NC TILE JATC APPRENTICESHIP PROGRAM
RULES & REGULATIONS

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The following document provides a sole source reference for all NC Tile JATC Trustee approved rules and regulations governing the administration of NC Tile JATC Apprenticeship program as established by the State of California Division of Apprenticeship Standards (DAS) and the US Department of Labor Bureau of Apprenticeship Training. For any and all difference between this document and the current BAC3/TTRMCA collective bargaining agreement, the latter shall prevail.

1 Duties of an Apprentice:

1. Each apprentice shall conform to the state law governing apprentice agreements, and shall be signed by the employer or by the apprenticeship committee and by the apprentices and must be approved by the apprenticeship committee.

2. Each Apprentice shall be furnished a copy or be given an opportunity to study these standards. These standards shall be considered a part of the apprentice agreement as though expressly written therein.

3. Contact Information change:
   It shall be the responsibility of the apprentice to keep the JATC office advised of any change of address or telephone number.

2 Indenturing:

Apprentices are indentured by the signatory parties to the collective bargaining agreement between the Tile, Terrazzo and Restoration Contractors Association of Northern California and the Brick and Allied Craftworkers Local Union No. 3 CA IUBAC, AFL-CIO. Apprentices can also be indentured by the NCTI JATC for employment with non-union contractors on prevailing wage projects.

Proof of Employment:
Applicants must have proof of employment to be indentured. Otherwise they can only submit an application.

Employer Designated Indenture Rate:
When an employer submits a worker for indenture they can assign them to any mutually agreed upon apprentice rate within the first 30 days of indenture.

Advanced Rate Indenture Verification:
If an employer sponsors an apprentice to above entry rate (above F-4 or S-8), the Tile JATC Training Coordinator may test the applicant to confirm the advanced rating. This Rule and Regulation is based on Article III Section 27 of the current collective bargaining agreement. Apprentices failing this test will be rated by the Training Coordinator based on the results.
NC Tile JATC Testing Out Process:

This Rule and Regulation establishes the process by which an apprentice can be accelerated to journey person rate. The DAS Advisor has advised that implementing the Test Out process does not require a DAS revision.

Provisions:
1. The “Test Out” process will assess both workbook and manipulative skills
2. Candidates must present a written employer evaluation confirming that the apprentice is performing field work at journey worker level in the craft in question.
3. Eligibility to “Test Out” requires the preapproval of the NC TILE JATC Trustees at which time the NC TILE JATC Trustees can waive all or part of the actual workbook and manipulative tests on a case by case basis.
4. The sponsoring employer must have a current DAS-7 on file with the NC Tile JATC office.
5. Candidates must have current CPR and First Aid certificates or participate in appropriate course work and secure the same prior to completion of the process.
6. Successful candidates will be certified as journey persons 180 days from the date of their application for test-out. Must remain in good standing with Tile JATC during this period of time.

Rules and Regulations for Employers Hiring Apprentices:
1. Employer’s signatory to the Collective Bargaining Agreement or who have subscribed by virtue of membership in a signatory association, or individuals who have subscribed will be entitled to employ apprentices pursuant to terms of the Collective Bargaining Agreement, the State-approved Standards, these Rules and Regulations and all applicable laws.
2. Employers acknowledge that entitlement to employ apprentices may be revoked if the employer is unwilling or unable to comply with any of the provisions of the above documents or regulations.
3. Employers will not require apprentices to work when it interferes with attendance at school or with health and safety or when the apprentice must respond to citations from the JATC.
4. When an employer is unable or unwilling to provide training as appropriate in each process of the trade, or when the employer is found to have retained the apprentice at one process or operation in excess of the time required to acquire the skill and knowledge of that process, the apprentice may be transferred to another employer.
5. Employers will pay apprentices the stipulated rate for the period of apprenticeship.
6. Apprentices will not be permitted to work for employers who do not comply with the State-approved standards including those provisions relating to work record books.

Records Retention:
Applications are saved for 1 year from the date of submission per DIR DAS regulations and 2 years from the date of submission per DOL ETA regulations. Therefore all applications will be retained for 2 years. Once indentured all records, both physical and electronic, pertaining to
that apprentice will be retained for 5 years. Provision must be made to secure all records from
the loss including fire, flood, vandalism or theft.

