
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 825 **Hearing Date:** March 20, 2018
Author: Beall
Version: March 12, 2018
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *State Prisons: Preapprenticeship Program*

HISTORY

Source: Anti-Recidivism Coalition
State Building and Construction Trade Council of California

Prior Legislation: None

Support: ACLU of California; The Black Leadership Kitchen Cabinet; Building and Construction Trades Council of Alameda County, AFL-CIO; California Labor Federation; California State Association of Electrical Workers; California State Conference of the NAACP; California State Pipe Trades Council; District Council 16 International Union of Painters and Allied Trades; Firehouse Community Development Corporation; International Union of Elevator Constructors; La Raza Roundtable de California; Rising Sun Energy Center; Tradeswomen, Inc.; Western States Council of Sheet Metal Workers

Opposition: American Fire Sprinkler Association, California Chapters; Associated Builders and Contractors, Northern California Chapter; Associated Builders and Contractors, San Diego, Southern California, and Central Valley Chapters; Fresno Chamber of Commerce; Independent Roofing Contractors of California, Inc.; Plumbing-Heating-Cooling Contractors Association of California; Salinas Valley Chamber of Commerce; The Silicon Valley Organization; Valley Contractors Exchange; Western Electrical Contractors Association; several individuals

PURPOSE

The purposes of this bill are to require the California Department of Corrections and Rehabilitation (CDCR) to develop guidelines for inmate participation in preapprenticeship training programs, as specified, and to require CDCR to coordinate with local state-approved apprenticeship programs and local building trade councils so that inmates who complete an inmate preapprenticeship program have a pathway to employment upon release.

Existing law establishes a system of state prisons under the jurisdiction of CDCR. (Pen. Code § 2000 et seq.)

Existing law requires the Secretary of CDCR to appoint a Superintendent of Correctional Education, who oversees and administers all prison education programs. Existing law requires the Superintendent of Correctional Education to set both short- and long-term goals for inmate literacy and testing and career technical education programs, and to establish priorities for prison academic and career technical education programs. (Pen. Code § 2053.4.)

Existing law requires a career technical education program consider all of the following factors, consistent with the goals and priorities of the department:

- (1) Whether the program aligns with the workforce needs of high-demand sectors of the state and regional economies;
- (2) Whether there is an active job market for the skills being developed where the inmate will likely be released;
- (3) Whether the program increases the number of inmates who obtain a marketable and industry or apprenticeship board-recognized certification, credential, or degree;
- (4) Whether there are formal or informal networks in the field that support finding employment upon release from prison; and
- (5) Whether the program will lead to employment in occupations with a livable wage. (Pen. Code § 2053.5.)

Existing law provides that CDCR require every able-bodied inmate incarcerated in any state prison to work as many hours of faithful labor in each day and every day during his or her term of imprisonment as is prescribed by the rules and regulations of the Director of Corrections. (Pen. Code § 2700.)

Existing law authorizes the director of Corrections to enter into agreements with other state agencies for the use of inmates confined in the state prisons to perform work necessary and proper to be done by them in facilities of such state agencies for the purpose of vocational training and the improvement of job skills preparatory to release. (Pen. Code § 2716, subd. (a).)

Existing law authorizes certain state agencies, including the Department of General Services and CDCR to use the design-build procurement process for specified public works, and specifies the procurement process for design-build projects. (Pub. Contract Code §§ 10187, 10191.)

This bill requires CDCR to develop guidelines for inmate participation in preapprenticeship training programs.

This bill requires CDCR to coordinate with local state-approved apprenticeship programs and local building trade councils so that inmates who complete a preapprenticeship program have a pathway to employment upon release.

This bill authorizes CDCR to award contracts for construction projects over \$500,000 using the design-build contracting process or construction manager at-risk contracts, as defined, if, on or before September 30, 2019, CDCR enters into a 10-year community workforce agreement with the State Building and Construction Trades Council of California that applies to all construction contracts over \$500,000.

