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AB-565 Interagency Advisory Committee on Apprenticeship: homeless youth and foster youth. (2021-2022)

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Date Published: 09/23/2021 10:00 AM

Assembly Bill No. 565

CHAPTER 194

An act to amend Sections 3071.5 and 3073.5 of, and to add Section 3071.7 to, the Labor Code, relating to apprenticeship.

[Approved by Governor September 22, 2021. Filed with Secretary of State September 22, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 565, Lackey. Interagency Advisory Committee on Apprenticeship: homeless youth and foster youth.

Existing law establishes the Interagency Advisory Committee on Apprenticeship within the Division of Apprenticeship Standards, which is in the Department of Industrial Relations. Existing law prescribes the composition of the committee, which includes specified officials or their designees, serving as ex officio members, and 6 persons appointed by the Secretary of Labor and Workforce Development who are familiar with certain apprenticeable occupations, as specified requirements.

This bill would add the director of the State Department of Social Services as a member of the Interagency Advisory Committee on Apprenticeship.

This bill would require the Interagency Advisory Committee on Apprenticeship to create a subcommittee to study and report on issues related to the participation of homeless youth and foster youth, as defined, in apprenticeships and preapprenticeships, and prescribe specified subjects the subcommittee is to address. The bill would authorize the subject matters of study and reporting to be expanded to include issues relating to minority populations, at the request of a committee member. The bill would require, on and after July 1, 2023, that the findings and recommendations be included in a specified report.

Existing law requires the Chief of the Division of Apprenticeship Standards, the California Apprenticeship Council, and the Interagency Advisory Committee on Apprenticeship to annually report separately through the Director of Industrial Relations to the Legislature and the public on their activities. Existing law specifies the subjects upon which they are to report, including the number of individuals, including numbers of women and minorities, in apprenticeship, preapprenticeship, and other specified programs for the current year and in each of the previous 5 years.

This bill would expand the above-described reporting requirements to include provisions relating to foster youth and homeless youth, as defined.

This bill would incorporate additional changes to Section 3071.5 of the Labor Code proposed by AB 1273 to be operative only if this bill and AB 1273 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3071.5 of the Labor Code is amended to read:

3071.5. There is also in the Division of Apprenticeship Standards the Interagency Advisory Committee on Apprenticeship. The membership and duties of this committee shall be as follows:

(a) The following officials or their designees shall serve as ex officio members of this committee:

- (1) The Secretary of Labor and Workforce Development.
- (2) The executive director of the California Workforce Development Board.
- (3) The Director of Industrial Relations.
- (4) The executive director of the Employment Training Panel.
- (5) The Superintendent of Public Instruction.
- (6) The Chancellor of the California Community Colleges.
- (7) The Director of Rehabilitation.
- (8) The executive director of the State Council on Developmental Disabilities.
- (9) The director of the State Department of Social Services.

(b) The membership of this committee shall also include six persons appointed by the Secretary of Labor and Workforce Development who are familiar with apprenticeable occupations not within the jurisdiction of the council established pursuant to Section 3070. Two persons shall be representatives of employers or employer organizations, two persons shall be representatives of employee organizations, and two persons shall be public representatives who are neither employers nor affiliated with any employer or employee organization. Upon the operative date of this section, the secretary shall appoint one representative of each group appointed to two-year terms and one representative of each group to four-year terms. Thereafter, members appointed by the secretary pursuant to this subdivision shall serve for a term of four years, and any member appointed to fill a vacancy occurring before the expiration of the term of their predecessor shall be appointed for the remainder of that term. Members appointed by the secretary pursuant to this subdivision shall receive the sum of one hundred dollars (\$100) for each day of actual attendance at meetings of the committee and for each day of actual attendance at hearings by the committee or a subcommittee thereof, together with actual and necessary traveling expenses incurred in connection therewith.

(c) The Secretary of Labor and Workforce Development shall designate one of the members as the committee's chair. The committee shall meet quarterly at a designated date, and special meetings may be held at the call of the chair. The committee shall provide advice and guidance to the Administrator of Apprenticeship and Chief of the Division of Apprenticeship Standards on apprenticeship programs, standards, and agreements that are not within the jurisdiction of the council established pursuant to Section 3070, and on the development and administration of standards governing preapprenticeship, certification, and on-the-job training and retraining programs outside the building and construction trades and firefighters.