**Clarification of the DAS 12.5% Credit Adjustment:**
This DAS provision applies after the first 30 days of indenture is completed. There are two
variations on this rule. The clarification was provided by DAS advisor V. Rodriguez in July 2007.

1. Variation 1 is when an apprentice demonstrates exceptional skills and abilities after the
first 30 days of indenture. In this case the committee can add up to 12.5% to their class
credits and blue book OJT records. This in turn accelerates their completion date.

2. Variation two is when the committee learns of past employment and/or educational
experienced that was over looked during the indenture process. In this case the
committee may give as much additional credit as it determines is merited by that over
looked experience. The apprentice must be registered a minimum of 6 months before
the apprentice can be “journeyed-out.”

**DAS-7 Enforcement:**
To be certified to employ and train an apprentice a contractor must have on file with the NC
Tile JATC office and the DAS a current DAS-7 for each apprentice craft they want to train
indenture. Any worker attempting to indenture with a contractor not certified by a DAS-7 will
not be admitted to the apprentice program.

**3 Classroom Training:**

**Mandatory Attendance:**
To be employable an apprentice must attend NC Tile JATC Apprenticeship program classes as
required. Attendance, therefore, is mandatory.

CLASSROOM ATTENDANCE IS REQUIRED FOR ELIGIBILITY FOR UNEMPLOYMENT BENEFITS
UNDER THE CA TRAINING BENEFIT PROGRAM.

**3.2 Probationary Period:**

For the first 750 OJT hours for the new and reinstated apprentices, after signing the
Apprenticeship Agreement, shall be the probationary period.

During the probationary period the JATC may terminate the Apprenticeship Agreement, without
stated cause within the first 750 hours of an apprenticeship, by notifying the apprentice in
writing. The records for each probationary apprentice shall be reviewed prior to the end of the
probationary period. Records shall consist of periodic reports regarding progression made in
both the on-the-job training and related instruction and any disciplinary action taken during the
probationary period.

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3.3 **ENGLISH LANGUAGE:**
All Apprentices should be able to read, write and speak the English language in order to comprehend instruction in related training classes and to insure personal and co-worker safety on the job, or be currently enrolled in ESL classes. Apprentices that are required to enroll in an ESL class must submit proof of enrollment within 30 days of indenture and submit ESL monthly attendance reports and quarterly progress reports.

3.4 **SCHOOL ABSENCES:**
The Committee does not excuse just any absence. In emergencies, attendance may be deferred upon presentation of written evidence of one of the following. Such evidence must be submitted to the Coordinator *within five (5) days of the absence*.

- Hospital confinement of apprentice, spouse or child
- Doctor's advice not to attend school
- Death in the immediate family (parent, grandparent, sister, brother)
- Vehicle breakdown, accompanied by tow truck, repair or parts bills for appropriate date
- Obligation to a higher authority such as the State of California, accompanied by a copy of the order and a letter from the apprentice explaining the circumstances

3.5 **TARDINESS:**
Class starts at 6:00 am. Apprentices who are late to class must sign in with the Instructor at the Instructor’s convenience. Apprentices that are late may not be permitted to attend for credit on that day. Apprentices who are consistently late will be cited before the Committee. The Committee reserves the right to assign additional schoolwork to apprentices who are consistently late, as well as take any disciplinary action cited in these rules and regulations.

3.6 **CLASS ATTENDANCE RESCHEDULING REQUESTS:**
Employers or the apprentice may request a change in scheduled class room attendance for an apprentice. Requests must be in writing and must be submitted to the Training Coordinator 14 days prior to the date of the class. The number of times an apprentice’s attendance can be rescheduled is limited to one time per year per apprentice and is further restricted by the makeup classes available at the time of the request and as required to insure that apprentices satisfy the mandatory annual class participation required for tile finishers and tile layers.
3.7 RELATED SUPPLEMENTAL INSTRUCTION:
This regulation is a qualification to the NC Tile JATC DAS standard ARTICLE XI Related Supplemental Instruction