This bill requires the community workforce agreement to include provisions to encourage work opportunities for previously incarcerated individuals who have completed an inmate preapprenticeship program and include a plan for outreach and retention of women and military service veterans to help increase employment opportunities in the building and construction trades.

This bill authorizes the Secretary of CDCR to renew or modify the agreement for 5-year terms.

This bill defines “best value” as a value determined by evaluation of objective criteria that relate to price, features, functions, life cycle costs, experience, and past performance.

This bill defines “construction manager at-risk contract” as a competitively procured contract awarded by CDCR, to either the lowest responsible bidder or by using the best value method, to an individual, partnership, joint venture, corporation, or other recognized legal entity that satisfies all of the following conditions:

- 1) The entity is appropriately licensed in this state, including, but not limited to, having a contractor’s license issued by the Contractors’ State License Board.
- 2) The entity guarantees the cost of a project and furnishes construction management services, including, but not limited to, preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services, and construction administration.
- 3) The entity possesses or obtains sufficient bonding to cover the contract amount for construction services and risk and liability insurance, as required by the department.

This bill defines “department” as the Department of Corrections and Rehabilitation.

This bill defines “design-build” as a project delivery process in which both the design and construction of a project are procured from a single entity.

This bill defines “Secretary” as the Secretary of the Department of Corrections and Rehabilitation.

COMMENTS

1. Need for This Bill

According to the author:

SB 825 assists efforts to reduce the recidivism rate by aligning apprenticeship preparation programs with rewarding careers in the building and construction trades post release. According to the California Prison Industry Authority’s Report to the Legislature, CALPIA participants return to prison, on an average, 26-38 percent less often than CDCR’s general population. CALPIA’s Career Tech Program participants enjoy greater success with only 7.13 percent of participants returning to prison because of a partnership with organized labor in the building and construction trades.

SB 825 modernizes past legislation, SB 450 (Statutes of 1984), that required CDCR in cooperation with the State Building and Construction Trades of California to develop building trades opportunities for inmates. Specifically, the bill ensures inmates participating in CDCR pre-apprenticeship programs have access to the most applicable and current curriculum, Multi-Craft Core Curriculum (MC3).

MC3 was developed to prepare participants for entry into a labor-management apprenticeship that then put them on a path for a career in the trades. MC3 has a proven track record of placing its graduates because of the direct link to high performing state-approved apprenticeship programs....

In all industry sectors, it is the policy of the California Workforce Investment Board (CWIB) that pre-apprenticeship training must connect directly to apprenticeship programs approved by the California Division of Apprenticeship Standards (DAS). This is required by state law if utilizing Workforce Innovation Opportunity Act (WIOA) funds (AB 554, Atkins, Chapter 499, Statutes of 2011). In the construction industry, it is the clear policy of the State Board that pre-apprenticeship training utilize MC3. This is also required under state law if using WIOA funds (AB 2288, Burke, Chapter 692, Statutes of 2016).

MC3 is an apprenticeship readiness curriculum developed by North America's Building Trades Unions (NABTU) National Training Directors. These programs provide a gateway for local residents, particularly those from underserved communities, including women, people of color and transitioning veterans, to gain access to the building trades' state-approved and registered apprenticeship programs. MC3 is a standardized comprehensive pre-apprenticeship curriculum that delivers an industry-recognized credential....

In addition, MC3 applies to cities and counties receiving funds from the Road Repair and Accountability Act of 2017 (SB 1) and the Clean Energy and Jobs Act (Prop. 39 of 2012). In addition, community colleges, school districts and over 50 non-profits located throughout the state use the MC3.

SB 825 also creates additional employment opportunities for inmates that have completed the MC3 program post release through a Community Workforce Agreement (CWA) (also known as a project labor agreement or PLA) that includes provisions to encourage the hiring of formerly incarcerated, women and veterans for projects delivered with alternative methods (i.e. design-build and construction manager at-risk) of \$500,000 or greater....These agreements are an invaluable tool for creating local jobs, encouraging fair and open competition, and improve the cost-effectiveness and efficiencies of publicly financed projects.

