

IACA EQUITY DRAFT 12/2
Derek Miles and Meg Vasey
For Discussion 12/9

We recognize that RAP Structural issues are critical to eliminate implicit bias and promote equity for all apprentices. We include additional recommendations on a just few of those related program components in addition to the major topics of Wages, Benefits, Scheduling, and Worksite Culture.

WAGES:

1. Adopt the following Sustainable wage provision:

IACA Regulations should adopt language on wages and suitable occupations that require a prospective sponsor to demonstrate that the wage profile for that occupation by the last stage of the apprenticeship prior to completion pays a living wage based on local living standards, defined as 200% of the federal poverty level for California for a family of three

Rationale: The DAS should set a minimum wage standard to approve any new IACA apprenticeship program. The apprentice should expect that upon graduation from the apprenticeship that they have entered, they should be competitive for a “sustainable wage.” We recommend that that determination be made based upon the last step before graduation in the proposed apprenticeship program. We recommend that the last step be determinative to avoid the practice which has arisen of setting much lower apprenticeship wages with the promise of a much higher jump for the journey level wage, creating a perverse incentive for the employer to use apprentices as a low-wage workforce rather than to see them as their future core employees. It also can create a false expectation on the part of the apprentice for their opportunities to earn that wage upon graduation.

We endorse this standard in lieu of the ETP standard as a more universal standard. The federal standard is the basis for Medicare eligibility and is determined annually including a COLA adjustment. 200% of the California federal poverty level for a family of three, 2024, is an annual salary of \$49,720 or an hourly wage (based on 2080 hours) of \$23.90.

Related Wage Standard Provisions:

- **Existing Program Phase-in:** For currently registered apprenticeship programs that do not meet this sustainable wage provision, the DAS will provide a timeline and provide technical assistance to help these programs create partnerships to form an integrated pathway—within one apprenticeship program—that will allow an apprentice graduate to exit with a wage that meets or exceeds 200% of the federal poverty level for a family of three. We further recommend that the proposed regulation have a limited 2- or 3-year phase-in period for these currently registered programs.
- **Step Raise Standards:**
 - Objective Requirements Process for assessment for step raises should be clearly defined all program standards including any competency based program.

Commented [SK1]: Trying to reach a range of occupations with these recs (Meg)

Commented [SK2]: IACA has put wage standard using ETP standards

-Any new programs proposed - general guideline - using ETP new hire wage standard; where may make exceptions where CBA in place or 1st pd apprentices are all HS students (DAS)

Meg:

New Standard suggesting using is same standard for Medicaid

Not address CBA

Last rate before completion of apprenticeship

Phase in for existing programs that don't meet standards

Ex. - ECE workers - needed policy changes, need employers to meet higher wages (Sabrina) - how address these ?

-DAS: expect people to work for free (education, healthcare, etc.) - going from not paying people for training to at least starting to pay people for training - trying to do systems change in these industries

Major gender equity issue - care economy (Rashid)

-DAS Chief sets standards, with employers in consideration (DAS)

Commented [SK3]: Not clear currently- should require all programs to have objective standards for step raise standards - set up, given to apprentices in advance so clear, and similarly with any advancement provisions for all apprentices (Meg)

As get to hybrid and competency, not clear on raises - so set standards when apprenticeship is created (Meg)

- **Any advanced placement provisions:** A program must offer both the opportunity and the award of “advanced placement” through competency testing to all participants.
- **End Step Assessments:** Where an end point assessment is a component of the successful completion of the Apprenticeship Program, that assessment should be determined by a meaningful, fair and objective process that demonstrates the apprentice competency.

Rationale: Clear, objectively determined, and transparent requirements for all progression steps in apprenticeship included in the program standards and clearly communicated to the apprentice are necessary to eliminate both overt and implicit bias.

BENEFITS:

1. **Basic:** The apprentice benefits should match that of the Employer’s journey level worker’s benefit package with respect to total Pension and the total health care contribution and accrue at the same rate. Any deficiency with respect to these standards should be paid on the check in addition to the basic apprentice wage rates. Minimum expectation is that Employer pays all 401k program expenses and makes a minimum contribution on the part of the apprentice at 3% hourly.

*Apprentices should accrue paid time off (sick, holiday, vacation, personal leave) at the same rate as their journey level classification.

Best Practice: 401k Employer pays all 401k program expenses and makes a minimum contribution on the part of the apprentice at 3% hourly with a match opportunity of up to 7%. Health care package includes vision, dental and provides coverage for the family.

Rationale: Apprentices should accrue benefits including paid time off, personal leave, and vacation at the same rate as journey level employees to ensure fair treatment and consistency within the workforce. Equal accrual rates recognize the valuable contributions apprentices make as they learn and grow in their roles while performing essential duties that support the overall success of the organization. Providing equal benefits not only incentivizes apprentices to remain committed to their training programs but also fosters a sense of equity and belonging within the team. By aligning accrual rates, employers demonstrate their investment in the development of future journey level workers while maintaining a standard of fairness across all employee levels. This approach supports retention, morale, and the overall quality of the trade workforce.

SCHEDULING:

1. **Basic:** Work and Class Schedule expectations should be transparent and declared in the apprentice agreement. (The apprentice should have a complete copy of the agreement and a least 3 days to review the agreement before being asked to sign.) Work should be scheduled to allow apprentices to attend all scheduled instruction hours. (employers cannot take adverse actions against an apprentice when their class schedule conflicts with their work shift.) Special accommodations to work or class schedules should be made on an objective basis and applicable equally to all apprentices. Excused absences should have some method for the apprentice to make up to the minimum hours.

