

STATE OF CALIFORNIA EMPLOYMENT TRAINING PANEL Friday, February 23, 2024

Panel Members

Rebecca Bettencourt Chair

Dee Dee Myers Ex-Officio Member

> Rick Smiles Member

Gretchen Newsom Member

Douglas Tracy Member

Madison Hull Member

Michael Hill Member

Executive Staff

Jessica Grimes Executive Director

Peter Cooper Assistant Director

Jaime Gutierrez Chief Deputy Director

Tara Armstrong Deputy Director of Technical Branch

> Laura Campbell Chief of Program Operations

STATE OF CALIFORNIA EMPLOYMENT TRAINING PANEL California Environmental Protection Agency 1001 I Street, Coastal Room, Second Floor Sacramento, California 95814 Friday, February 23, 2024

I. PUBLIC PANEL MEETING CALL TO ORDER

Chair Bettencourt called the meeting to order at 9:30 a.m.

II. ROLL CALL

Present Rebecca Bettencourt Douglas Tracy Mike Hill Gretchen Newsom (remote location) Madison Hull Chris Dombrowski

Not in attendance Rick Smiles

Executive Staff Jessica Grimes, Executive Director Peter Cooper, Assistant Director Jaime Gutierrez, Chief Deputy Director Tara Armstrong, Deputy Director of Technical Branch Laura Campbell, Chief of Program Operations

III. AGENDA

The February Agenda was reviewed.

ACTION: Member Hull moved and Member Tracy seconded approval of the February Agenda with no changes. All Panel Members present voted in the affirmative for approval as moved.

Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

IV. MINUTES

The January Meeting Minutes were reviewed.

ACTION: Member Tracy moved and Member Hull seconded the approval of the January Meeting Minutes with no changes. All Panel Members present voted in the affirmative for approval as moved.

> Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

V. REPORT FROM THE EXECUTIVE DIRECTOR

If all the proposals are funded today, the panel will be approving 10 projects in support of 2,845 trainees in the amount of \$2.6 million.

Today's meeting presents 15 projects to support 3,087 trainees for approximately \$2.8 million.

VI. UPDATE ON CAL-E-FORCE

A large enhancement for contract revision to our system was made from a collaboration in order to make the revision process more effective.

Under Cal-E-Grants the Paid Family Leave-Small business grant system has opened and closed (PFL-SB). An internal document functionality was added so staff can export grant documents for processing.

ETP completed an Independent Security Assessment in February conducted by the military for every State agency. The assessment is to identify controls designed to measure our cyber security maturity.

VII. LEGISLATIVE AND LEGAL UPDATE

This past Friday was the last day for bills to be introduced by the Legislature for this 2023-2024 session. At first glance there are about 3,300 bills in the assembly, and about 1,500 bills in the Senate, more than half of which were introduced last year in 2023.

VIII. REPORT OF THE CHIEF DEPUTY DIRECTOR

Regarding Funding:

On March 11, 2024 at 11 a.m., ETP will be hosting an Information Session to provide technical assistance for potential MEC applicants under the Agriculture Initiative. The session will be

recorded and posted on the Agriculture Initiative Page on the ETP website. A second Information Session will be posted. Stakeholder notification will be out in the coming days.

Today's Panel meeting for approximately \$2.6 million, includes two Delegation Orders for a total of \$149,615. Delegation Orders are Proposals capped at \$75K and approved under delegated authority by the Executive Director on a continuous flow basis. ETP has approved a total of 29 delegation orders for this State Fiscal Year. If all proposals scheduled for this Panel Meeting are funded today, the Panel will be approving 9 projects.

Regarding Demand and Allocations:

There are 111 applications currently in demand and 58 applications are with the Regional Offices in development. 21 applications are under review with the applications and assessment unit and 32 submitted applications pending review. The estimated value of the 111 applications is \$20.3 million (\$14 million for single employers, \$3.7 million for multiple employer contracts, \$110,537 for small business, \$2.4 for apprenticeships, and zero in demand for Critical Proposals. We are currently within our total allocations for this fiscal year 2023-24. We do not have a Consent Calendar for this Panel meeting.

IX. PAID FAMILY LEAVE ACT

Tab 1 (Greater San Fernando Valley Chamber of Commerce out of Los Angeles) and Tab 2 (Santa Maria Valley Chamber of Commerce out of Santa Barbara)

ACTION: Member Hull moved and Member Hill seconded approval of the proposal submitted by Tab 1 (Greater San Fernando Valley Chamber of Commerce out of Los Angeles) and Tab 2 (Santa Maria Valley Chamber of Commerce out of Santa Barbara). All Panel Members present voted in the affirmative to approve the proposal as moved.

> Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

X. REPEAT CONTRACTOR AMENDMENT presented by Laura Campbell, Chief of Program Operations

Policy Committee addressed this topic at their December 2023 meeting and decided to recommend an amendment to the repeat contractor rule. If approved, all contractors must reach 75% actual earned amount on all active core funded contracts. Additionally ETP Staff is requesting a slight change in the motion that is currently presented in your Panel memo, instead of becoming effective immediately. Staff is requesting to make these changes effective July1, 2024. To give Staff time to operationalize this change and to give customers time to prepare. This means that any application received prior to July 1, 2024 will follow the current active contractor rule and all application received on July 1, 2024 and after will follow the amended repeat contractor rule.

Question regarding the timing, does the 18 months start after the retention period or after the retention period?

Clarification was give that in the old or current repeat contractor rule there is an 18 month limit as well as the potential earned limit, in the new rule there is no time limit involved but they are using the actual earned amount instead.

Public comment was made by Jon Fox stated he felt that the rules were different from what was discussed in the Policy Committee Meeting and would impact MEC's. That the memo seems unclear and there should be either some additional clarity or this should be sent back to Policy Committee for more robust public comment.

Public comment was made by Phillip Herrera clarified that the earned funding was when someone completed training plus 90 days of employment. So you ae looking at the full enchilada that ETP require not training hours and CEF. He feels this is a good change in policy.

ACTION: Member Hull moved and Member Newsom seconded approval of the motion to approve the repeat contractor amendment with a July 1, 2024 effective date. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

XI. ACTION ON PROPOSALS

SINGLE EMPLOYER CONTRACTS

Tab No. 3: Hollywood Park Management Company LLC dba Los Angeles Stadium and Entertainment District

First-time contractor. Funding requested \$386,883 to train 325 incumbent trainees and 36 job creation. Correction Specialists should be \$29.88 per hour not \$20.66 per hour. Training will take place in Inglewood. All proposed trainees are full time permanent employees with a year round structure this includes the 26 new workers.

Question regarding the productive lab component and the type of work they are doing.

Janice gave on example of VIP golf cart driving training and the infinity screen or scoreboard training both of which are 1:1.

Comment was made that productive lab is typically used for something of value that is produced. It is used more in manufacturing. What is the specialist occupation title and what are they doing? Janice stated that a specialist could be anything from cybersecurity or even day security specialist.

Request was made for the post retention wage for Job number 2 (job creation) to match that of Job number 1. Moving it from \$20.66 to \$23.15 per hour.

Janice agreed that was reasonable. Bill Saks asked if it would be possible to use health benefits in order to do so.

ETP Staff Attorney reminded Panel that Section 4400(y) in ETP's regulations regarding productive lab, it is can be accepted on a case by case basis for good cause shown. It does not talk about requiring specialized equipment or facilities. Staff Attorney asked what the cap is on the health benefits.

Yes they could use the health benefits and the cap is \$2.50

Request was made that the productive lab aspect focus more around the technical equipment example the Jumbo Tron side versus the golf cart training.

ACTION: Member Newsom moved and Member Hull seconded approval of the proposal submitted by Hollywood Park Management Company LLC dba Los Angeles Stadium and Entertainment District in the amount of \$386,883, with the caveat that the post retention wage listed in Job number 2 be increased to match that listed in Job number 1, moving from \$20.66 per hour to \$23.15 per hour with the addition that they can use the health benefits to meet that. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

Tab No. 4: Pioneer Circuits, Inc.

Repeat contractor. Funding requested \$176,180 to train 101 incumbent workers and 20 job creation retrainees. Training will take place in Santa Ana. Most recent contract which ended January 30, 2024 at the time of this proposal they had potential earning of about 82% (\$128,090), however in completing the final invoice there were some ineligible trainees which resulted in only 61% (\$95,808). Which means that per Panel policy this would be right sized accordingly to no more than earned.

Question regarding what caused the ineligible reimbursements in your prior contract? What is driving the management of this contract so that you will have 100% next time? What is causing the ineligibility?

Cindy Lee stated that she believed that they were training to train everybody in the company and didn't take into consideration who was eligible for reimbursement. The ineligibility was causes by the wages, the majority of the operators are under the wages. They will be focusing more on training those that are eligible in Job number 1, for Job number 2 we are pushing for the minimum wage instead of the \$20.

