

# **CSU/SETC JATC**

## **RULES AND REGULATIONS**

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## **INTRODUCTION**

Welcome to the CSU/SETC Apprenticeship and Training Committee (JATC) Program. This Apprenticeship Program is designed to provide the California State University with qualified, well trained Facilities skilled trades workers.

The guidelines for the program are provided through the Standards of Apprenticeship, the Affirmative Action Plan and Selection Procedures, the Policies, Rules and Regulations, and all applicable federal and state laws and regulations.

Upon successful completion of the program, the graduating apprentice should have the knowledge, skills, and abilities necessary to perform the duties of a Journeyman in their Trade.

The JATC governs the training of all apprentices. The JATC is composed of an equal number of labor and management members. If there is a concern or question, contact the JATC at:

## **Section 1 - GENERAL RULES**

- 1) Apprentices, who have qualified for the program, have been selected for certain qualities. Among those are: a good moral character, integrity, and maturity; in essence, a good citizen. Apprentices, who by their personal actions display a disregard for the previous statement, could have their indenture papers canceled by the JATC at any time. Each apprentice shall endeavor to maintain high moral standards. Any apprentice found to be guilty of theft or vandalism of school or employer property will be referred to the JATC for disciplinary action, possibly including termination from the program. Likewise, cheating and the use of illegal drugs or alcohol by apprentices on school or employer property, as well as the condition of being under the influence of such substances on school or employer property, is a forbidden practice. The JATC will not condone any violation of the law, Apprenticeship Standards, or the Policies, Rules, and Regulations of this JATC. All violators will immediately be cited by the JATC for disciplinary action. Any reference in this document to disciplinary action may include, but is not limited to, termination from the program.
- 2) 2) Each apprentice must be physically and mentally able to perform all work of the occupation of electrical construction and must be able to read, write, and speak the English language.
- 3) 3) It is the responsibility of each apprentice to keep contact information updated with the JATC Office.
- 5) Each apprentice's records, along with any other pertinent information, shall be kept on file at the JATC office. Non-confidential files will be available for inspection by the appropriate parties after written request. The JATC has total and absolute discretion to determine what is included in any such file (subject to compliance with applicable law) and what is to be provided to an apprentice upon a written request for such information.
- 6) Each apprentice shall have a reliable means of transportation to ensure prompt and punctual attendance both at work and at school. Each apprentice shall have a valid California Drivers License. The accumulation of moving violations, the revocation of the license to drive, or the undue escalation of insurability risk caused by these actions shall be grounds for disciplinary action by the JATC. It is the responsibility of the apprentice to promptly inform his/her employer and the JATC of any change of status of his/her Driver's License, including any traffic violations, at fault accidents, or traffic convictions. Failure to provide such prompt notification shall be grounds for disciplinary action by the JATC, and may include termination from the program.
- 7) All tobacco products are prohibited in the Training Building, which includes shop areas, classrooms, and restrooms. No smoking is allowed within 25 feet of the Training Center and cigarette butts must be disposed of properly. The consumption of food and beverages by apprentices is not permitted inside the Training Building. Apprentices must enter and exit the

Training Building through the classroom entrance only. Use of any other exits shall be allowed only as an emergency measure. As a reflection of the quality and professionalism of our program, all litter, trash, and scrap will be properly discarded.

8) Cell phones and similar devices must be off during work and class time. Cell phones may be checked during personal time only. In the event special circumstances arise, the apprentice must receive advanced approval from the Employer and the JATC in order to have cell phones on during work or school hours.

9) To successfully complete the training program, each apprentice will be required to complete 7200 hours of on-the-job training (OJT), have satisfactory attendance in all assigned related class instruction, and maintain the minimum average semester grade of 70% on all related classroom instruction. Failure to pass may result in being dropped from the program or being required to repeat the failed semester. The decision will be made by the JATC and is binding. Failure to pass the second time results in the apprentice being dropped from the program. Self help, tutoring, and enrollment in outside classes are available for those needing assistance. Arrangements can be made through the JATC.

