

Policies, Rules, and Regulations (Revision July 2017)

Tri-County Electrical JATC

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INTRODUCTION

Welcome to the Tri-County Electrical Joint Apprenticeship and Training Committee (JATC) Program.

This Inside Apprenticeship Program is designed to provide the electrical industry with qualified, well-trained electrical workers. The guidelines for the program are provided through the Local Apprenticeship and Training Standards, 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 Electrician.

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:

Tri-County Electrical JATC
10300 Merritt Street
Castroville, CA 95012
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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, Local Apprenticeship and Training 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) 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) It is the responsibility of each apprentice to keep contact information updated with the JATC Office.

4) No classroom visitors will be permitted without prior approval from the JATC.

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 Center, 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. Apprentices must enter and exit the Training Center 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 8,000 hours of on-the-job training (OJT), have satisfactory attendance in all assigned related class instruction, and maintain the minimum average semester grade of 75% on all related classroom instruction. Failure to pass may result in being dropped from the program or being required to repeat the year. The decision will be made by the JATC and is binding. Failure to pass the second time may result 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 75-79% 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 an Apprentice Update Form (green sheet located in each classroom) 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 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) Apprentices will be required to use the NJATC Online Blended Learning, which is an educational program that combines online digital content with traditional classroom training. It is each apprentice's responsibility to have access to a computer and the internet. The recommended Operating System is Windows 10, however Windows 7, 8 and 8.1 are compatible. The recommended browsers are IE and/or Edge, Chrome, and Firefox. Help is available at <http://lmshelp.njatc.org>. A MacBook® with the appropriate browser will run the entire LMS EXCEPT for the simulators. To run those, virtualization software like Parallels will need to be installed to allow the Windows® OS to be installed. Do not use an iPad, Chromebook, Android OS tablets and phones, or iOS tablets and phones.

16) The JATC provides the opportunity for each student to utilize computer technologies and to have internet access as a resource to help reach curriculum goals. You may bring and use your laptop in class. You must understand that internet access from your personal computer is a privilege and comes with some guidelines. You are to adhere to a strict ethical standard in its use and must agree to the following conditions. You will:

- not allow another student to use your blended learning account.
- use internet access only for what you have been instructed by JATC staff.
- follow all copyright laws.
- not try to “hack” or bypass your way into any JATC information.
- not attempt to alter/modify anything on the JATC network.
- not engage in any games or other non-school related activity.
- not use the technology to harass others or to send, create, duplicate or in any way convey inappropriate messages, images or videos.
- be held responsible for any misuse of the network.
- be held responsible for any damage you cause to the network.

17) 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/)

Section 2 - DRUG POLICY

1) All applicants who are approved for entry into the apprenticeship program will be required to submit to drug testing. As part of the indenture process, each applicant will sign a "Release of Liability and Informed Consent for Urine testing" form. Each applicant who has been approved for entry into the apprenticeship program will then be required, within 24 hours, to provide a urine sample at a facility designated by the JATC. This sample will be collected by an accepted medical procedure following the guidelines set forth by the Department of Transportation (DOT).

2) Any applicant who has a positive result for any drug listed by the DOT Standards, or who fails to provide a urine sample within the designated time frame, will not be allowed to be indentured and will be dropped from the list of eligible applicants.

3) All applicants, once indentured, will be subject to drug testing during the remainder of their apprenticeship, for any reason, and at any time. For example, an apprentice may be required to provide a urine sample, collected by an accepted medical procedure following the guidelines set forth by the Department of Transportation, for any of the following reasons:

- a) Accidental Injury,
- b) Reasonable Suspicion or Probable Cause, which may be based on the following:
absenteeism, tardiness, erratic or abnormal behavior, observed drug use,
apparent drug or alcohol intoxication.
- c) Termination of Employment for Cause.

4) Refusal to submit to a drug-screening test, when directed by the JATC or an employer, as well as a positive result for any drug listed, will be grounds for disciplinary action. Disciplinary action may include but is not limited to probation, suspension, mandatory rehabilitation, or termination. Appeals may be made to the JATC.