1. Apprentices shall satisfactorily complete prescribed courses of related and supplemental instruction.
2. School will be delivered year round Monday through Friday to train apprentices as is required by these standards.
3. Apprentices will be assigned and scheduled to attend classes in a group based on skill and craft.
4. The apprenticeship program school classes will be done quarterly.
5. Tile Layers will attend for 15 days of classes during the school year and tile finishers will attend 10 days of classes during the first school year, and 15 days of classes during the second school year.
6. Class days are 8 hours long.
7. At the start of each quarter new or reinstated apprentices will be placed into a group with other apprentices according to the needs of their curriculum and experience.
8. The school year will provide make up sessions and classes.

3.8 APPRENTICE EMPLOYMENT STATUS:
It is the responsibility of the NC Tile JATC administrative office to maintain accurate and up to date information on the employment status of all active apprentices. This also requires that the identity of the current employer should be available within ATS (to the best of their ability) based on information provided via the indenturing process, the monthly employer labor hour reports and the apprentice themselves.

3.9 UNEMPLOYED APPRENTICES:
Apprentice in good standing who become unemployed may remain in the apprenticeship program.

3.10 CPR AND FIRST AID CERTIFICATION REIMBURSEMENT:
Apprentices will be reimbursed up to $75 for the cost of obtaining their CPR and First Aid certificates. A receipt must be presented to be eligible for the reimbursement.

Apprentices that sign up to attend a JATC sponsored class, and fails to attend that class, will lose their eligibility to have the cost reimbursed unless such absence is excused. See Rule 3.4 for excusable absences.

3.11 SUBSTANCE ABUSE:
Possessing or being under the influence of alcohol, narcotics or dangerous drugs at the training center or on the job is strictly prohibited and is grounds for cancellation.
4 Blue Book Procedures:

- Blue Books are required to be submitted on a monthly basis for the prior month worked.
- Blue Books are due by the 15th of each month; if a Blue Book is received after the 15th then it is considered late.
- Apprentices that are Out of Work are required to continue submitting monthly Blue Books.

4.1 Early Warning of Late Blue Books:
The Tile JATC office will send a “Reminder” notice to an apprentice and their employer when they are late submitting their Blue Book OJT records. Blue Books are due by the 15th of the following month. The number of Reminder notices will be limited to (2). A 3rd late Blue Book will be followed by a notice of intent to cancel.

4.3 Blue Books-Probationary Apprentices:
Apprentices under a Probationary status will be limited to (1) late Blue Book Reminder notice. The notice will include a reminder that Probationary apprentices if cancelled will be cancelled without the ability to file an appeal and it will be final. The Reminder notice will go to both the apprentice and their employer of record. A 2nd late Blue Book shall be cause for cancellation.

Out of Work Status:
After two months of being out of work, the Tile JATC office will change an apprentice’s status from “ACTIVE” to “OUT OF WORK”. Apprentices are required to continue submitting Blue Books and attend school as required. As soon as the apprentice or BAC 3 notifies the office that the apprentice has resumed working their status is changed to “ACTIVE”. The probationary rule does not apply unless the apprentice’s apprenticeship had been interrupted while in that status when active. This requires that either the BAC3 office or the affected apprentice informs the Tile JATC office of the out of work status.

5 Cancellation:
The cancellation of an apprentice will result in them being dropped from the apprenticeship program as an “active apprentice” and termination of their apprentice agreement with the California Department of Industrial Relations (DIR) Division of Apprenticeship Standards (DAS) and DOL ETA program.

An apprentice whose agreement has been canceled may file a request for reinstatement not less the 6 months from the date their apprenticeship was previously canceled; the 6 month requirement may be waived by the JATC.
5.1 Step One - Violations and Letters:

**Minor Violations:** 3 minor violations shall be cause for cancellation.

1. Unexcused absence on any day during a week of school training in which apprentice is scheduled to attend. (Includes being late by 30 minutes or more on any school day for unacceptable reasons).
2. Failure to submit a Blue Book OJT record by the 15th of the month. Blue Books must be submitted even for periods when the apprentice is not working. Blue Books are due every month. (see 4.1 and 4.2 above)
3. Failure to complete required RSI courses, OJT activity and certificates in the time frame as specified by the NC Tile JATC DAS.