10) For all related classroom instruction, 90% and above is an "A", 80-89% is a "B", and 70-79% is a "C". Completion of homework is mandatory and shall be completed prior to the beginning of class. Apprentices with incomplete homework are required to fill out a homework form explaining why the assignment was not completed.

11) Any apprentice who is found cheating on a test will receive a 0% score on that test and will be referred to the JATC for disciplinary action.

12) When appearing before the JATC, apprentices shall have an up-to-date Apprentice Training Record and a current work evaluation. Failure to do so may result in no action, deemed failure to appear, and the apprentice may not be seen by the JATC.

13) When an apprentice is summoned to attend a JATC meeting and fails to attend, such absence may be automatic cause for termination from the program.

14) An apprentice shall not work outside the jurisdiction of the Local Union 234 without prior permission of the JATC and parties to the Agreement. Work hours accumulated by working outside the jurisdiction will not be credited toward graduation requirements for the program, unless approved by the JATC. In the event an apprentice is sent to work outside the jurisdiction, the apprentice is to follow instructions from the employer and contact the JATC office to verify that the necessary approval has been obtained.

15) Failure on the part of the apprentice to fulfill the obligations of this JATC's Standards, Policies, Rules and Regulations (collectively referred to herein as "rules") will be cause for the implementation of disciplinary action. During the probationary period of the first 2000 hours of OJT, the JATC may terminate an apprentice from the program for any violation of the rules. When an apprentice violates the rules, the JATC has the authority to postpone wage increases and period advancements, to place any apprentice under probation, to rotate or remove any

apprentice from any jobsite, to suspend employment for a maximum of sixty (60) calendar days, and to request the termination of any Apprentice's Agreement to Train from the Administrator of Apprenticeship of the State of California. Apprentices placed under probationary status by the JATC will be required to submit Employer Evaluation Forms monthly, as well as any other conditions that the JATC deems appropriate. Any probationary infraction by an apprentice--bad work evaluations, poor grades, absences, or other Rules violations--will be considered to be just cause for an apprentice's termination from the program. A copy of the Apprenticeship Law of the State of California is available from the Division of Apprenticeship Standards, ~~100 Paseo de San Antonio, Room 125, San Jose, CA 95113~~ ([www.dir.ca.gov/DAS/](http://www.dir.ca.gov/DAS/))

## **Section 2 - DRUG POLICY 1)**

All applicants who are approved for entry into the apprenticeship program may be required to submit to drug testing. This will be consistent with CSU policy

## **Section 3 - ON-THE-JOB TRAINING (OJT)**

- 1) An apprentice must have a valid job assignment issued by the JATC before reporting to an employer or job site.
- 2) Each apprentice will be required to arrive punctually for each assigned workday. Job tardiness, job absences, or poor work performance shall be grounds for disciplinary action.
- 3) Each apprentice shall be responsible for maintaining a daily record of work hours spent on each work process. These records shall be kept in the Apprentice Training Record.
- 4) An apprentice shall not quit his/her employer.

## **Section 5 - TOOL LIST**

- 1) Tools will be supplied to apprentices in accordance with the current campus practices.
- 2) Apprentices will be responsible for the care and protection of their tools

## **Section 6 - WORK PROCESSES**

In order to provide for the development of the necessary trade skills in the various work processes, the Campus will provide the apprentice with OJT in the work processes of their trade, as outlined in Section XXXX of the Classification Standards

## **Section 7 - ATTENDANCE**

Classroom instruction and OJT are equally vital and important parts of the total education process in apprenticeship. Apprentices are required to participate in a minimum of 144 hours of related classroom training per year. Therefore, prompt attendance at all class sessions is mandatory if an apprentice is to successfully complete the program. The JATC maintains the right to change the scheduling of classroom instruction, including moving to daytime hours in the workweek.