5) The apprentice may also be subject to other substance abuse prevention language found in the Collective Bargaining Agreement.

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 4 - ROTATION

It is the responsibility of the JATC to furnish relevant OJT to all apprentices. To adequately serve these ends, the JATC has the authority to transfer apprentices from one employer to another.

Prior to this transfer, the JATC shall notify the Local Union, the local NECA Chapter, and the Contractors affected in writing. When written notice is given, all apprentices shall report to their new place of employment on the date and at the time prescribed by the JATC.

The JATC will determine the selection of any apprentice's new employer. Employer selection will be based upon apprentice work process records, work process deficiencies, previous experience, and possible upcoming projects that may benefit the apprentice.

If any apprentice, contractor, Journeyman, Union Representative, Apprenticeship Instructor, JATC member or the JATC itself believes that an apprentice is not receiving adequate and diversified training, they may request a review of that apprentice's work record and a subsequent transfer. These transfers can be made to either facilitate a well-rounded work experience or to mitigate conflicts that arise.

Placement with any employer, at any specific job site, and performing any general classification of electrical work shall be at the discretion of the JATC. Decisions of the JATC concerning apprentice transfers shall be final. The JATC will attempt to place an apprentice with an employer for 18 months, then at the next two employers for 12 months each, then back to the original employer for the final 18 months; however, the JATC does not guarantee employment.

The last check will be available on the last day of employment and the termination slip will list "Cause: JATC directed job change".

Section 5 - TOOL LIST

Tools are required for apprentices in accordance with the current Inside Agreement.

Section 6 - WORK PROCESSES

In order to provide for the development of the necessary trade skills in the various work processes, the JATC will attempt to provide the apprentice with OJT in the following categories, as job training assignments permit.

LETTER CODE	DESCRIPTION	APPROXIMATE HOURS
A.	Planning and Initiating Project	850
	1. Establishing Temporary Power during Construction	
	2. Material Handling and Management	
	3. Blueprints/Layouts	
B.	Planning and Installing Branch Circuits	2,850
	1. Raceways under 2 inch	
	2. Outlet Boxes	
	3. Wiring Installation	
	4. Splicing/Termination	
C.	Establishing Power Distribution within Project	975
	1. Raceways over 2 inch	
	2. Service and Feeder Cables	
	3. Panel Boards	
	4. Transformers	
D.	Trim, Finish and Hookup	1,500
	1. Installing Receptacles, Fixtures, Motors	
E.	Special Systems	1,025
	1. Instrumentation and Process Control Systems	
	2. Energy Management System	
	3. Intercom-Signal Systems	
	4. Telephone, Data, Video and Alarms	
	5. Alternative Energy Sources (Solar, Wind, Fuel Cell, etc.)	
F.	Start-up, Testing and Troubleshooting Electrical Systems	300
G.	<u>Underground</u>	<u>500</u>
	1. Establishing Grounding Systems	
	2. Site work-Exterior	
TOTAL:		8,000 hours

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 195 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 shall 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 195 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 8 – APPRENTICE BOOK DEPOSITS

There will be a book deposit required for each apprentice of \$200 per school year. Each apprentice shall pay \$100 prior to the beginning of each semester. Failure to pay the book deposit when due will result in the apprentice receiving an absence each night of class until the deposit is made in full. There will be a \$25.00 fee added to the unpaid balance if a check is returned for insufficient funds. All book deposits are to be made by credit/debit card, check, Cashier's Check, or Money Order. Cash is not accepted. Special circumstances will be reviewed by the Committee.

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:

Advancement Criteria Chart

Raise To Period:	Percent of JW Rate:	Minimum Accumulated OJT Hours:	Related Training Required:
1	45%	0 hours	N/A
2	47%	1000 hours	Satisfactory Progress
3	55%	2000 hours	1 st year of School Completed
4	60%	2750 hours	Satisfactory Progress
5	65%	3500 hours	2 nd year of School Completed
6	70%	4250 hours	Satisfactory Progress
7	75%	5000 hours	3 rd year of School Completed
8	80%	5750 hours	Satisfactory Progress
9	85%	6500 hours	4 th year of School Completed
10	90%	7250 hours	Satisfactory Progress
Completion	100%	8000 hours	5 th year of School Completed

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 second Tuesday 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, by fax, or email to the JATC office.