(d) The committee may create subcommittees as needed to address specific industry sectors or projects and shall create a subcommittee to address apprenticeship for the disabled community.

SEC. 1.5. Section 3071.5 of the Labor Code is amended to read:

3071.5. There is also in the Division of Apprenticeship Standards the Interagency Advisory Committee on Apprenticeship. The membership and duties of this committee shall be as follows:

(a) The following officials or their designees shall serve as ex officio members of this committee:

- (1) The Secretary of Labor and Workforce Development.
- (2) The executive director of the California Workforce Development Board.
- (3) The Director of Industrial Relations.
- (4) The executive director of the Employment Training Panel.
- (5) Superintendent of Public Instruction.
- (6) The Chancellor of the California Community Colleges.

(7) The Director of Rehabilitation.

(8) The executive director of the State Council on Developmental Disabilities.

(9) The director of the State Department of Social Services.

(10) State Public Health Officer.

(11) The Director of Consumer Affairs.

(b) The membership of this committee shall also include six persons appointed by the Secretary of Labor and Workforce Development who are familiar with apprenticeable occupations not within the jurisdiction of the council established pursuant to Section 3070. Two persons shall be representatives of employers or employer organizations, two persons shall be representatives of employee organizations, and two persons shall be public representatives who are neither employers nor affiliated with any employer or employee organization. Upon the operative date of this section, the secretary shall appoint one representative of each group appointed to two-year terms and one representative of each group to four-year terms. Thereafter, members appointed by the secretary pursuant to this subdivision shall serve for a term of four years, and any member appointed to fill a vacancy occurring before the expiration of the term of their predecessor shall be appointed for the remainder of that term. Members appointed by the secretary pursuant to this subdivision shall receive the sum of one hundred dollars (\$100) for each day of actual attendance at meetings of the committee and for each day of actual attendance at hearings by the committee or a subcommittee thereof, together with actual and necessary traveling expenses incurred in connection therewith.

(c) The Secretary of Labor and Workforce Development shall designate one of the members as the committee's chair. The committee shall meet quarterly at a designated date, and special meetings may be held at the call of the chair. The committee shall provide advice and guidance to the Administrator of Apprenticeship and Chief of the Division of Apprenticeship Standards on apprenticeship programs, standards, and agreements that are not within the jurisdiction of the council established pursuant to Section 3070, and on the development and administration of standards governing preapprenticeship, certification, and on-the-job training and retraining programs outside the building and construction trades and firefighters.

(d) The committee may create subcommittees as needed to address specific industry sectors or projects and shall create a subcommittee to address apprenticeship for the disabled community.

SEC. 2. Section 3071.7 is added to the Labor Code, to read:

3071.7. (a) For purposes of this section:

(1) "Current foster youth" means a child or nonminor dependent, as defined by Section 675(8) of Title 42 of the United States Code and subdivision (v) of Section 11400 of the Welfare and Institutions Code, who is between the ages of 13 and 21 years, has been removed from the custody of their parent, legal guardian, or Indian custodian, pursuant to Section 361 or Section 726 of the Welfare and Institutions Code, and is under an order of foster care placement by the juvenile court.

(2) "Former foster youth" means a person between the ages of 18 and 26 years who previously met the definition of "current foster youth." "Former foster youth" does not include a child or nonminor dependent whose placement was terminated by reunification with a parent, legal guardian, Indian custodian, appointment of a legal guardian, or adoption.

(3) "Foster youth" means current foster youth and former foster youth.

(4) "Homeless youth" means a person up to 26 years of age who meets the definition of "homeless children and youths" in Section 11434a(2) of Title 42 of the United States Code, as it read on January 1, 2021.

(b) The Interagency Advisory Committee on Apprenticeship shall create a subcommittee to study and report on issues related to the participation of homeless youth and foster youth in apprenticeships and preapprenticeships. The subcommittee shall do all of the following:

(1) Collect and organize publicly available or agency member data on the number of homeless youth and foster youth served by California's apprenticeship system. Member data shall be deidentified to protect the privacy rights of individuals.

(2) Evaluate the success rate of apprenticeships and preapprenticeships among homeless youth and foster youth.