**Major Violations:** 1 major violation shall be cause for cancellation.

4. Does not receive a required favorable Employer Evaluation near the end of probationary period.
5. Violation of the substance abuse Rule and Regulation.
6. Falsification of records or other proven dishonesty is cause for immediate cancellation.
7. Not a Union member in good standing of the BAC Local 3.
8. Violation of in-class code of conduct/Lab Rules.
9. Failure to complete an approved overdue plan.
10. Failure to provide proof of ESL enrollment within 30 days of indenture date or failure to submit ESL monthly attendance reports and quarterly progress reports.

**1st violation = First Letter**

A “Notice of Violation of the Apprenticeship Agreement” letter will be sent to the apprentice. This letter will advise them that because they have not complied (the specific violation will be listed in the letter) with the terms of their apprenticeship agreement.

**2nd violation = Second Letter**

Second Notice of Violation letter and Apprentice must appear at next scheduled JATC meeting.

**Amendment for Initial Probationary Apprentices:**

If the apprentice is still on probation (first 750 hours of indenture) this second letter is skipped and a modified version of the third letter is sent. This version does not include any mention of the appeal option. This does not preclude him/her of doing this. It is just not an official part of the Tile JATC cancelation process. Cancelation of probationary apprentices is immediate without option of appeal.

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In either case, a copy of the Notice of Cancellation letter will also be mailed the employer so that they are aware of the status of their apprenticeship.

3rd violation – Third Letter “Notice of Cancellation”

A Notice of Cancellation letter will be sent to apprentice and a copy of the Notice of Cancellation letter will also be mailed the employer so that they are aware of the status of their apprenticeship. A recommendation has been presented to the Joint Apprenticeship Training Committee that it cancel their apprenticeship.

The apprentice has the right to make a written appeal to the Committee, and explain why the reason for the non-compliant action, and why the Joint Committee should allow them to remain an apprentice. The written appeal must be signed by the apprentice, and mailed to the JATC office within thirty (30) days of the date of the notice of cancellation letter.

5.2 CANCELLATION PROCESS STEP TWO:

The NC Tile JATC office will present their written appeal to the Committee. The Committee has the authority to grant their appeal or deny it.

The Committee will advise them in writing of its decision on their appeal.

The apprentice will be sent a “Notice of Cancellation of Apprenticeship” letter if their appeal is denied or the apprentice failed to file a timely appeal. This letter is their official notification that the Joint Apprenticeship Committee has canceled their apprenticeship. This cancellation is effective immediately. Both their employer and the BAC Local 3 are being given a copy of this notification.

On determination that the apprentice is cancelled, the NC Tile JATC office will notify the DAS and DOL via electronic notification of the committee’s decision to cancel and the agreement(s). The letter will list cause and the effective date of the cancellation(s). The status of the apprentice in their student record in ATS will be set to “Dropped” with the effective date set to the day on which the committee made it decision to cancel the apprentice.

A copy of the letter to the DAS will be filed in the apprentice’s physical folder and sent to the apprentice. The apprentice is notified in the cancellation letter that he/she has 30 days to file an appeal with DAS. The DAS will not consider an appeal until all Tile JATC provided options are exhausted.

A copy of the cancellation letter will also be mailed to their employer.
The apprentice will not be able to apply for reinstatement for 180 days. During that time, their employer will not be able to employ them as an apprentice. Pending any DAS appeal, the cancellation will remain in effect.

On January 29, 2008 the committee authorized the training coordinator to send notices of intent prior to the next board meeting to expedite processing but the training coordinator must submit the names of the apprentices at the next board meeting for formal approval of that action.

6 Terms of Reinstatement:

1. 6 Month Rule Waiver:
   The JATC committee may waive or shorten the 6 months waiting period required by a cancelled apprentice before they can apply for reinstatement.

2. When an appeal is granted it will be effective the date of reinstatement.

3. The first six (6) months after reinstatement is a probationary period during which an apprentice can be directly canceled, see Rule #5.1, for any violation of their agreement.