

Assembly Bill No. 1087

CHAPTER 48

An act to amend Section 3099 of, and to add Sections 3099.2, 3099.3, and 3099.4 to, the Labor Code, relating to electricians, and making an appropriation therefor.

[Approved by Governor May 29, 2002. Filed with
Secretary of State May 29, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1087, Calderon. Apprenticeships: electricians.

Existing law requires the Division of Apprenticeship Standards by July 1, 2001, to establish minimum training, competency, and certification standards for electricians, as defined, and to establish and adopt regulations and fees to implement those standards. Existing law requires the division to establish advisory committees as needed to establish electricians' standards by March 1, 2000, and to include electrical contractors on the committees.

This bill would require the division to issue certification cards to electricians who become certified pursuant to the standards set by the division. The bill would continuously appropriate fees collected by the division pursuant to existing law for expenditure in an amount sufficient to pay the cost of supplying the certification cards. The bill would exempt from these provisions work performed in connection with temporary or portable electrical devices in specified industries.

The bill would also require electricians who perform work as electricians for contractors with specified types of licenses to obtain certification by January 1, 2005. The bill would prohibit electricians working for those certain contractors from performing electrical work, unless they are certified. The bill would exempt apprentice electricians from certification, but would permit apprentices who are within one year of completing their apprenticeships to take the certification examination and, upon passing the examination, become certified immediately upon completing the term of their apprenticeship. The bill would require the division to establish a specified committee to establish written educational curriculum standards for enrollees in an electrician training program.

The bill would require the division to make electrician certification information available in non-English languages, provide non-English certification tests, ensure that certain apprenticeship programs provide for reasonable alternative means of satisfying minimum federal



education standards, and provide a specified report to the Legislature no later than January 1, 2004.

The bill would also make technical, nonsubstantive changes.

The bill would authorize, after January 1, 2005, uncertified persons who have registered with the division and have completed or are enrolled in a training program to perform electrical work under supervision, as specified. The bill would authorize the division to charge an initial registration fee for this purpose, not to exceed \$25, and would continuously appropriate these fees for the division's administrative costs with regard to the training program.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 3099 of the Labor Code is amended to read:

3099. (a) The Division of Apprenticeship Standards shall do all of the following:

(1) On or before July 1, 2001, establish and validate minimum standards for the competency and training of electricians through a system of testing and certification.

(2) On or before March 1, 2000, establish an advisory committee and panels as necessary to carry out the functions under this section. There shall be contractor representation from both joint apprenticeship programs and unilateral nonunion programs in the electrical contracting industry.

(3) On or before July 1, 2003, establish an electrical certification curriculum committee comprised of representatives of the State Department of Education, the California Community Colleges, and the division. The committee shall establish written educational curriculum standards for enrollees in training programs established pursuant to Section 3099.4.

(4) On or before July 1, 2001, establish fees necessary to implement this section.

(5) On or before July 1, 2001, establish and adopt regulations to enforce this section.

(6) Issue certification cards to electricians who have been certified pursuant to this section. Fees collected pursuant to paragraph (3) are continuously appropriated in an amount sufficient to pay the costs of issuing certification cards, and that amount may be expended for that purpose by the Division of Apprenticeship Standards.

(b) There shall be no discrimination for or against any person based on membership or nonmembership in a union.



(c) As used in this section, “electricians” includes all persons who engage in the connection of electrical devices for electrical contractors licensed pursuant to Section 7058 of the Business and Professions Code, specifically, contractors classified as electrical contractors in the Contractors’ State License Board Rules and Regulations. This section does not apply to electrical connections under 100 volt-amperes. This section does not apply to persons performing work to which Section 7042.5 of the Business and Professions Code is applicable, or to electrical work ordinarily and customarily performed by stationary engineers. This section does not apply to electrical work in connection with the installation, operation, or maintenance of temporary or portable electrical equipment performed by technicians in the theatrical, motion picture production, television, hotel, exhibition, or trade show industries.

SEC. 2. Section 3099.2 is added to the Labor Code, to read:

3099.2. (a) Persons who perform work as electricians shall become certified pursuant to Section 3099 by January 1, 2005. After January 1, 2005, uncertified persons may not perform electrical work for which certification is required.

(b) Certification is required only for those persons who perform work as electricians for contractors licensed as Class C-10 electrical contractors under the Contractors’ State License Board Rules and Regulations. Certification is not required for persons performing work for contractors licensed as Class C-7 low voltage systems or Class C-45 electric sign contractors as long as the work performed is within the scope of the Class C-7 or Class-45 license, including incidental and supplemental work as defined in Section 7059 of the Business and Professions Code, and regardless of whether the same contractor is also licensed as a Class C-10 contractor.

(c) The division may establish different certification categories corresponding to the types of electrical work performed by contractors.

(d) Notwithstanding subdivision (a), certification is not required for registered apprentices performing electrical work as part of an apprenticeship program approved under this chapter, a federal Bureau of Apprenticeship Training program, or a state apprenticeship program authorized by the federal Bureau of Apprenticeship Training. An apprentice who is within one year of completion of his or her term of apprenticeship shall be permitted to take the certification examination and, upon passing the examination, shall be certified immediately upon completion of the term of apprenticeship.

