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| OPINION | : | No. 80-405 |
| of | : | FEBRUARY 5, 1981 |
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The Honorable Edward W. Wallace, Secretary of the California Apprenticeship Council and Chief of the Division of Apprenticeship Standards, Department of Industrial Relations has requested an opinion on a question which we have rephrased as follows:

Does the California Apprenticeship Council have authority to establish by regulation, complaint and appeal rights for trainees in "other on-the-job training programs" similar to those accorded apprentices by statute?

## CONCLUSION

The California Apprenticeship Council has authority to establish by regulation, complaint and appeal rights for trainees in "other on-the-job training programs" similar to those accorded apprentices by statute.

ANALYSIS

The California Apprenticeship Council is charged with overseeing the apprenticeship system established by the Shelley-Maloney Apprentice Labor Standards Act of 1939 (hereinafter, the "Act") (Stats. 1939, ch. 220, p. 1476, § 2, Lab. Code, div. 3, ch. 4, §§ 3070-3097)[1] which was designed "to promote the welfare of the apprentice as well as industry, to improve the working conditions of apprentices, and to advance their opportunities for profitable employment. (Lab. Code § 3071; see 21 Ops. Cal. Atty. Gen. 161 (1953); 5 Cal. Jur. 2d (rev.), *Apprenticeship*.") (56 Ops. Cal. Atty. Gen. 95, 97.) Under its provisions the Council is also charged with fostering and promoting on-the-job training programs other than apprenticeship, a somewhat less formally-structured arrangement for skills development. (§ 3093, subd. (d).)

The Council is composed of six representatives each from employer and employee organizations, geographically selected and appointed by the governor (§ 3070), and the Director of Industrial Relations, and the Superintendent of Public Instruction and the Chancellor of the California Community Colleges or their "permanent and best qualified designee." (*Ibid*.) The Director of Industrial Relations is designated the ex officio Administrator of Apprenticeship (§ 3072) and in that role he, or his duly authorized representative, is charged with acting as secretary of the Council and with administering the provisions of the Act (§§ 3073, 3089). This is done in part through the Division of Apprenticeship Standards, a division of the Department of Industrial Relations. (§§ 56, 3090.)

For its purposes the Act defines "apprentice" as "a person at least 16 years of age[2] who has entered into a written [apprentice] agreement . . . with an employer or his agent, an association of employers, or an organization of employees, or a joint committee representing both." (§ 3077)[3] It provides that every such agreement must provide for "no .

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[1] All unidentified statutory references that follow are to the Labor Code unless otherwise stated.

[2] Since 1976 no new apprenticeship agreement may provide for an apprentice to be of a maximum age. (§ 3077 5; Stats. 1976, ch. 1179, p. 5282, § 9, *cf*. 56 Ops. Cal. Atty. Gen. 236 (1973).)

[3] "Apprentice agreement" has been defined by the Council to mean "a comprehensive plan containing among other things, apprenticeship program standards, committee rules and regulations, related and supplemental instruction course outlines and policy statements for the effective administration of that apprenticeable occupation." (Tit. 8, Cal. Admin. Code, § 205, subd. (o).) In turn, "Apprenticeship Program Standards" has been defined to mean "that written document containing among other things all the terms and conditions for the qualification, recruitment, selection, employment and training, working conditions, wages, employee benefits, and other compensation for apprentices and all other provisions and statements including attachments as required by the Labor Code and this Chapter which, when approved by the

. . less than 2,000 hours of reasonably continuous employment for [the apprentice] *and* for his participation in an approved program of training through employment *and* through education in related and supplemental subjects" *(ibid*.) which it recommends consist of a minimum of 144 hours of such instruction a year. (§ 3078, subd. (d).) The two facets of an apprentice's education, his/her on-the-job training and his/her related and supplemental education, were intended to complement each other (56 Ops. Cal. Atty. Gen. 95, *supra*, at p. 102) and accordingly, "apprenticeable occupation" has been defined by the Council as "one which requires independent judgment and the application of manual, mechanical, technical, or professional skills and is best learned through an organized system of on the job training *together with* related and supplemental instruction." (Tit. 8, Cal. Admin. Code, § 205, subd. (i).) Finally, it is important to note, as we have before, that "the statute does not purport to provide an exclusive system for apprenticeship training—there is no statutory prohibition against entering into an apprenticeship outside the statute by contract or otherwise. Labor Code §§ 3079, 3086; 7 Ops. Cal. Atty. Gen. 163 (1946); see 14 Ops. Cal. Atty. Gen. 203 (1949); 21 Ops. Cal. Atty. Gen. 161 (1953)." (56 Ops. Cal. Atty. Gen. 95, *supra*, at p. 98, fn. 5; but see § 1777.5.)