- 1) Absences causing an apprentice to acquire less than the minimum required hours within a semester may subject the apprentice to the following penalties:
  - a) If more than two classes per semester are missed, the JATC shall remove the apprentice from the program or shall require the apprentice to repeat the school year.
  - b) Delay of pay raise - An additional one calendar month of OJT will be required for each unexcused absence, before the apprentice will be eligible for the next scheduled pay increase.
- 2) If an apprentice is unable to attend class due to his/her hospitalization or due to a physician directed recuperation period after his/her hospital stay, the JATC may, waive the requirement for an additional one calendar month of OJT for each missed class. The apprentice will still be required to have a minimum number of 144 hours of classroom instruction for successful completion of the school year and advancement to the next class level. Documentation that has been signed by the primary care physician regarding the length of the hospitalization and/or recuperation must be provided to the JATC. This includes hospitalization and/or recuperation due to pregnancy or complications from pregnancy. If an apprentice is hospitalized, any absences that the apprentice might incur while hospitalized will not count toward a need for their appearance for absences at the next JATC meeting.
- 3) The JATC will comply with federal and state military leave and employment laws. The JATC shall excuse absence for a verified time off while engaging in Reserve Military Training. Any classes missed must be made up as soon as possible. In the event that an apprentice becomes physically or mentally unable to participate in the program for a significant period of time, including by reason of pregnancy, the JATC may grant that person a Leave of Absence\* for a period of time. Such a period of time is to be determined on an individual basis and modified by the JATC as necessary. This Leave of Absence can be from the apprenticeship schooling or work experience of both. \*Leave of Absence means that all parties to the Leave of Absence are released from all provisions

of the leave for the stated period of time. As used here, the Leave of Absence is not a disciplinary action, but a convenience to serve the parties in special circumstances.

4) The opportunity to work shall not be considered as an excusable absence or reason to miss class.

5) Arriving at related training class late or leaving early will not be tolerated. An apprentice who is tardy or who leaves before the class is excused shall be counted as follows: Up to 15 minutes =  $\frac{1}{4}$  absence 15 - 30 minutes =  $\frac{1}{2}$  absence More than 30 min = 1 absence

6) Partial absences of more than one-half ( $\frac{1}{2}$ ) absence shall be counted as one full absence at the time the apprentice is requesting advancement and subject to the penalties outlined in this policy. Partial absence of one-half ( $\frac{1}{2}$ ) or less shall not be carried forward from one advancement period to the next. Persistent tardiness may result in an additional penalty beyond that outlined above. The attendance record maintained by the Instructors shall indicate the attendance of each participant accurately.

## **Section 9 - ADVANCEMENT POLICY**

The requirements for advancement in the program are based on criteria that must be individually satisfied in order to be considered for advancement. The criteria for advancement are Minimum Accumulated On-the-Job (OJT) Hours and Related Training (in-class instruction) as per the following chart:

(See section XVI of the Classification Standards)

It is the responsibility of each apprentice to maintain a record of his/her work and classroom hours and to come before the JATC for advancement. In order to be considered for advancement, a "Request for Raise" form must be completed and turned in, no later than, 5pm on the second Tuesday of the Month before the next regularly scheduled JATC meeting. When an apprentice has satisfied all requirements and after being approved by the JATC, the JATC will immediately notify the respective employer that the apprentice is to be advanced to the next higher pay scale at the beginning of the next monthly transmittal period. When an apprentice has satisfactorily completed all of the training requirements and has been approved by the JATC, the JATC will immediately notify the respective employer and the Union that the apprentice has been certified as a Journeyman.

## **Section 10 – APPRENTICE TRAINING RECORD**

It is the apprentice's responsibility to keep the Apprentice Training Record properly filled in, up-to-date, properly signed and turned in on a monthly basis. The Apprentice Training Record is due on the 1st of each month and late if not received by close of business on the 5th of the month. This record must be kept current and be available, upon request, to the Training Administrator, the DAS Consultant, any JATC member, the Union Representative, and the Employer or Employer's Representative. Failure to submit these records, when requested, shall be grounds for disciplinary action. Apprentice Training Records may be submitted in person or emailed to the JATC Apprenticeship Coordinator.