Comment was made that we want everyone to be successful and to insure that our resources are being used for high road jobs that pay good wages and that have wage progression. What we are hearing is that they are paying lower wages that what we had intended for theses to be going to. Before the testimony request would have been that the post retention wage and Job number 2 (job creation) to be increased to match that of Job number 1. And it sounds like it is going to be highly unlikely that they are going to be successful and not a good fit for providing and creating good high paying jobs which should be at the higher amount.

Comment was that it has already been right sized. Agreement on the wage component was given but concern was expressed regarding a possible internal management issue, internally or as a result of the subcontractor.

Keith Brama stated that they did have some challenges getting the current project up and running. The Director of HR came in halfway through the existing contract and ramped it up. In catching up there was a lost focus on wages. We scrubbed the entire project prior to this to give a baseline number. There is belief that this time they can achieve it.

Staff clarified that the numbers and jobs number because they are two different things. If Panel chooses to eliminate Job number 2 that would have to be part of the motion.

Comment was made that the contract in 2018 did not perform at 100% but at 84%, I know COVID came in but that is not a lot in a 2 year period. This current project was projected at 80% but came in at 61% which is a big difference in performance. Request is that there be a focused needs analysis done. It seems that none of the systems have been addressed to actually change the culture so that is a concern.

Keith Brama stated that perhaps they could put together and present to Panel to show how they have tightened things up.

Comment was that it would be best to Table.

ACTION: Member Hull moved and Member Tracy seconded tabling the proposal submitted by Pioneer Circuits, Inc. All Panel Members present voted in the affirmative to approve tabling the proposal as moved.

> Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

Tab No. 5: Traffic Management, Inc.

Repeat contractor. Funding requested \$360,000 to train 1,000 incumbent workers which include 3 occupations (administration staff manager, supervisor and traffic controller. Training will take place at 25 locations statewide. Staff has reviewed and approved the use of the LMS record keeping system. They do have trainees located in high unemployment areas, however they are not requesting a wage modification.

ACTION: Member Hill moved and Member Hull seconded approval of the proposal submitted by Traffic Management, Inc. in the amount of \$360,000. All Panel Members present voted in the affirmative to approve the proposal as moved.

Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

Tab No. 6: Murrietta Circuits

Withdrawn.

Tab No. 7: Walter Anderson Plumbing

Repeat contractor. Funding requested \$402,500 to train 250 retrainees training will take place at their locations in El Cajon, San Marcos and San Diego.

Comment was made that the industry sector is listed under construction yet the wages are significantly lower than what is typically approved for construction. They are asking \$25.98 per hour when the post retention wage has been moved up to \$30.90 per hour.

Jill Meeuwsen explained that the lower wage was being sought because everyone was moved to Job number one based on what was seen at Panel a couple months ago. It was also because that way they have the ability to train incoming unskilled workers, who in 18 to 20 months would be at \$33.70 per hour job progression (minimum hourly wage plus a commission structure on top of that). Without that they would not be able to train those workers. The company is focused on veterans and women. The local apprenticeship program has \$20 per hour wages and was approved 4 months ago at \$25.98 per hour, with \$4.92 an hour in benefits. Therefore, we feel that we have a strong program with wage progression and nobody else in California has the focus on women and veterans that this one does.

Comment was made that it sounds like it is a reflection on how we calculate the post retention wage. In the term of the contract they are actually hitting that wage but not 90 days post training. At about the 18 month mark they are making \$33.90 per hour.

Jill Meeuwsen stated yes and that she came prepared to agree to the \$30.90 per hour but did not feel it was fair because there is an apprenticeship program at \$21 per hour that was

approved. But if someone comes into the program 12 months in they will not make that wage. So they need some flexibility. And without the job creation it makes it so we won't be able to train the unskilled workers.

Question was asked how many are new hires versus incumbent? Having just come out of a contract it looks like we are training nearly everyone when you look at the numbers (250 estimated trainees). There are 297 employees here in California. Are components of this contract including new hires? Is that what's pulling down the post retention wage?

Jill Meeuwsen responded that there are actually 320 employees. But yes that is what is pulling down the post retention wage. In the last 7 months training stopped for the last contract. There are about 41 new hires. Probably about 100 in this contract are unskilled.

Comment was made that some good learning could come from this as to how we write panel packets. Maybe some adjustment to the post retention wage (new hires versus incumbent). It sounds like a lot of turnover about 1/3 of the base. The proposal does not include who it is affecting, it's great to hear about the hiring of veterans, women and diversity we should see this within the proposal when we are looking at the pieces.