Both union and non-union contractors are able to bid on PLAs/CWAs....Public sector CWAs are successfully used by the state and local agencies, water districts, counties and cities, school and community college districts throughout the state.

In fact, the Judicial Branch of California, the Department of General Services, the High Speed Rail Authority implement CWAs to maximize benefits to taxpayers, contractors and workers.

2. Background

a. Pre-Apprenticeships

The Division of Apprenticeship Standards (DAS) within the Department of Industrial Relations administers the state's apprenticeship laws and enforces apprenticeship standards for wages, hours, working conditions, and the specific skills required for state certification as a journey person in an apprenticeable occupation. In general, apprenticeship programs provide instruction that combines a formal course of in-class instruction with practical "on-the-job" training.

Pre-apprenticeship programs are designed to prepare individuals to enter and succeed in registered apprenticeship programs. These programs have a documented partnership with at least one registered apprenticeship program sponsor and together, they expand the participant's career pathway opportunities with industry-based training coupled with classroom instruction.

The Multi-Craft Core Curriculum (MC3) is a pre-apprenticeship training program that was developed in 2007 by North America's Building Trades Union. It was designed to identify common elements in all building and construction trades' apprenticeship programs and combine them into one curriculum encompassing 120 hours of training. Among other things, the curriculum includes general orientation to apprenticeships, an introduction to the construction industry, cardiopulmonary resuscitation and first aid, an Occupational Safety and Health Administration 10-hour certification course, applied mathematics for construction, and blueprint reading.

b. CDCR's Career Technical Education

CDCR provides career technical education (CTE) in six different career sectors, including building trade and construction, energy and utilities, manufacturing and product development, and transportation. CDCR's website indicates that 20 CTE programs are offered in the state's prisons and are "aligned with a positive employment outlook within the State of California, providing industry recognized certification and an employment pathway to a livable wage."¹

The California Prison Industry Authority (CALPIA) provides work assignments and CTE programs to inmates. If any of CALPIA's CTE programs are preapprenticeship training programs, they would be subject to the MC3 curriculum mandate in this bill. Any possible effects of this bill on CALPIA's CTE programs are unknown.

c. Research on Vocational Training and Recidivism

Many studies have examined the complex relationship between employment and recidivism. Although the formerly incarcerated face many barriers to obtaining employment, training programs offered in prison, including preapprenticeship programs, can help to increase

¹ https://www.cdcr.ca.gov/Rehabilitation/docs/Factsheets/Info_CTE.pdf [as of Mar. 14, 2018].

employment prospects. A 2014 report by the RAND Corporation for the U.S. Department of Justice found that people who participated in vocational training programs while incarcerated had a 28% greater chance of finding employment upon release than those who did not participate.² In addition to improved employment outcomes, vocational training has been linked to reduced recidivism. One meta-analysis of adult correctional education that participation in vocational education while incarcerated reduced adults' odds of recidivism by 36 percent relative to no participation in correctional education.³

3. Argument in Support

The State Building and Construction Trade Council of California, a co-sponsor of the bill, writes:

The State Building Trades Council and our affiliated unions are steadfast supporters of vocational training for individuals who have made mistakes and are working hard towards a second chance at life. We have a long history of partnerships that establish apprenticeship preparation programs with local public agencies and non-profit organizations that focus on disadvantaged communities, including the previously incarcerated. The Building Trades' apprenticeship programs and our project labor agreements (PLA)/community workforce agreements (CWA) provide a path towards a construction career that includes family-sustaining wages, jobsite safety, quality healthcare and a decent pension upon retirement....