Section 11 - WORK RULES

Apprentices with a minimum of 6,500 hours of OJT who have successfully completed the fourth year of related instruction, may be permitted to perform electrical construction work 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 must sign the "out-of-work" book no later than the next work day after he/she becomes unemployed.
- 2) An apprentice shall be available each day until assigned employment.
- 3) 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.
- 4) 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.

- 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:

- (1) Verbal counseling
- (2) First written warning
- (3) Final written warning, and an appearance before the JATC
- (4) 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.

(1) 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.

(2) 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.

(3) 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.

(1) 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.

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

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

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

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 14 - WELDING

All apprentices shall be required to satisfactorily complete a college level course in welding prior to completion of their Apprenticeship. Proof of competency by successfully challenging a college-level course (such as Hartnell College Welding 150) may be permitted in lieu of taking the course.

Minimum requirements for the Welding course shall be:

The basic study of physical properties of ferrous and non-ferrous metals, their weldability, types of welds and joints, the principles of burning, welding, brazing, inert gas welding, and related processes, basic weld blueprint reading and interpretation of weld symbols. It shall include the study of welding metallurgy and heat treatment, and techniques in destructive and non-destructive inspection. One lecture hour, three laboratory hours, equivalent to 2 semester units, 72 hours total.

Only registration fees, parking fees, class material fees, gloves, safety glasses, and/or textbooks will be reimbursed. Any additional items purchased, not limited to helmets and/or welding jackets, may be reimbursed, however prior authorization is required and once reimbursed they are to become the property of the JATC.

Section 15 - NO HARASSMENT POLICY

It is the policy of 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.

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 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.