(3) Identify existing challenges related to identifying, reaching, and recruiting homeless youth and foster youth, along with potential opportunities to improve the rate of successful apprenticeship completion.

(4) Prepare recommendations on how to address the challenges identified in paragraph (3), which may include considerations relative to the need for additional services or specialized training programs.

(c) On and after July 1, 2023, the findings and recommendations identified in subdivision (b) shall be included in the annual report to the Legislature required by Section 3073.5.

(d) At the request of any member of the subcommittee, the duties of the subcommittee described in subdivision (b) may be expanded to include issues related to minority populations.

SEC. 3. Section 3073.5 of the Labor Code is amended to read:

3073.5. The Chief of the Division of Apprenticeship Standards, the California Apprenticeship Council, and the Interagency Advisory Committee on Apprenticeship shall annually report separately through the Director of Industrial Relations to the Legislature and the public on their activities. The report shall contain information including, but not limited to, analyses of the following:

(a) (1) The number of individuals, including numbers of women, minorities, foster youth, and homeless youth, registered in apprenticeship, preapprenticeship, and other programs administered pursuant to this chapter in the state for the current year and in each of the previous five years.

(2) For construction trade and firefighter apprenticeship programs, the report shall include demographic data detailing the racial, ethnic, and gender makeup of those participants for the annual reporting period.

(b) The number and percentage of participants, including numbers and percentages of women, minorities, foster youth, and homeless youth, registered in each program having five or more participants, and the percentage of those participants who have completed their programs successfully in the current year and in each of the previous five years.

(c) Remedial actions taken by the division to assist those programs having difficulty in achieving affirmative action goals or having very low completion rates.

(d) The number of disputed issues with respect to individual apprenticeship or other agreements submitted to the Administrator of Apprenticeship for determination and the number of those issues resolved by the administrator or the council on appeal.

(e) The number of apprenticeship and other program applications received by the division, the number approved, the number denied and the reason for those denials, the number being reviewed, and deficiencies, if any, with respect to those program applications being reviewed.

(f) The number of apprenticeship programs, approved by the Division of Apprenticeship Standards, that are disapproved by the California Apprenticeship Council, and the reasons for those disapprovals.

(g) The number of apprenticeship programs receiving reimbursement for related and supplemental instruction pursuant to Section 8152 or 79149.3 of the Education Code including the amounts reimbursed to each program, as reported to the Division of Apprenticeship Standards by the Chancellor's Office of the California Community Colleges.

(h) The number of apprenticeship programs receiving reimbursement as part of the budget formula developed pursuant to paragraph (2) of subdivision (d) of Section 84750.5 of the Education Code or its successor section, as described in Section 79149.1 of the Education Code including the amounts reimbursed to each program, as reported to the Division of Apprenticeship Standards by the Chancellor's Office of the California Community Colleges.

(i) Any apprenticeship standards or regulations that were proposed or adopted in the previous year.

(j) For purposes of this section:

(1) "Current foster youth" means a child or nonminor dependent, as defined by Section 675(8) of Title 42 of the United States Code and subdivision (v) of Section 11400 of the Welfare and Institutions Code, who is between the ages of 13 and 21 years, has been removed from the custody of their parent, legal guardian, or Indian custodian, pursuant to Section 361 or Section 726 of the Welfare and Institutions Code, and is under an order of foster care placement by the juvenile court.

(2) "Former foster youth" means a person between the ages of 18 and 26 years who previously met the definition of "current foster youth." "Former foster youth" does not include a child or nonminor dependent whose placement was terminated by reunification with a parent, legal guardian, Indian custodian, appointment of a legal guardian, or adoption.

(3) "Foster youth" means current foster youth and former foster youth.

(4) "Homeless youth" means a person up to 26 years of age who meets the definition of "homeless children and youths" in Section 11434a(2) of Title 42 of the United States Code, as it read on January 1, 2021.

SEC. 4. Section 1.5 of this bill incorporates amendments to Section 3071.5 of the Labor Code proposed by both this bill and Assembly Bill 1273. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, (2) each bill amends Section 3071.5 of the Labor Code, and (3) this bill is enacted after Assembly Bill 1273, in which case Section 1 of this bill shall not become operative.