On-the-job training programs in other than apprenticeable occupations, also called "other on-the-job training" (8 Cal. Admin. Code § 254, subd. (a)), refers exclusively to training confined to the needs of a specific occupation and conducted at the job site for employed workers. (§ 3093, subd. (j).) It is designed to provide workers entering the labor market for the first time, or workers entering new occupations by reason of their having been displaced from former occupations by reason of economic, industrial, technological scientific changes or developments (*id*., subd. (d) (2),[4] an opportunity for learning all the basic skills and knowledge required in non-apprenticeable occupations (tit. 8, Cal. Admin. Code § 254, subd. (d)). The programs consist of "full time on-the-job training provided to workers employed primarily for that purpose, supplemented by necessary related and supplemental instruction." (*id*., subd. (e); *cf*. § 3093, subd. (f).) The training customarily involves a period of not less than three months. (Tit. 8, Cal. Admin. Code § 261, subd. (c)(7).)

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Administrator, shall constitute registration of such, and authority to conduct that program of apprenticeship in the State of California." (*Id*., subd. (p).) The Council's definitions are persuasive in interpreting the law. (9 Ops. Cal. Atty. Gen. 246, 248 (1947).)

[4] The Council may also foster and promote on-the-job training programs other than apprenticeship for journeymen in the apprenticeable occupations to keep them abreast of current techniques, methods and materials and opportunities for advancement in their industries. (§ 3093, subd. (d)(1).) A journeyman is a person "who has either (1) completed an accredited apprenticeship in his craft, or (2) who has completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the apprenticeship standards for the craft which has workers classified as journeymen in an apprenticeable occupation." (*Id*., subd. (k).)

Section 3093 provides that the Council (*id*., subd. (d)) and the Division of Apprenticeship Standards when requested (*id*., subd. (e)) may foster and promote on-the-job training programs other than apprenticeship and this would include approval of such programs by the latter on application therefor by an establishment (§ 3090). There is no requirement that another on-the-job training program be approved (*id*., subd. (1)), but when requested, for one to be approved it must contain written acceptable "training standards" (tit. 8 Cal. Admin. Code §§ 261, 262, 273(a)(7)) as well as fair and objective selection procedures (*id*., §§ 265, 266, 267), and must not be found inconsistent, incompatible or in conflict with apprenticeship policies or programs (*id*., § 261(b)). Again, the services of the Council or the Division of Apprenticeship Standards in other on-the-job training programs under section 3093 may only be provided when they are voluntarily requested by parties to a collective bargaining agreement or by an employer, his/her association, or a union or its representative when there is no such agreement (§ 3093, subds. (a) and (c); *cf*. tit. 8 Cal. Admin. Code § 254(h)) and they must be denied when it is found that existing prevailing conditions in the area and industry would be lowered or adversely affected in any way (*id*., subd. (c)). Further, the activities and services of the Division in promoting other on-the-job training programs, must not curtail or interfere in any way with its activities and services in apprenticeship. (§ 3093, subd. (g).)

Sections 3081 through 3085 provide administrative remedies for redress of violations of the terms of *apprentice* agreements but they are silent with respect to the same for violations of other on-the-job training agreements.[5] Challenge has therefore been made as to whether the Council has the statutory authority to adopt regulations as it has,[6] to accord persons in other on-the-job training programs, complaint and appeal rights virtually similar to those apprentices statutorily enjoy. We conclude that it does have that authority.

The general powers and duties of the Council, including its authority to adopt rules and regulations necessary to carry out its statutory mandate, are set forth at section 3071 which provides as follows:

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[5] The same is true with section 3096 which provides for coordination between the Division of Apprenticeship Standards and the Fair Employment Practices Commission for adjudication of complaints involving "discrimination against any person in the selection or training of that person *in any apprenticeship* training program . . ." (§ 3096) but is silent with respect to persons in other on-the-job training programs. No question has arisen or is presented however, as to whether such persons may have complaint and appeal rights for having suffered discrimination. Discrimination in that area is specifically prohibited by the California Fair Employment Practices Act (§ 1420; see also 8 Cal. Admin. Code § 254, subd. (f)) and redress is obtainable thereunder (§ 1422 *et seq*.).

[6] Compare title 8, California Administrative Code, sections 25 1.253 with title 8, California Administrative Code, sections 201–203.