Request was made to increase the post retention wage for the occupation titles of installer and technicians that are doing the construction work up the post retention wage with benefits to \$30.90 per hour to be consistent.

Jill Meeuwsen stated that there was an apprenticeship program that pays \$21 per hour.

Comment was made that without having the documentation that Jill is looking at in front of them. It is assumed that it was a 4 to 5 year apprenticeship program where the wages would move up every semester. Assuming that the health care of \$4.90 is added to their check instead of being reduced from their wage as is proposed here. That they have guaranteed wage progression. I can look at the last time you were awarded a contract the post retention wage was \$25 an hour so this is the next time and the post retention wage is 98 cents an hour. So that's 90 cent increase over 4 years.

Jill Meeuwsen stated that she has the documents of three different proposals approved 5 months ago that were not (one of which is \$17). She stated that she did not feel that either she or her client should be bullied into the wage increase because there were inconsistencies and they did not ask for health benefits the \$25.98 is the wage.

Question was asked is the compromise to utilize the health care benefits? Staff calculated that (\$2.50) from \$25.98 to \$28.48 which would be about \$2.42 under the \$30.90 requested and from the contractors perspective the wage would go up to \$28.48 with the health benefits for the contractual wage of \$30.90.

Staff Attorney questioned when we're saying health benefits, the CBA's are getting the full amount of health benefits, whereas the private contractors are limited at \$2.50. The argument is that the dollar wages actually pays the rent and bills, whereas the benefits do not.

Jill Meeuwsen stated that to allow an apprenticeship program to do something different and to have a single employer do something above is discriminatory on its face.

Recommendation was made that the entire panel should have a chance to look at what is being talked about, just not right now, because everyone on the Panel needs to see it. So we should table this until next month. If it's actual and true, that we have approved past contracts, then we can go forward at that time after the information is reviewed. Approval for tabling was expressed and that being able to review the projects in their entirety.

Jill Meeuwsen stated it was not fair to have them return because it was an expense to fly to Sacramento and rent a hotel room, which places an undue burden on the employers.

Staff Attorney stated that this deliberation and the deliberative process need to be open and transparent. The public needs to have access. Staff Attorney stated that he thinks the Panel needs to be clear on what direction they are looking for in regard to tabling this and bringing it back. What are they wanting to see in the Panel Packet because he's anticipating Jill is going to show up again with another stack of documents and wanting to do this again, showing her exhibits and bringing them into the record, but if the panel is just going to close it down again next time, then he thinks we will have another issue here.

Question was whether staff could look at this and come back with the analysis of what they are seeing across this trade, both in apprenticeship contracts on wages and in any others? So it would be coming from staff and the data versus Panel Packets and perspectives?

Staff Attorney stated that what he is hearing is that panel may want to include specific direction for staff and operations to include when preparing this particular item for coming up next time, and if so then the panel should make that known.

Jill Meeuwsen stated that she came expecting this argument and was prepared. With the elimination of Job 2 and wages. She questioned why do I have to be more than the apprenticeships around me? If someone comes into this program at 12 months they won't make that wage. The current contract was far over and had about \$55,000 worth that didn't make the wage because they came in, trained quickly, and the retention started quickly so they just didn't make that wage. This company is a DOL approved apprenticeship so they do have noted wage progression and California doesn't want to look at that but in other states there is reciprocity.

Comment was that the installers and technicians, construction specifically, we want to see the wage progression and if they can't meet the post retention wage of \$30.90 after a 2 year program and you are saying that they train quickly, tell us where they are at. Elsewhere \$30.90 in construction is like a high road job, there is wage progress, they are moving in that regard. What we're seeing from this contract, the previous contract and the previous contract is a lack of wage progression on the post retention wage effort. Include this for when you come back.

Jill Meeuwsen responded that this is a big issue. Both of her brand new contractors she prepared for Job 2 coming in and asked them to accept the increased wage because I knew they wouldn't be able to do it.

Question what is the risk of approving this project then doing the homework later? There is a bigger question. When we compare salaries to construction that is a big thing. This organization happens to be non-union are we comparing them to union shops? Also, that there are multiple phrases being used. Post retention wage is one of them. We keep hearing post retention at the end of 2 years that is not post retention from an ETP perspective, the post retention wage is that

90 day wage post training, not at the end of the contract. Is this something that we should look at for this contract? Do we need to go back and look at the wage table, occupations and hours of training? Placing everyone in Job one and bulking everyone at one hourly wage and then averaging is it the right thing to do? We should clarify in the wage table trainees and the hours and what they are coming in at post retention (post training)?

