

AGENDA ITEM 17

DISCUSSION ON POSSIBLY ESTABLISHING A PILOT APPRENTICESHIP PROGRAM FOR OCCUPATIONAL THERAPY ASSISTANT STUDENTS COMPLETING FIELDWORK AS A PART OF AN ACADEMIC PROGRAM AT A COMMUNITY COLLEGE.

A background paper is attached for review.



Purpose:

Consider whether to establish a pilot apprenticeship program for occupational therapy assistants to complete their fieldwork as part of an educational program at a California community college.

Background:

Occupational therapy education programs nationwide are finding it increasingly difficult to place their students in their required fieldwork. In Southern California in particular the addition of new education programs has further saturated an area already experiencing challenges in placing their students, often requiring students to complete fieldwork far from their school or even out of state.

Further complicating the situation is the emerging business model of educational programs having to 'pay for placement' of their students at fieldwork sites. The community colleges cannot participate in the 'pay for placement' fieldwork model, effectively further reducing the pool of fieldwork sites for community colleges.

The California Occupational Guide issued by the California Employment Development Department's (EDD) Labor Market Information Division in 2014 projected California would need 2,500 occupational therapy assistants (OTAs) by 2024. However, it appears that California's need for OTAs has exceeded EDD's projections since there are 2,825 active OTAs as of 2017 yet employers still report a need for more OTAs.

In 2005, there were three community colleges offering OTA programs in California. There are currently seven OTA educational programs and another one being developed; this makes the need for available fieldwork site placements critical.

The AOTA Board of Directors voted to move forward in their proposal of the "Initial Experiential Learning Requirement" for ACOTE to consider in hopes that it would address challenges facing the viability of the existing fieldwork and other experiential components of occupational therapy education programs. The proposal would only pertain to educational programs for occupational therapists (OTs) and not address OTA programs.

Recommendation:

Establishing apprenticeship programs could offer California an innovative and proactive way in which to address fieldwork sites availability for OTAs. Fieldwork locations participating in an apprenticeship program could receive state and federal funds for the (supervision) efforts of

students completing their fieldwork. The employers would receive funds to pay the students who are completing their fieldwork, a fundamental component of earn/learn programs. Funding the employers will alleviate/offset the financial burden of the participating work site and make the 'donation of time' on students completing their fieldwork less of a financial burden.

Related Legislation:

Assembly Bill (AB) 387 (Thurmond). Minimum wage: health professionals: interns. (2-year bill)

This bill requires minimum wage payment for health professionals students/interns and expands the definition of "employer" for purposes of these provisions to include a person who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of a person engaged in a period of *supervised work experience longer than 100 hours* to satisfy requirements for licensure, registration, or certification as an allied health professional, as defined.

AB 2105 (Rodriguez). Workforce development: allied health professions. (Chaptered by Secretary of State - Chapter 410, Statutes of 2016.)

This bill requires the Department of Consumer Affairs, by January 1, 2020, to engage in a stakeholder process to update policies and remove barriers to facilitate the development of earn and learn training programs in the allied health professions, including barriers identified in the report described above, as specified.



AB-387 Minimum wage: health professionals: interns. (2017-2018)

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Date Published: 05/30/2017 02:00 PM

AMENDED IN ASSEMBLY MAY 30, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 387

Introduced by Assembly Member Thurmond

February 09, 2017

An act to amend ~~Section 1182.12 of~~ *add Section 1182.14* to the Labor Code, relating to wages.

LEGISLATIVE COUNSEL'S DIGEST

AB 387, as amended, Thurmond. Minimum wage: health professionals: interns.

Existing law requires the minimum wage for all industries to not be less than specified amounts to be increased from January 1, 2017, to January 1, 2022, inclusive, for employers employing 26 or more employees and from January 1, 2018, to January 1, 2023, inclusive, for employers employing 25 or fewer employees, except when the scheduled increases are temporarily suspended by the Governor, based on certain determinations. Existing law defines an employer for purposes of those provisions to mean a person who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of another person. Payment of less than the established minimum wage is a misdemeanor.

This bill would expand the definition of "employer" for purposes of these provisions to include a person who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of a person engaged in a period of supervised work experience *longer than 100 hours* to satisfy requirements for licensure, registration, or certification as an allied health professional, as defined.

Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1182.12 of the Labor Code is amended to read:

~~1182.12. (a) Notwithstanding any other provision of this part, on and after July 1, 2014, the minimum wage for all industries shall be not less than nine dollars (\$9) per hour, and on and after January 1, 2016, the minimum wage for all industries shall be not less than ten dollars (\$10) per hour.~~

~~(b) Notwithstanding subdivision (a), the minimum wage for all industries shall not be less than the amounts set forth in this subdivision, except when the scheduled increases in paragraphs (1) and (2) are temporarily suspended under subdivision (d).~~

~~(1) For any employer who employs 26 or more employees, the minimum wage shall be as follows:~~

~~(A) From January 1, 2017, to December 31, 2017, inclusive, ten dollars and fifty cents (\$10.50) per hour.~~

~~(B) From January 1, 2018, to December 31, 2018, inclusive, eleven dollars (\$11) per hour.~~

~~(C) From January 1, 2019, to December 31, 2019, inclusive, twelve dollars (\$12) per hour.~~

~~(D) From January 1, 2020, to December 31, 2020, inclusive, thirteen dollars (\$13) per hour.~~

~~(E) From January 1, 2021, to December 31, 2021, inclusive, fourteen dollars (\$14) per hour.~~

~~(F) From January 1, 2022, and until adjusted by subdivision (c) fifteen dollars (\$15) per hour.~~

~~(2) For any employer who employs 25 or fewer employees, the minimum wage shall be as follows:~~

~~(A) From January 1, 2018, to December 31, 2018, inclusive, ten dollars and fifty cents (\$10.50) per hour.~~

~~(B) From January 1, 2019, to December 31, 2019, inclusive, eleven dollars (\$11) per hour.~~

~~(C) From January 1, 2020, to December 31, 2020, inclusive, twelve dollars (\$12) per hour.~~

~~(D) From January 1, 2021, to December 31, 2021, inclusive, thirteen dollars (\$13) per hour.~~

~~(E) From January 1, 2022, to December 31, 2022, inclusive, fourteen dollars (\$14) per hour.~~

~~(F) From January 1, 2023, and until adjusted by subdivision (c) fifteen dollars (\$15) per hour.~~

~~(3) For purposes of this subdivision, "employer" means any person who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of any person, including any person engaged in a period of supervised work experience to satisfy requirements for licensure, registration, or certification as an allied health professional. For purposes of this subdivision, "employer" includes the state, political subdivisions of the state, and municipalities.~~

~~(4) For purposes of this subdivision, "allied health professional" has the same meaning as in Section 295p of Part F of Subchapter V of Chapter 6A of Title 42 of the United States Code.~~

~~(5) Employees who are treated as employed by a single qualified taxpayer under subdivision (h) of Section 23626 of the Revenue and Taxation Code, as it read on the effective date of this section, shall be considered employees of that taxpayer for purposes of this subdivision.~~

~~(c)(1) Following the implementation of the minimum wage increase specified in subparagraph (F) of paragraph (2) of subdivision (b), on or before August 1 of that year, and on or before each August 1 thereafter, the Director of Finance shall calculate an adjusted minimum wage. The calculation shall increase the minimum wage by the lesser of 3.5 percent and the rate of change in the averages of the most recent July 1 to June 30, inclusive, period over the preceding July 1 to June 30, inclusive, period for the United States Bureau of Labor Statistics nonseasonally adjusted United States Consumer Price Index for Urban Wage Earners and Clerical Workers (U.S. CPI-W). The result shall be rounded to the nearest ten cents (\$0.10). Each adjusted minimum wage increase calculated under this subdivision shall take effect on the following January 1.~~

~~(2) If the rate of change in the averages of the most recent July 1 to June 30, inclusive, period over the preceding July 1 to June 30, inclusive, period for the United States Bureau of Labor Statistics nonseasonally adjusted U.S. CPI-W is negative, there shall be no increase or decrease in the minimum wage pursuant to this subdivision on the following January 1.~~

~~(3)(A) Notwithstanding the implementation timing described in paragraph (1) of this subdivision, if the rate of change in the averages of the most recent July 1 to June 30, inclusive, period over the preceding July 1 to June 30, inclusive, period for the United States Bureau of Labor Statistics nonseasonally adjusted U.S. CPI-W exceeds 7 percent in the first year that the minimum wage specified in subparagraph (F) of paragraph (1) of subdivision (b) is implemented, the indexing provisions described in paragraph (1) of this subdivision shall be implemented immediately, such that the indexing will be effective on the following January 1.~~

~~(B) If the rate of change in the averages of the most recent July 1 to June 30, inclusive, period over the preceding July 1 to June 30, inclusive, period for the United States Bureau of Labor Statistics nonseasonally adjusted U.S. CPI-W exceeds 7 percent in the first year that the minimum wage specified in subparagraph (F) of paragraph (1) of subdivision (b) is implemented, notwithstanding any other law, for employers with 25 or fewer employees the minimum wage shall be set equal to the minimum wage for employers with 26 or more employees, effective on the following January 1, and the minimum wage increase specified in subparagraph (F) of paragraph (2) of subdivision (b) shall be considered to have been implemented for purposes of this subdivision.~~