> "The California Apprenticeship Council shall establish standards for minimum wages, maximum hours, working conditions for apprentice agreements, hereinafter in this chapter referred to as labor standards, which in no case shall be lower than those prescribed by this chapter: *shall issue such rules and regulations as may be necessary to carry out the intent and purpose of this chapter, which shall include regulations governing equal opportunities in apprenticeship, affirmative action programs which include women and minorities in apprenticeship, and other on-the-job training*, and criteria for selection procedures with a view particularly toward eliminating criteria not relevant to qualification for training employment or more stringent than is reasonably necessary: shall foster, promote, and develop the welfare of the apprentice and industry, improve the working conditions of apprentices, and advance their opportunities for profitable employment: shall insure that selection procedures are impartially administered to all applicants for apprenticeships: shall gather and promptly disseminate information through apprenticeship and training information centers: and shall maintain on public file in all high schools and field offices of the Department of Employment Development the name and location of the local area apprenticeship committees, the filing date, and minimum requirements for application of all registered apprenticeship programs. The California Apprenticeship Council shall make biennial reports through the Director of Industrial Relations of its activities and findings to the Legislature and to the public." (Emphasis added.)

As noted in our introductory remarks, section 3081 through section 3085 provide a *statutory basis* for securing redress for a violation of an apprentice agreement. They provide, *inter alia*, (1) for the Administrator to investigate, upon complaint or his own initiative, to determine if there has been a violation of the terms of *an apprenticeship agreement made under the Act*, and to hold a hearing thereon if necessary (§ 3081); and (2) for his determination to be filed with the Council and become its decision in the matter unless an appeal is taken therefrom (§ 3082), in which event the Council is to hold a hearing *(ibid*.), and issue a decision (§ 3083) which is subject to judicial review (§ 3084). The exhaustion of these administrative remedies is a prerequisite to maintaining an action for the enforcement of or for damages for the breach of *any apprentice agreement made under the Act* (§ 3085). As is apparent, the sections are silent regarding violations of other on-the-job training agreements. Nonetheless, pursuant to its authority under sections 3071, 3090 and 3093,[7] the Council has adopted regulations for matters concerning other on-the-

[7] Section 250 of the Council's Rules and Regulations cites Code sections 3071 (general rulemaking authority) and 3090 (authority of the Division to investigate, reject and approve

job training programs including procedures for the administrative adjudication of complaints alleging (a) an unfair or unreasonable decision order or action of a training program sponsor[8] or (b) violations of the Act, the Council's regulations training standards, a training agreement, selection procedures or the rules, regulations and policies established by a training program sponsor. (Tit. 8, Cal. Admin. Code, §§ 25 1–253.) The procedures so established are virtually identical to the ones the Council has set forth for apprentices (*id*., §§ 201–203) following *their* outline in sections 308 1–3085 of the Act; they provide for the filing of complaints and investigations by the Administrator and his holding hearings thereon, as well as for review of his determinations by the Council on appeal therefrom. Again, the question presented is whether the Council is authorized by the Act, given the silence in sections 3081 through 3085, to have done so.

Any inquiry into the extent of the Council's authority is governed by the basic rules (a) that "administrative agencies have only such powers as have been conferred on them, expressly or by implication, by constitution or statute (*Ferdig v. State Personnel Bd.* (1969) 71 Cal. 2d 96, 103; see also *California State Restaurant Assn. v. Whitlow* (1976) 58 Cal. App. 3d 340, 346–347) and (b) that any regulation that exceeds the bounds of the authorizing statute, is inconsistent with it, or is not necessary to effectuate its purpose, is void (Gov. Code, §§ 11342.1, 11342.2; *Wildlife Alive v. Chickering* (1976) 18 Cal. 3d 190, 205; *Bonn v. California State University, Chico* (1979) 88 Cal. App. 3d 985, 990; *Addison v. Department of Motor Vehicles* (1977) 69 Cal. App. 3d 486,493–494; *Verdugo Hills Hospital, Inc. v. Department of Health* (1979) 88 Cal. App. 3d 957, 962–963 fn. 7).

Examining the provisions of the Shelley-Maloney Labor Apprentice Standards Act of 1939, we find the first fount of the Council's authority to issue rules and regulations in section 3071, which, as we have seen, provides in pertinent part as follows:

> "The California Apprenticeship Council shall . . . issue such
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> rules and regulations as may be necessary to carry out the intent and purpose of this chapter, *which shall include regulations governing equal*

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applications for other on-the-job training programs) as its authority to adopt the rules and regulations governing other on-the-job training. Section 256 of the Rules states that the purpose and intent of the Council's establishing those rules and regulations is "to meet its responsibility under Labor Code sections 3071, 3090, and 3093, and to encourage the establishment and operation of bona fide other on-the-job training programs that may be approved by the Division . . . for the Administrator.