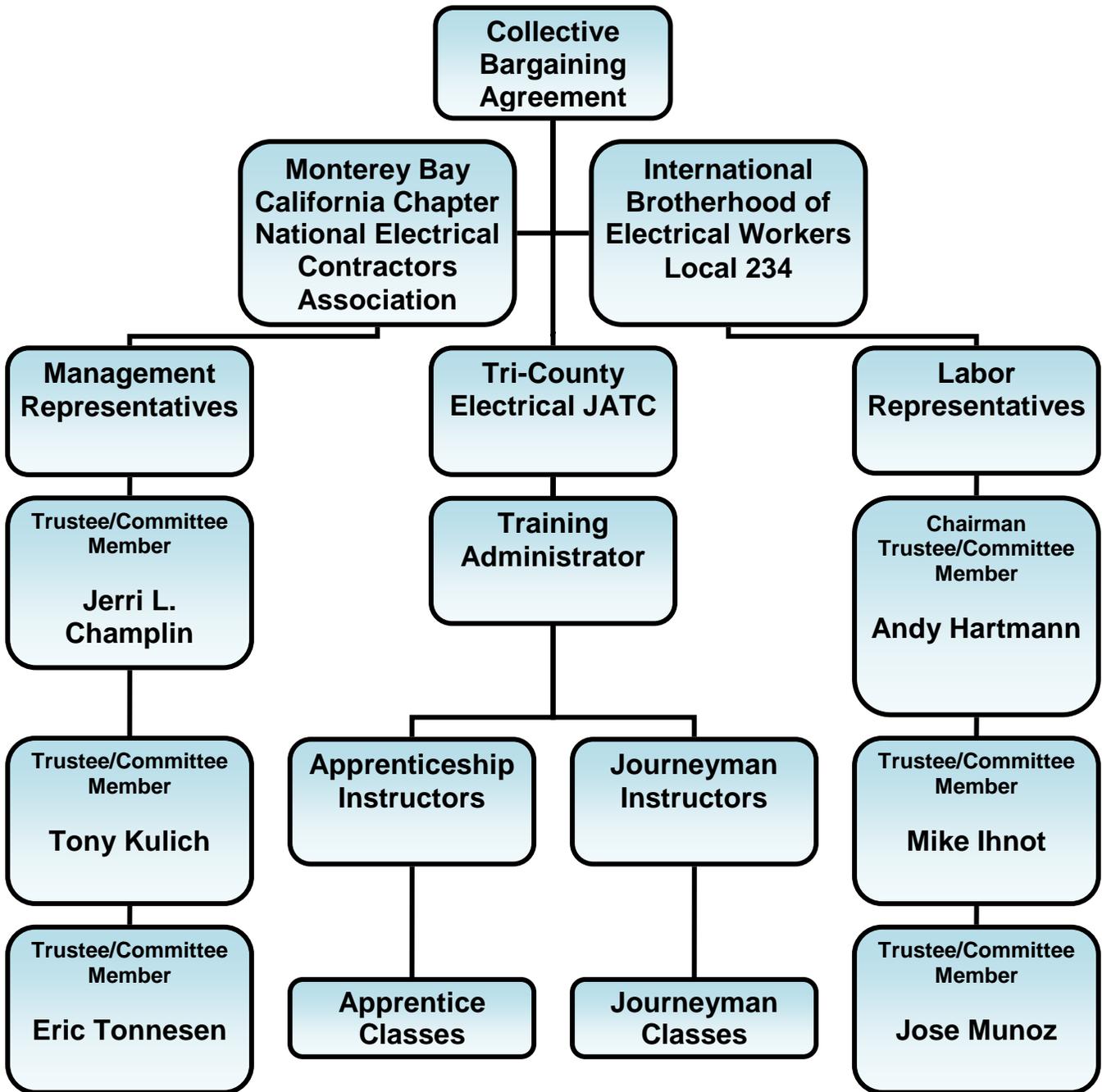
While on the jobsite, it shall be the responsibility of the Employer to provide the apprentice a safe and healthful workplace and conditions of employment, and work assignments that the apprentice can safely perform.

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.

TRI-COUNTY ELECTRICAL JATC ORGANIZATIONAL CHART



Addendum 1: CLARIFICATION ON MEDICAL MARIJUANA IN THE WORKPLACE

CLARIFICATION ON MEDICAL MARIJUANA IN THE WORKPLACE

In the past few years an increasing number of states have approved the use of medical marijuana and, consequently, many JATCs have become concerned that apprentices may be protected for marijuana use, and even impairment, in the workplace.

This is not the case, however. This article will first describe how the *ALLIANCE*'s own Model Substance Abuse Policy and Program for Joint Apprenticeship and Training Committees (Model Policy) does not protect an applicant or apprentice who tests positive for marijuana in the workplace, even if the individual is authorized to use marijuana for medical reasons.

Second, the article will then explain that, of the very few states that provide any sort of workplace protection for medical marijuana, none protect possession, use, or present impairment on the job.

Finally, the article will address the fact that medical marijuana use remains unlawful under federal law.

I. The *ALLIANCE*'s Model Substance Abuse Policy and Program Does Not Protect an Applicant or Apprentice Who Tests Positive for Medical Marijuana

The *ALLIANCE*'s Model Policy follows the Federal Government, specifically the "U.S. Department of Health and Human Resource Services' 'Mandatory Guidelines for Federal Workplace Drug Testing Programs,' as set forth in the Federal Register." These standards test for *marijuana* and do not make any exception for medical marijuana. For applicants, that means any conditional offer of instatement is withdrawn after a confirmed positive test. For an incumbent apprentice, a confirmed positive test, which is a "first strike" results in referral to rehabilitation, with on the job training (OJT) suspended for the duration of rehab. The Model Policy is silent on what happens on the second strike, and the *ALLIANCE* generally recommends that the apprentice go before the Committee, as for any other infraction.