## **Section 11 - WORK RULES**

Apprentices with a minimum of 5400 hours of OJT who have successfully completed the third year of related instruction, may be permitted to perform work in their trade without the direct supervision of a Journeyman as follows: while the apprentice's supervising Journeyman must be present on the jobsite, such apprentice may be assigned to independently perform job tasks at the jobsite consistent with the apprentice's skills, knowledge, and ability to perform the work as determined by the employer. An apprentice shall not supervise the work of any other workers of any classification.

## **Section 12 - APPRENTICE WORK EXPERIENCE ASSIGNMENT**

- 1) An apprentice shall be available each day until assigned work.
- 2) An apprentice may not refuse a job assignment. If the apprentice does not agree with the job assignment he/she shall report as assigned. The apprentice may then request an appearance before the JATC and continue to work as assigned until removed, transferred or terminated.
- 3) Any violation of the above shall be subject to discipline by the JATC.

## **Section 13 – PROGRESSIVE DISCIPLINE**

In order to provide a fair method of disciplining apprentices, the JATC has established a formal progressive discipline procedure which **conforms with CSU discipline policies**.

### **1) Discipline – General Guidelines**

- a) Discipline may be initiated for various reasons, including, but not limited to: violations of the employer's work rules; insubordination; poor job performance; striking and/or attempting to strike any person on or around a work or school site; engaging in arguments or otherwise failing to get along with employees or others; or violations of the

apprenticeship program's Standards or Policies, Rules, and Regulations. The severity of the JATC imposed discipline action generally depends on the nature of the offense and/or conduct or behavior and an apprentice's record, and may range from verbal counseling to immediate dismissal. Depending on the nature of the offense and/or inappropriate conduct or behavior, the JATC may also exercise the option of requiring the apprentice to obtain an appropriate professional evaluation for issues that the JATC believes may affect the performance of the apprentice or cause liability to the apprenticeship program. That requirement may include but is not limited to classes or counseling.

b) The normal progressive discipline procedure consists of:

- (I) Verbal counseling
  - (II) First written warning
  - (III) Final written warning, and an appearance before the JATC
  - (IV) Discharge – Removal from the program
- c) Any or all of these steps may be utilized, depending upon individual circumstances and the nature of the infraction. Moreover, exceptions or deviations from the normal procedure may occur whenever the JATC deems it appropriate. d) Progressive discipline will follow, as closely as is practical, the incident requiring the disciplinary action.

## 2) Progressive Discipline

a) With the exception of offenses requiring more stringent action, apprentices will normally be counseled once verbally before receiving a written warning.

b) In the event of another performance problem or a violation of any JATC policy or rule, a written warning should ordinarily be issued.

- (I) The warning must be signed and dated by the apprentice. If the apprentice refuses to sign the warning, the JATC staff, JATC Member or another supervisor should be immediately brought in and asked to sign and witness that the apprentice has seen, but refused to sign, the warning.
- (II) The warning should inform the apprentice of the possible consequences, including final written warning, suspension and/or discharge, should additional violations or performance problems occur.
- (III) A written warning need not pertain to the same or similar offense for which the verbal counseling was given.

c) If a third offense occurs within 12 months of the previous written warning, a final warning may be issued.

- (I) The warning must be signed and dated by the apprentice. If the apprentice refuses to sign the warning, the JATC staff, JATC Member or another supervisor should be immediately brought in and asked to sign and witness that the apprentice has seen, but refused to sign the warning.

(II) The warning should inform the apprentice that termination may result if further violations or performance problems occur. (

(III) A final written warning need not pertain to the same or similar offense for which any prior verbal or written warning was issued.

(IV) In addition to the final written warning, the JATC may also suspend the apprentice from OJT or take other disciplinary action deemed appropriate.

3) If the employee violates any policy of the JATC or fails to improve his/her level of performance, termination may result. 3) The JATC must, of course, reserve the right to deviate from this policy if and when it feels that circumstances warrant such a deviation. 4) Serious violations result in termination from the program without progressive discipline. The JATC has the absolute discretion to determine the seriousness of a violation and whether an apprentice shall be terminated from the program.