Staff Attorney stated that we also have to delineate between not only union and non-union, but also between commercial vs. residential wages because when we lean into the prevailing wage rate, as stated at the top of them it says commercial rates, so there is a distinction here. Accordingly, since we are digging in, I think we should add that to the mix too.

Comment was made this proposal should be put together into one clear (clear definitions, clear wage progressions, which ones are truly at that post retention of \$30 vs. \$24 or \$25) proposal.

Jill Meeuwsen stated that this is why Job 1 is critical.

Comment that it's been a learning curve since that change, and this is an example of how to identify this in future Panel packets because of the complexity of new hires vs non new hires. How do we address that and where we have unskilled and skilled workers? To really see the thought behind the job categories is going to help to address this. What needs to be shown is the categories (role by role) that show the wages and wage progression?

Motion was made to approve. This is our issue and we need to do a little more homework on it.

ACTION: Member Hill moved and Mr. Dombrowski seconded approval of the proposal submitted by Walter Anderson Plumbing in the amount of \$402,500. All Panel Members present voted for the motion as follows:

> Roll call vote, 3 to 3. Rebecca Bettencourt - aye Douglas Tracy - no Mike Hill - aye Gretchen Newsom - no Madison Hull - no Chris Dombrowski - aye

Questions were raised about what to do in the event of a tie vote here, and whether there is any procedural alternative for someone such as the Executive Director to be a deciding vote. A short break was taken to allow Staff Attorney an opportunity to review pertinent resources.

Following the break, consistent with previous practice, Member Hill asked that his motion to approve Walter Anderson Plumbing be withdrawn, and made a motion to withdraw his previous motion to approve Walter Anderson Plumbing.

ACTION: Member Hill moved and Mr. Dombrowski seconded a motion to withdraw Member Hill's motion to approve the proposal submitted by Walter Anderson Plumbing. All Panel Members present voted in the affirmative to table the proposal as moved.

Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

Returning back to the proposal submitted by Walter Anderson Plumbing, Member Hill moved to table the proposal submitted by Walter Anderson Plumbing.

ACTION: Member Hill moved and Member Tracy seconded tabling the proposal submitted by Walter Anderson Plumbing. All Panel Members present voted in the affirmative to table the proposal as moved.

> Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

Tab No. 8: Advanced Integrated Pest Management

Repeat contractor. Funding requested \$316,560 to train 243 workers, including 39 new employees. Training will take place at locations statewide.

ACTION: Member Hull moved and Member Hill seconded approval of the proposal submitted by Advanced Integrated Pest Management in the amount of \$316,560. All Panel Members present voted in the affirmative to approve the proposal as moved.

> Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

MULTIPLE EMPLOYER CONTRACTS (MEC)

Tab No. 9: Butte County Office of Education

First-time contractor. Funding requested \$374,940 to train 116 trainees. Training will take place statewide.

ACTION: Member Hill moved and Member Hull seconded approval of the proposal submitted by Butte County Office of Education in the amount of \$374,940. All Panel Members present voted in the affirmative to approve the proposal as moved.

> Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

AGRICULTURE

Tab No. 10: College of the Sequoias

Repeat contractor. Funding requested \$462,448 to train 480 trainees, included in the requested amount is \$72,718 for the ETP agricultural initiative serving Job numbers 4 through 9.

Request was made to staff to include this in the applications how the contractor was encouraging worker voice.

ACTION: Member Hull moved and Member Tracy seconded approval of the proposal submitted by College of the Sequoias in the amount of \$462,448. All Panel Members present voted in the affirmative to approve the proposal as moved.

> Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

XII. OPPORTUNITY FOR PANEL MEMBERS TO REQUEST AGENDA ITEMS FOR FUTURE PANEL MEETINGS

No comments were made.

XIII. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

No public comments.

XIV. MEETING ADJOURNMENT

Acting Chair Bettencourt asked for motion to adjourn the panel meeting.

ACTION: Member Hull moved and Member Tracy seconded to adjourn the panel meeting. All Panel Members present voted in the affirmative to adjourn the panel meeting as moved.

Motion carried by roll call vote, 6 to 0. Rebecca Bettencourt - aye Douglas Tracy - aye Mike Hill - aye Gretchen Newsom - aye Madison Hull - aye Chris Dombrowski - aye

Chair Bettencourt Adjourned the meeting at 10:45 a.m.