percentage levels to be met, by each contractor, by either the number of employees per apprenticeable craft on the project per month OR by the number of hours worked per apprenticeable craft per month.

4. Relieves pressure on extremely small projects or portions of projects by exempting contractors from having to comply with the requirements on projects with less than ten (10) hours total work by the contractor in a month.

5. Allows for a contractor to provide a plan to achieve compliance prior to the completion of the contract or project, rather than be penalized for noncompliance if the contractor is found to be out of compliance.

6. Clarifies that the Skilled and Trained Workforce requirement on applicable projects does not apply to a subcontractor that was not a listed subcontractor and is not performing more than one-half of one percent (0.5%) of the prime contract - currently the policy applies to prime contractors and “subcontractors at every tier.”

Advanced Apprenticeship Programs by Craft

In response to these new standards, some unions have developed systems to address increasing demand for journeypersons who graduated from approved apprenticeship programs. In some cases (i.e., Carpenters, most of the sub-trades) most workers have already graduated from approved apprenticeship programs. The Cement Masons, Laborers, and Operating Engineers have rolled out 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 the next page for who to contact to enroll journeypersons in these offerings. UCON continues to be in close contact with each craft and will provide additional updates to our members as we receive them.
### Q & A

**Why is it important that journeypersons enroll in the Advanced Apprenticeship programs?**
Skilled and Trained Workforce requirements have been in full effect and enforced since 2016. Considering that the vast majority of active Laborers, Cement Masons, and Operating Engineers have not graduated from their apprenticeship program, journeypersons who graduated will come into increasingly high demand and it behooves all contractors to get journeypersons into these programs immediately. Without a serious drive toward getting your workers into these Advanced Apprenticeship programs, these standards may significantly affect your bottom line in the near future, if they haven’t already.

**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 on the previous page. Alternatively, contractors may reach out to each union to schedule journeypersons for these Advanced Apprenticeship programs. Enrollment is being filled on a first-come-first-serve 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. For more information, please click here for 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.

**Will Advanced Apprentices have to take classes or exams? If so, where will they take place?**
Depending on the craft, apprentices may or may not have to take classes; however, every program requires examinations and may require additional classes if a journeyperson fails an exam. Classes and examinations will occur at local union halls and/or at union training/apprenticeship facilities in Northern California.

**Who is keeping track of which journeypersons have graduated from an approved apprenticeship program?**
The Unions are in the process of updating their dispatch systems so that information on whether the member graduated from the apprenticeship program will appear on each member’s profile.
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 above-referenced best value, design-build, and lease-leaseback (for schools) projects meet the established Skilled and Trained Workforce standards according to the percentages and timelines listed in the chart above.

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 click here for UCON’s Apprenticeship Basics for Public Works guide for more information about hiring apprentices.

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 Operators working on a design build in 2018, 30% of each craft group must have graduated from an approved apprenticeship program.

Do journeypersons who are enrolled in but have not yet graduated from Advanced Apprentice programs count towards apprentice ratios for public works projects?
No, they do not.

Will these laws affect other types of jobs aside from those mentioned here?
At this time, best value, design-build, and lease-leaseback (for schools) are the only types of projects affected by Skilled and Trained Workforce legislation. However, the Unions have indicated long-term plans to try to expand these standards to other types of public works projects.

Why are there different standards for different apprenticeable crafts?
Prior to the passage of SB 418, all apprenticeable crafts were held to the increasing standard through 2020 (see Laborers’ chart above). Then, when SB 418 was being drafted, all apprenticeable crafts approved keeping the standard at 30% for certain crafts, except for the Laborers for reasons including that they already have an exception to the standard for Laborers who entered the craft prior to 1995.