4) The JATC must, of course, reserve the right to deviate from this policy if and when it feels that circumstances warrant such a deviation. 4) Serious violations result in termination from the program without progressive discipline. The JATC has the absolute discretion to determine the seriousness of a violation and whether an apprentice shall be terminated from the program.

5) The apprentice may appeal a disciplinary action by the JATC by submitting a written request for an appeal within ten days of notice of the JATC action and attending the JATC meeting where an invitation has been made by the JATC to discuss the appeal. The filing of an appeal does not relieve the apprentice of the obligation to abide by the decision of the JATC that is being appealed.

6) Ignorance of the rules is not considered an excuse from compliance.

## **Section 15 - NO HARASSMENT POLICY**

It is the policy of the CSU and the JATC to fully support the law prohibiting harassment and discrimination, including harassment and/or discrimination based on race, sex, religion, color, national origin, ancestry, marital status, disability, medical condition, sexual orientation, and age, as well as sexual harassment, and to maintain a workplace free of any such harassment and discrimination. We recognize that impermissible harassment may take many forms, including but not limited to:

Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations, or comments; Visual conduct such as derogatory posters, cartoons, drawings, or gestures; Physical conduct such as assault, blocking normal movement, or interference with work because of sex or any other protected basis; Threats and demands to submit to sexual requests in order to maintain employment or avoid some other loss, and/or offers of job benefits in return for sexual favors; Retaliation against those who have reported or encouraged the reporting of the harassment or discrimination.

Any person, whether apprentice, employer, employee, instructor, trustee or otherwise who is found to have engaged in such unlawful conduct while participating in our training program will be subject to immediate and severe discipline.

Any person who feels he or she is being harassed or discriminated against, or who is aware of harassment or discrimination, should report it immediately to the employer and the JATC. A thorough, objective and, if appropriate, confidential investigation will be undertaken. If harassment and/or discrimination are found to have occurred, prompt and appropriate remedial action will be taken.

No person will be retaliated against for reporting harassment or discrimination or participating in an investigation thereof.

Each apprentice shall receive training in the recognition of illegal discrimination and sexual harassment in accordance with CSU policies.

## **Section 16 –SEXUAL HARASSMENT POLICY**

1) GENERAL. The JATC does not tolerate sexual harassment of any type. Sexual harassment is unlawful, and such prohibited conduct exposes not only the JATC, but also individuals involved in such conduct to significant liability under the law. The JATC expects its employees, employers who hire apprentices, and apprentices to treat each other with respect and dignity. Sexual harassment not only hurts the immediate victim, but can result in a general atmosphere in which the purpose of the apprenticeship and training program is undermined. The JATC, therefore, is committed to vigorously enforcing this policy against sexual harassment. JATC employees or apprentices who engage in such conduct will be disciplined. Employers who engage in such conduct against apprentices will be denied access to apprentices.

2) WHAT CONSTITUTES SEXUAL HARASSMENT? Sexual harassment according to the federal Equal Employment Opportunity Commission (EEOC) consists of unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature when:

- a) submission to such conduct is made explicitly or implicitly a term or condition of an individual's training or employment;
- b) submission to, or rejection of, such conduct by an individual is used as the basis for a training-related or employment-related decision affecting such individual; or

c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, abusive or offensive working environment.

Sexual harassment may include, but is not limited to, intentional physical conduct that is sexual in nature, such as touching, pinching, patting; sexually-oriented gesture, noises, remarks, jokes or comments about a person's sexuality or sexual experience; and displaying pictures, poster, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually demeaning or pornographic.