Commented [SK4]: Rashid: ADD additional language - take steps - with work schedule - so work life integrated
Ex. Have to realign life given intense scheduling
Use this as inclusive and belonging strategy and as an initial retention strategy
Need to be clear on scheduling

Best Practice: Apprentices should be protected from retaliation if they exercise their scheduling accommodations under state law. If family leave accommodations are offered to regular employees, those accommodations should be offered to apprentices.

Rationale: IACA employers encompass such a variety of industries with differing requirements for employee regular work schedules that it would be counter-productive for the DAS to direct scheduling decisions. However, the apprentice should be made aware of all potentially required work schedules and locations before engaging as an apprenticeship. Similarly, we are not recommending a separate apprentice standard for maternity and other family leave accommodations. Apprentices should not be penalized for availing themselves of state leave requirements. If their training hours are significantly impacted by leave, whatever “makeup” requirement the program institutes should be rational and required of and available to all similarly situated apprentices.

WORK CULTURE:

1. **Basic:** Apprentices have a right to a Safe, Healthy, Respectful Work environment as well as to a Safe, Healthy, Respectful learning environment. The apprenticeship Program should include the following to support these rights:
 - a. Apprenticeship programs must have a mechanism in place to ensure physical safety in the classroom environment, including pre-task plans and mitigation of risks for physical tasks. Journey level and other supervisors on the jobsite should be encouraged to the same standard.
 - b. Apprenticeship programs should have a policy and practice in place to respond to any apprentice that feels unsafe on the job or in the program and that policy should include a designated party in the RAP program. When the Program is made aware of an unsafe situation either by the apprentice or a third party, the RAP program should take steps to investigate allegation and mitigate as indicated.
 - c. Apprenticeship programs should take care that no apprentice or third-party face retaliation or any negative consequence for bringing a perceived unsafe situation to the attention of the program.
 - d. Apprentices should have a process or mechanism that allows for the apprentice to take steps to gain relief from mental or psychological abuse in addition to physically unsafe situations.

Best Practices: Apprenticeship Programs should have regular communications with all employers to ensure best environments for the apprentices on site. This can include Coordinators making regular on-site visits and participating in Employer Association Meetings to touch base with a broader number of employers in addition to Apprenticeship Trust meetings. Employers, Apprenticeship programs and, where appropriate Unions, should adopt and support Respectful Workplace programs to improve the work site experience for all their employees.

The IACA Community should endorse legislation to extend **Labor Code Section 3073.9** (as adopted pursuant to AB 2358 (Carillo, 2018)). In the interim, the DAS should adopt and adapt the CAC’s implementing regulations for inclusion in the IACA regulations.

2nd level Best Practice: Apprentice Programs should provide training and resources for addressing trauma informed situations and individuals and they should encourage their industry partners to provide similar resources.

RATIOS:

Quality On the job training must be a meaningful component of any apprentice program and be consistent with the proper safety, health, supervision, and training of the apprentice.* Setting minimum Apprentice-Journey ratio for on the job supervision will be a classification by classification as well as a program by program conversation.

1. **Basic: Default standard** for apprentice to journey level employee should be a 1-1 ratio and be required in any hazardous work environment classification or where the work product is of a critical nature to the product consumer.
2. All apprentices should have direct supervision on the jobsite such that each apprentice receives direct one-on-one training interactions on a daily basis.
3. Apprentice ratios should also be subject to the capacity of journey level supervisor.
4. Journey level supervisors should be qualified for performing the work of the program graduate.
5. Temporary exceptions to exceed the minimum ratios should be defined in the program standards and should be very limited in duration.

*Programs that do not include meaningful on the job training in their structure should be referred to another agency for implementation and oversight.

Rationale The predominance of an apprentice's time and learning takes place on-the-job under the supervision of journey-level workers. These journey-level workers are the linchpin of registered apprenticeship, and their qualifications are basic to the apprentice's success. In the changing world of work and the expansion of apprenticeship industry-sectors, required qualifications for journey level supervision remain a keystone in the program promise to the apprentice. Similarly, many of these sector programs may not appear hazardous on paper, the work may include hazards to the public in the production of the product as well as hazards to the workers at the site.

TRAINER REQUIREMENTS:

1. **Basics:** The qualifications of apprentice trainers as well as those supervising on-the-job work experience are a linchpin of registered apprenticeship, and their qualifications are basic to the apprentice's success.
 - a. An instructor should be required to meet the national standard for instructors in the craft or occupation they teach from an accredited apprenticeship training program or the equivalent (4-year) training institution with an apprentice skills emphasis.
 - b. If the instructor is training a specialized area or component of the apprentice's program, then that instructor should meet the national standard or equivalent in that specific skill area.
 - c. An instructor that teaches a program that leads to a certification or license, the instructor should already have been awarded that certification or license.

- d. Instructors should satisfy a regular professional upgrade training requirement relevant to their field and their teaching skills.
- e. Instructors should receive regular training in complying with (or the California equivalent) of 29 CFR § 30 the national EEO apprenticeship standard. Instructors should receive regular training in recognizing and remediating unconscious bias, inclusive and equitable instruction practices, and power dynamics