~~(d)(1) On or before July 28, 2017, and on or before every July 28 thereafter until the minimum wage is fifteen dollars (\$15) per hour pursuant to paragraph (1) of subdivision (b), to ensure that economic conditions can support a minimum wage increase, the Director of Finance shall annually make a determination and certify to the Governor and the Legislature whether each of the following conditions is met:~~

~~(A) Total nonfarm employment for California, seasonally adjusted, decreased over the three-month period from April to June, inclusive, prior to the July 28 determination. This calculation shall compare seasonally adjusted total nonfarm employment in June to seasonally adjusted total nonfarm employment in March, as reported by the Employment Development Department.~~

~~(B) Total nonfarm employment for California, seasonally adjusted, decreased over the six-month period from January to June, inclusive, prior to the July 28 determination. This calculation shall compare seasonally adjusted total nonfarm employment in June to seasonally adjusted total nonfarm employment in December, as reported by the Employment Development Department.~~

~~(C) Retail sales and use tax cash receipts from a 3.9375 percent tax rate for the July 1 to June 30, inclusive, period ending one month prior to the July 28 determination is less than retail sales and use tax cash receipts from a 3.9375 percent tax rate for the July 1 to June 30, inclusive, period ending 13 months prior to the July 28 determination. The calculation for the condition specified in this subparagraph shall be made as follows:~~

~~(i) The State Board of Equalization shall publish by the 10th of each month on its Internet Web site the total retail sales (sales before adjustments) for the prior month derived from their daily retail sales and use tax reports.~~

~~(ii) The State Board of Equalization shall publish by the 10th of each month on its Internet Web site the monthly factor required to convert the prior month's retail sales and use tax total from all tax rates to a retail sales and use tax total from a 3.9375 percent tax rate.~~

~~(iii) The Department of Finance shall multiply the monthly total from clause (i) by the monthly factor from clause (ii) for each month.~~

~~(iv) The Department of Finance shall sum the monthly totals calculated in clause (iii) to calculate the 12-month July 1 to June 30, inclusive, totals needed for the comparison in this subparagraph.~~

~~(2)(A) On or before July 28, 2017, and on or before every July 28 thereafter until the minimum wage is fifteen dollars (\$15) per hour pursuant to paragraph (1) of subdivision (b), to ensure that the state General Fund fiscal condition can support the next scheduled minimum wage increase, the Director of Finance shall annually make a determination and certify to the Governor and the Legislature whether the state General Fund would be in a deficit in the current fiscal year, or in either of the following two fiscal years.~~

~~(B) For purposes of this subdivision, deficit is defined as a negative balance in the Special Fund for Economic Uncertainties, as provided for in Section 16418 of the Government Code, that exceeds, in absolute value, 1 percent of total state General Fund revenue and transfers, based on the most recent Department of Finance estimates required by Section 12.5 of Article IV of the California Constitution. For purposes of this subdivision, the estimates shall include the assumption that only the minimum wage increases scheduled for the following calendar year pursuant to subdivision (b) will be implemented.~~

~~(3)(A)(i) If, for any year, the condition in either subparagraph (A) or (B) of paragraph (1) is met, and if the condition in subparagraph (C) of paragraph (1) is met, the Governor may, on or before August 1 of that year, notify the Legislature of an initial determination to temporarily suspend the minimum wage increases scheduled pursuant to subdivision (b) for the following year.~~

~~(ii) If the Director of Finance certifies under paragraph (2) that the state General Fund would be in a deficit in the current fiscal year, or in either of the following two fiscal years, the Governor may, on or before August 1 of that fiscal year, notify the Legislature of an initial determination to temporarily suspend the minimum wage increases scheduled pursuant to subdivision (b) for the following year.~~

~~(B) If the Governor provides notice to the Legislature pursuant to subparagraph (A), the Governor shall, on September 1 of any such year, make a final determination whether to temporarily suspend the minimum wage increases scheduled pursuant to subdivision (b) for the following year. The determination to temporarily suspend the minimum wage increases scheduled pursuant to subdivision (b) for the following year shall be made by proclamation.~~

~~(C) The Governor may temporarily suspend scheduled minimum wage increases pursuant to clause (ii) of subparagraph (A) no more than two times.~~

~~(D) If the Governor makes a final determination to temporarily suspend the scheduled minimum wage increases pursuant to subdivision (b) for the following year, all dates specified in subdivision (b) that are subsequent to the September 1 final determination date shall be postponed by an additional year.~~

SECTION 1. *Section 1182.14 is added to the Labor Code, to read:*

1182.14. *(a) For purposes of Section 1182.12, an "employer" as defined in paragraph (3) of subdivision (b) of Section 1182.12, also means any person who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of any person engaged in a period of supervised work experience of longer than 100 hours to satisfy hourly requirements for licensure, registration, or certification as an allied health professional.*

(b) For purposes of subdivision (a), "allied health professional" has the same meaning as in Section 295p of Part F of Subchapter V of Chapter 6A of Title 42 of the United States Code.