A word on what a confirmed positive test result means. When the initial testing is performed, the sample is split in two, and only one part is tested (Part A). If the initial test on Sample A is positive, a second, more rigorous test is then performed, which is the confirmatory test. At this point, the applicant or apprentice still has an opportunity to convince a Medical Review Officer (MRO), that the test results are not valid positive test results. He or she can do this in one of two ways. First, he or she can have the second part of the original sample (Part B) tested, at his or her own expense, at a certified laboratory: if those results are negative, the test will be considered negative. Second, he or she can show the MRO proof that he or she is taking prescription medication that is known to produce a false positive test result for marijuana. This second option is not open to the applicant or apprentice. Logically the MRO cannot accept an excuse that marijuana taken pursuant to a prescription causes a "false" positive for marijuana.

Moreover, marijuana remains an illegal substance under federal law and, regardless what any state law provides, federal law remains controlling.

II. State Medical Marijuana Laws Do Not Excuse Use, Possession or Present Impairment on the Job

Most of the states that have legalized medical marijuana, do not offer workplace protection. Of the handful that do offer some protection (AZ, CT, DE, MN, NY and RI), most offer it only for *status*, that is, individuals generally cannot be penalized at work because they hold a medical marijuana card, etc. However, *no state offers protection for possession, use or impairment at work*. Arizona and Delaware have the broadest on-the-job protections for holders of medical marijuana prescriptions. But even those two states only prohibit employers from disciplining employees when marijuana metabolites are present in their testing samples, but there must also be no signs of on-the-job use, possession or impairment. However, as discussed below, even these two states may have their laws overridden by federal law, which still holds marijuana use, even for medicinal purposes, to be illegal.

III. Federal Law Continues to Outlaw Marijuana Use, Even for Medicinal Purposes

Colorado is one state where medical and recreational marijuana use are both legal under state law. However, the Colorado Supreme Court upheld the firing of an employee because his off-duty use of medical marijuana, which showed up in a workplace drug test, remained unlawful under *federal law*. See *Coats v. Dish*, Case No. 13-SC-394 (June 15, 2015). In this case, the state law provided that an employee could not be terminated for engaging in any “lawful activities” while off the premises. The court interpreted “lawful activities” to include those activities that are lawful not only under state law, which Coats’ medical marijuana use clearly was, but under federal law as well, which it clearly wasn’t. As the Colorado supreme court explained in *Coats*, the federal Controlled Substances Act prohibits the use of marijuana as a Schedule I substance, 21 U.S.C. §844(a)(CSA). Although the federal government is not presently prosecuting use of medical marijuana, it also has not removed it from Schedule I.

Nora Leyland is a partner in the law firm of Sherman Dunn, which has served as general counsel to the *electrical training ALLIANCE* (formerly the NJATC) for nearly 60 years, and general counsel to the IBEW for over 70 years. Ms. Leyland focuses on the representation of building trades unions in federal court litigation, and provides legal advice on a broad range of matters, from labor-management relations and apprenticeship, to drug testing and internal union governance. She is considered a recognized authority on veterans’ employment and reemployment rights in the construction industry.



Tri-County Electrical JATC

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ACCEPTANCE OF THE TRI-COUNTY ELECTRICAL JATC POLICIES, RULES, AND REGULATIONS

I have been given the opportunity to read and review the JATC's Local Apprenticeship and Training Standards and written Policies, Rules, and Regulations, the apprenticeship registration form, and the sections of the Collective Bargaining Agreement that pertain to apprenticeship. I understand my responsibilities, as outlined in these documents, agree to abide by them, and accept full responsibility for my actions while an apprentice in this program. I understand that my failure to abide by these regulations may result in termination of my apprenticeship.

My signature below certifies that I have been provided with a copy of the written Policies, Rules, and Regulations adopted by this JATC and in effect as of this date.

PRINTED NAME

SIGNATURE

DATE

ADDRESS

CITY

ZIP

HOME PHONE

CELL PHONE

EMAIL

EMERGENCY CONTACT NAME

EMERGENCY CONTACT PHONE