3) **FILING AND INVESTIGATING COMPLAINTS** Any complaints regarding sexual harassment occurring at JATC facilities, or involving employees of the JATC, should be submitted to the JATC or an individual designated by the JATC. Complaints against the Chair of the JATC may be submitted to any other member of the JATC. Complaints may be made in writing or orally, and anonymous complaints will be accepted. A complaint of harassment may be made by someone who is not the target of harassment, and indeed, anyone who observes sexual harassment is encouraged to report it. Complaints of sexual harassment will be fully investigated and a determination of the facts will be made on a case-by-case basis. Complaints and information obtained in the course of investigations of complaints shall be treated confidentially except to the extent necessary to investigate and resolve such complaints or as may be necessary to respond to such complaints in a legal proceeding before a court or administrative agency. JATC instructors are responsible for reprimanding an apprentice for engaging in an act of sexual harassment against another apprentice which the instructor observes or of which the instructor becomes aware. If the conduct continues or recurs, the instructor should file an official complaint with the JATC. If an employee wishes to pursue a sexual harassment complaint through a government agency or to seek outside help from a third party, he or she has a legal right to do so. Under no circumstances should JATC employees interfere with that right.

4) **RESOLVING COMPLAINTS** After a thorough investigation, any JATC employee or apprentice found to have committed an act of sexual harassment shall be immediately disciplined. The nature of the discipline imposed will depend on the nature and severity of the misconduct found upon investigation, and may include discharge for a first offense. Reconsideration by the JATC may be requested within thirty days of receiving the JATC's decision.

5) **RETALIATION PROHIBITED** The JATC will not tolerate any form of retaliation against an apprentice or a JATC employee who has made a complaint or cooperated in an investigation of alleged sexual harassment. All persons contacted in the course of an investigation will be advised that they and other individuals involved in a complaint are entitled to be treated in a professional and respectful manner, and that any retaliation or reprisal against an individual who is an alleged target of harassment or who has made a complaint, or has provided evidence in conjunction with a complaint, is prohibited and could result in discipline up to, and including termination. JATC employees or apprentices who are found to have engaged in retaliation or who fail to cooperate with an investigation of sexual harassment will be subject to substantial discipline up to, and including, discharge or termination from the program.

6) **EMPLOYER RESPONSIBILITIES** Employers who hire apprentices from this program are expected to establish their own policies against sexual harassment and retaliation, including specific procedures for the filing, investigating and resolving of complaints. Contractors should understand that under EEOC's sex discrimination regulations, and court decisions, an employer may be responsible for the acts of its supervisory employees, without regard to the employer's specific authorization or knowledge of such acts by them. Supervisors will be treated as agents of the employer if the employer fails to establish an explicit policy against sexual harassment or fails to establish a reasonably accessible procedure by which victims of sexual harassment can make their complaints known to appropriate officials and have them rectified. With respect to sexual harassment conduct between non-supervisory employees, the employer is responsible where the employer (or its agent) knows or should have known of the conduct, unless the employer takes immediate and appropriate corrective action.

The failure of an employer to take appropriate action regarding an apprentice's complaint of sexual harassment on the job may result in the employer being denied access to apprentices in the program. It is expected that employers will work cooperatively with the JATC on matters concerning the JATC's policy against sexual harassment.

## **Section 17 – SAFETY AND HEALTH TRAINING**

The employer shall instruct the apprentice in safe and healthful work practices and shall ensure that the apprentice is trained in facilities and other environments that are in compliance with either the Occupational Safety and Health Act standards promulgated by the Secretary of Labor under Public Law 91-596, dated December 29, 1970 and as amended by Public Law 101-552, dated November 5, 1990 or State, or local standards that have been found to be at least as effective as the federal standards.

While on the jobsite, it shall be the responsibility of the Employer to provide the apprentice a safe and healthful workplace and conditions of employment, and work assignments that the apprentice can safely perform.

All apprentices must complete CPR/First Aid and OSHA 10 training during their probationary period. Apprentices shall be required to maintain a current CPR/First Aid certification.

## **Section 18 – MODIFICATION/TRANSITION**

These policies, rules and regulations may require modification or revision from time to time. Such modification or revision shall be submitted to the Division of Apprenticeship Standards.

All policies, rules and regulations of the CSU/SETC JATC will be in conformance with CSU policies and the Unit 6 MOU.