(c) The definitions contained in subdivisions (a) and (b) do not apply to either of the following:

(1) An employer offering supervised work experience if the employer employs 25 or fewer allied health professionals.

(2) A primary care clinic that is licensed under subparagraph (A) of paragraph (1) of subdivision (a) of Section 1204 of the Health and Safety Code, and meets the definition of a health center pursuant to Section 330 of the Public Health Service Act (42 U.S.C. Sec. 254b(a)).

(d) This section shall not be construed to apply to the educational institution at which a person is enrolled to fulfill the educational requirements for licensure, registration, or certification as an allied health professional. Nothing in this subdivision shall relieve hospitals or clinics or other medical facilities licensed under Section 1250 of the Health and Safety Code that are affiliated with or operated by educational institutions from application of this section.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

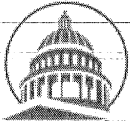


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AB-387 Minimum wage: health professionals: interns. (2017-2018)

Date	Action
06/01/17	Ordered to inactive file at the request of Assembly Member Thurmond.
05/30/17	Read second time. Ordered to third reading.
05/30/17	Assembly Rule 63 suspended. (Ayes 52. Noes 24. Page 1776.)
05/30/17	Read second time and amended. Ordered returned to second reading.
05/26/17	From committee: Amend, and do pass as amended. (Ayes 10. Noes 7.) (May 26).
05/03/17	In committee: Set, first hearing. Referred to APPR. suspense file.
03/30/17	From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (March 29). Re-referred to Com. on APPR.
02/21/17	Referred to Com. on L. & E.
02/10/17	From printer. May be heard in committee March 12.
02/09/17	Read first time. To print.



AB-2105 Workforce development: allied health professions. (2015-2016)

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Assembly Bill No. 2105

CHAPTER 410

An act to amend Section 14017 of the Unemployment Insurance Code, relating to workforce development.

[Approved by Governor September 21, 2016. Filed with Secretary of State September 21, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2105, Rodriguez. Workforce development: allied health professions.

Existing law establishes the California Workforce Development Board as the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and workforce investment systems to the needs of the 21st century economy and workforce. Existing law requires the board, among other things, to prepare and submit to the appropriate policy committees of the Legislature a report on the board's findings and recommendations regarding expanding job training and employment for allied health professions.

This bill would require the Department of Consumer Affairs, by January 1, 2020, to engage in a stakeholder process to update policies and remove barriers to facilitate the development of earn and learn training programs in the allied health professions, including barriers identified in the report described above, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14017 of the Unemployment Insurance Code is amended to read:

14017. (a) In efforts to expand job training and employment for allied health professions, the California Workforce Development Board, in consultation with the Division of Apprenticeship Standards, shall do the following:

- (1) Identify opportunities for "earn and learn" job training opportunities that meet the industry's workforce demands and that are in high-wage, high-demand jobs.
- (2) Identify and develop specific requirements and qualifications for entry into "earn and learn" job training models.
- (3) Establish standards for "earn and learn" job training programs that are outcome oriented and accountable. The standards shall measure the results from program participation, including a measurement of how many complete the program with an industry-recognized credential that certifies that the individual is ready to enter the specific allied health profession for which he or she has been trained.

(4) Develop means to identify, assess, and prepare a pool of qualified candidates seeking to enter "earn and learn" job training models.

(b) (1) The board, on or before December 1, 2015, shall prepare and submit to the appropriate policy committees of the Legislature a report on the findings and recommendations of the board.

(2) The requirement for submitting a report imposed pursuant to this subdivision is inoperative on January 1, 2019, pursuant to Section 10231.5 of the Government Code.

(c) (1) The Department of Consumer Affairs shall engage in a stakeholder process to update policies and remove barriers to facilitate the development of earn and learn training programs in the allied health professions, including barriers identified in the report prepared by the board pursuant to subdivision (b), entitled Expanding Earn and Learn Models in the California Health Care Industry. The stakeholder process shall include all of the following:

(A) The department convening allied health workforce stakeholders, which shall include, but are not limited to, the department's relevant licensure boards, the Division of Apprenticeship Standards, representatives appointed by the board of governors from the California community college system, the California Workforce Development Board, and the State Department of Public Health, and which may include other relevant entities such as the Office of Statewide Health Planning and Development, employer and worker representatives, and community-based organizations.

(B) Addressing issues that include, but are not limited to, prelicensure classifications in allied health occupations that would allow students, in a supervised setting, to gain experience in their chosen field before obtaining licensure, and the payment of wages while in a workplace-based training program.

(C) The department ensuring that existing standards of consumer protection are maintained.

(D) Sharing any statutory barriers identified through this process with the relevant committees of the Legislature.

(2) The process described in paragraph (1) shall be completed by, and this subdivision shall be inoperative on, January 1, 2020.