To achieve a successful transition from prison to society, SB 825 aligns CDCR's construction preparation curriculum with high-performing, state-approved apprenticeship programs through the Multi-Craft Core Curriculum (MC3), developed to prepare students and pre-apprenticeship participants for entry into a labor-management apprenticeship program. The CDCR, for certain projects delivered under design-build or construction manager at risk, would also implement a community workforce agreement that specifically includes hiring provisions for veterans, women, and former inmates that have completed the MC3 program....

SB 825 strengthens the partnership between CDCR, the workforce development system, and the State Building Trades which has been in statute since the early 1980's. The bill aligns CDCR's cost saving authority to utilize alternative delivery methods for larger construction contracts with its recidivism reduction efforts. The CWA outlined in the bill would require work opportunities for previously incarcerated individuals that complete the pre-apprenticeship program and a plan for outreach and retention of women and veterans to help increase their employment opportunities in the building and construction trades....

² https://www.rand.org/pubs/research_reports/RR564.html [as of Mar. 14, 2018].

³ http://www.rand.org/pubs/research_reports/RR266.html [as of Mar. 14, 2018].

This legislation will no doubt prove to be an effective training and hiring tool that will also create cost savings while changing lives and providing second chances towards a successful transition from prison to society.

4. Argument in Opposition

According to the Associated Builders and Contractors Northern California Chapter:

As currently written, inmates could only participate in preapprenticeship programming that follows one particular curriculum – the multicraft core curriculum, used exclusively by union shops. The bill’s language in section 1 states that inmate preapprenticeship training programs shall follow: “*the multicraft core curriculum implemented by the State Department of Education for its California Partnership Academies pilot project and by the California Workforce Development Board.*”

This bill limits inmate training programs to programs that utilize that one curriculum that is used exclusively by union groups. We happily use another outstanding curriculum, provided by the National Center for Construction Education and Research (NCCER), an organization that has provided curricula to the California Department of Education, the California Department of Corrections and Rehabilitation, the California Community Colleges System, and the California State University System. This is a robust curriculum, provided by a legitimate group. In fact, their relationship with the state of California that the California Department of Education has authorized over 100 schools and districts to use their curriculum. Additionally, the California Department of Corrections and Rehabilitation has used NCCER Curriculum since 2005 and maintains NCCER accreditation for the 35 adult prison facilities in California. Over 50 California Community Colleges have used NCCER Curriculum. Finally, the California State University System also uses NCCER Curriculum at over 20 campuses in California. There is no reason to exclude inmate students who wish to learn from preapprenticeship programs who use other valid curricula – such as the curriculum we use, developed by the National Center for Construction Education and Research.

ABC Nor Cal agrees that preapprenticeship programs can help inmates get the skills and training they need for a good career....There is no good reason to limit offenders to working only in one system.

The ten-year mandatory project labor agreement in section 2, Section 10197 (a), (b), and (c) would prevent our members from using and working with their own employees. Project Labor Agreements decrease competition, increase costs, and provide a disincentive to bid on work. It’s disappointing to see the spirit of entrepreneurship blatantly dismissed by the State of California, leaving opportunities of in excess of \$1 billion in SR/DM projects identified, with available funding of \$28 million in FY 2017-18 only for the small number of workers who have found their way into union construction programs further eroding opportunities for smaller construction companies and their workers to

expand their local businesses and gain invaluable work experience on a taxpayer-funded bond designed to provide opportunities for everyone.

It is unfortunate that this generation's construction professionals are being pushed away from well-paying career opportunities within their communities. What the California Department of Corrections and Rehabilitation should be doing to promote a fulfilling career in the trades is highlighting the available opportunities, for both union and non-union job opportunities.

Instead, the Community Works Agreement creates barriers for local, minority and women-owned construction employers and their employees from participating in building their community because it contains provisions that do not allow for the complete utilization of their workforces excluding the men, women, and veterans who have graduated from state approved, unilateral apprenticeship training programs in pursuit of a construction career that provides stability for them, their family and their community, many of whom have come from the prison system.

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