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AB-1273 Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer: earn and learn training. (2021-2022)

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Assembly Bill No. 1273

CHAPTER 477

An act to amend Section 3071.5 of the Labor Code, to add Section 314 to the Business and Professions Code, and to add Section 131088 to the Health and Safety Code, relating to job training.

[Approved by Governor October 04, 2021. Filed with Secretary of State October 04, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1273, Rodriguez. Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer: earn and learn training.

Existing law provides for apprenticeship programs within the Division of Apprenticeship Standards within the Department of Industrial Relations, sponsored by specific entities and employers, and requires the Chief of the Division of Apprenticeship Standards to perform various functions with respect to apprenticeship programs and the welfare of apprentices. Under existing law, the Director of Industrial Relations is the Administrator of Apprenticeship and is authorized to appoint assistants necessary to effectuate the purposes of state law governing apprenticeships.

Existing law establishes the Interagency Advisory Committee on Apprenticeship within the Division of Apprenticeship Standards. Existing law requires the committee to provide advice and guidance to the Administrator of Apprenticeship and the Chief of the Division of Apprenticeship Standards on apprenticeship programs, standards, and agreements, as well as preapprenticeship, certification, and on-the-job training and retraining programs, in nonbuilding trades industries. 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.

Existing law establishes within the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, and is composed of various boards that license and regulate various professions and vocations. Existing law, the Consumer Affairs Act, establishes the powers and duties of the director.

Existing law establishes within the California Health and Human Services Agency the State Department of Public Health, which is under the control of the State Public Health Officer, with powers and responsibilities relating to public health, the licensing and certification of health facilities, and certain other functions.

This bill would additionally make the State Public Health Officer and the Director of Consumer Affairs ex officio members of the Interagency Advisory Committee on Apprenticeship.

Existing law requires the California Workforce Development Board, in consultation with the Division of Apprenticeship Standards, to identify opportunities for "earn and learn" job training opportunities that meet the industry's workforce demands and that are in

high-wage, high-demand jobs. Existing law defines “earn and learn” to include programs that combine applied learning in a workplace setting with compensation allowing workers or students to gain work experience and secure a wage as they develop skills and competencies directly relevant to the occupation or career for which they are preparing, and programs that bring together classroom instruction with on-the-job training to combine both formal instruction and actual paid work experience.

This bill would prohibit the Department of Consumer Affairs and its various boards from approving an accrediting program that prohibits earn and learn programs for training in a profession licensed or certified by the board. The bill would prohibit the State Department of Public Health, in the licensing and certification of health professions, from prohibiting earn and learn programs for training of personnel. The bill would require boards of the Department of Consumer Affairs and the State Department of Public Health to use licensing or certification standards that authorize the use of earn and learn training. The bill would make these provisions operative on January 1, 2024.

This bill would incorporate additional changes to Section 3071.5 of the Labor Code proposed by AB 565 to be operative only if this bill and AB 565 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. The Legislature finds and declares the following:

(a) It is the intent of the Legislature and in the interest of the state and its communities, employers, employees, and consumers to ensure a robust and diversified workforce.

(b) It is in the interest of the state’s economic recovery to remove barriers to ensure California’s diverse workforce have equal access to educational opportunities that result in family sustaining careers in all industry and public health sectors.

SEC. 2. Section 314 is added to the Business and Professions Code, to read:

314. (a) The department or board shall not approve an accrediting entity that prohibits earn and learn programs for training in a profession licensed or certified by the board. A board shall use licensing or certification standards that authorize the use of earn and learn training.

(b) Notwithstanding subdivision (a), the department and its boards shall not be required to establish a mandate specifying an accrediting entity must provide earn and learn programs for training in a profession licensed or certified by a board.

(c) As used in this section, “earn and learn” has the same meaning as defined in subdivision (q) of Section 14005 of the Unemployment Insurance Code.

(d) This section shall become operative on January 1, 2024.

SEC. 3. Section 131088 is added to the Health and Safety Code, to read:

131088. (a) The department, in the licensing and certification of health professions in accordance with this chapter, shall not prohibit earn and learn programs for training of personnel. The department shall use licensing and certification standards that authorize the use of earn and learn training.

(b) Notwithstanding subdivision (a), the department shall not be required to establish a mandate specifying an accrediting entity must provide earn and learn programs for training in a profession licensed or certified by the department.

(c) As used in this section, “earn and learn” has the same meaning as defined in subdivision (q) of Section 14005 of the Unemployment Insurance Code.

(d) This section shall become operative on January 1, 2024.

SEC. 4. 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, Superintendent of Public Instruction.

(5) The Chancellor of the California Community Colleges.

(6) The Director of Rehabilitation.

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

(8) The State Public Health Officer.

(9) 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. 4.5. 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) 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.

(10) The 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. 5. Section 4.5 of this bill incorporates amendments to Section 3071.5 of the Labor Code proposed by both this bill and Assembly Bill 565. 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 565, in which case Section 4 of this bill shall not become operative.