(e) Notwithstanding subdivision (a), certification is not required for any person employed pursuant to Section 3099.4.



(f) Notwithstanding subdivision (a), certification is not required for a nonresidential lighting trainee (1) who is enrolled in an on-the-job instructional training program approved by the Chief of the Division of Apprenticeship Standards pursuant to Section 3090, and (2) who is under the onsite supervision of a nonresidential lighting technician certified pursuant to Section 3099.

(g) Notwithstanding subdivision (a), the qualifying person for a Class C-10 electrical contractor license issued by the Contractors State License Board need not also be certified pursuant to Section 3099 to perform electrical work for that licensed contractor or to supervise an uncertified person employed by that licensed contractor pursuant to Section 3099.4.

(h) For the purposes of this section, “electricians” has the same meaning as the definition set forth in Section 3099.

SEC. 3. Section 3099.3 is added to the Labor Code, to read:

3099.3. The Division of Apprenticeship Standards shall do all of the following:

(a) Make information about electrician certification available in non-English languages spoken by a substantial number of construction workers, as defined in Section 7296.2 of the Government Code.

(b) Provide for the administration of certification tests in non-English languages spoken by a substantial number of applicants, as defined in Section 7296.2 of the Government Code, except insofar as the ability to understand warning signs, instructions, and certain other information in English is necessary for safety reasons.

(c) Ensure, in conjunction with the California Apprenticeship Council, that by no later than January 1, 2003, all electrician apprenticeship programs approved under this chapter that impose minimum formal education requirements as a condition of entry provide for reasonable alternative means of satisfying those requirements.

(d) Ensure, in conjunction with the California Apprenticeship Council, that by no later than January 1, 2003, all electrician apprenticeship programs approved under this chapter have adopted reasonable procedures for granting credit toward a term of apprenticeship for other vocational training and on-the-job training experience.

(e) Report to the Legislature by January 1, 2004, on the status of electrician certification, including all of the following:

(1) The number of persons who have been certified pursuant to Section 3099.

(2) The number of persons enrolled in electrician apprenticeship programs.



(3) The number of persons who have registered pursuant to Section 3099.4.

(4) The estimated number of individuals performing work for Class C-10 electrical contractors for which certification will be required after January 1, 2005, who have not yet been certified and are not enrolled in apprenticeship programs or registered pursuant to Section 3099.4.

(5) Whether enforcement of the January 1, 2005, deadline for certification will cause a shortage of electricians in California.

(6) Whether persons who wish to become certified electricians will have an adequate opportunity to pass the certification exam, to register pursuant to Section 399.4, or to enroll in an apprenticeship program prior to January 1, 2005.

SEC. 4. Section 3099.4 is added to the Labor Code, to read:

3099.4. (a) After January 1, 2005, an uncertified person may perform electrical work for which certification is required under Section 3099 in order to acquire the necessary on-the-job experience for certification, if all of the following requirements are met:

(1) The person is registered with the Division of Apprenticeship Standards. A list of current registrants shall be maintained by the division and made available to the public upon request.

(2) The person either has completed or is enrolled in an approved curriculum of classroom instruction.

(3) The employer attests that the person shall be under the direct supervision of an electrician certified pursuant to Section 3099 who is responsible for supervising no more than one uncertified person. An employer who is found by the division to have failed to provide adequate supervision may be barred by the division from employing uncertified individuals pursuant to this section in the future.

(b) For purposes of this section, an “approved curriculum of classroom instruction” means a curriculum of classroom instruction approved by the electrician certification curriculum committee established pursuant to paragraph (2) of subdivision (a) of Section 3099 and provided under the jurisdiction of the State Department of Education or the Board of Governors of the California Community Colleges.

(c) For purposes of this section, a person is “enrolled” in an approved curriculum of classroom instruction if the person is attending classes on a full-time or part-time basis toward the completion of such a curriculum.

(d) Registration under this section shall be renewed annually and the registrant shall provide to the division certification of the class work completed and on-the-job experience acquired since the prior registration.



(e) The division shall establish registration fees necessary to implement this section, not to exceed twenty-five dollars (\$25) for the initial registration. There shall be no fee for annual renewal of registration. Fees collected are continuously appropriated in an amount sufficient to administer this section and that amount may be expended by the division for this purpose.

(f) The division shall issue regulations to implement this section.

(g) For purposes of Section 1773, persons employed pursuant to this section do not constitute a separate craft, classification, or type of worker.

(h) Notwithstanding any other provision of law, an uncertified person who has completed an approved curriculum of classroom instruction and is currently registered with the division may take the certification examination. The person shall be certified upon passing the examination and satisfactorily completing the requisite number of on-the-job hours required for certification. A person who passes the examination prior to completing the requisite hours of on-the-job experience shall continue to comply with subdivision (d) of this section.