[8] A "training program sponsor" means "a local joint training committee, a local unilateral training committee or the party to a unilateral training program where there is no training committee established or any combination thereof" (Tit. 8, Cal. Admin. Code, § 255, subd. (b).)

*opportunities in [apprenticeship, affirmative action program which include women and minorities mi apprenticeship, and other on-the-job training and criteria for selection procedures with a view particularly toward eliminating criteria not relevant to qualification for training employment or more stringent than is reasonably necessary . . . .*"

To be sure, when the Act was originally adopted in 1939, this excerpt from section 3071 did not include the italicized clause with its reference to other on-the-job training. (Stats. 1939, ch. 220, p. 1472, § 2.) That clause was added in 1967 (Stats. 1967, ch. 1704, p. 4264, § 1), with the exception of the bracketed portion which was added when the section was further amended in 1976 (Stats. 1976, ch. 1179, pp. 5279–5280, § 4). Indeed the original Act was completely devoid of any reference to other on-the-job training. That notion first appeared when section 3090 was adopted in 1947 (Stats. 1947, ch. 42, p. 528, § 1)[9] and

[9] In 1947, section 3090 read as it does now:

"The Division of Apprenticeship Standards shall investigate, approve or reject applications from establishments for apprenticeship and other on-the-job training, and for that purpose, may cooperate. or contract with, and receive reimbursements from the appropriate agencies of the Federal Government."

We can be confident that the section was added to bring state law regarding the eligibility of other on-the-job training for veterans benefits under the Federal Servicemen's Readjustment Act of 1944 (57 Stats. 43, ch. 22 (P.L. 78–16)) as amended in 1946 (60 Stats. 934, ch. 886 (P L 79–679)) into conformity with federal law. The federal legislation established a system under which veterans of World Wat. II could receive monetary assistance from the United States (Administrator or Veterans Affairs) while attending approved educational and training institutions. In it the term "educational and training institutions" was defined to include business and other establishments offering apprenticeship *or other training "on-the-job."* (P L. 79–679, *supra*, § 3, see now tit. 38 USCA. § 1652(e)) The problem that was presented was summarized in an earlier opinion of this office:

"There are two types of on-the-job training recognized under the Readjustment Act' apprenticeship and "other training on the job." Prior to August 8, 1946, the Federal law provided for no specific set of standards distinguishing between these two types of training. As a result, when a proposed program bearing the label "apprenticeship" was presented to the appropriate state agency, it had no recourse except to turn for guidance to the applicable state apprenticeship laws Thus, in the instant case, when the proposed apprentice program of the particular employer failed to show compliance with an important provision of the Apprentice Labor Standards Act of this state, the Division of Apprenticeship Training had no alternative except to withhold approval of the program as a recognized apprentice training course. [¶] With the enactment of Public Law 679, 79th Congress, approved August 8, 1946, the picture changed materially. By an amendment to Paragraph 11 of Part VIII, Veterans Regulation Numbered La, Congress provided that "other training on the job" comprised those instruction programs requiring not more than two years of full-time training. As a consequence

was thereafter ensconced when section 3093, mentioned above, was added in 1961 (Stats. 1961, ch. 1892, p. 3990, § 1). Nonetheless, we must construe the Act as it reads today, as a whole, and as if it had been enacted in that form (1A Sutherland, *Statutory Construction* (4th Ed.), § 22.35, p. 197; *cf*. Cal. Const. Art. IV, § 9, ("A section of a statute may not be amended unless the statute is reenacted as amended")) and when we do, we see that the Legislature did intend the Council to have rule-making power over other on-the-job training programs.

Provision for other on-the-job training, albeit a latecomer, is nevertheless an integral part of the Act which provides, as we have seen, for the fostering and promotion of those programs by the Council (§ 3093, subd. (d)) and the Division of Apprenticeship

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> instruction programs extending over a period in excess of two years fell into the category of "apprentice training." By a circular letter dated August 27, 1946, entitled "Instruction No. 8," the Administrator of Veterans Affairs clarified the functions of State apprenticeship agencies under the new law . . . [¶] As we construe this ruling, the apprenticeship category of training under the Servicemen's Readjustment Act may itself be subdivided into two classifications, as follows: (1) apprentice training which is recognized and approved as such by the State agency under State law, and (2) apprentice training programs which are not recognized as apprenticeships for State purposes, but which nevertheless possess the essential characteristics thereof, and which may receive the approval of the State agency solely for the purposes of the Federal law.
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> "Before August 8, 1946, the Division of Apprenticeship Standards of the State had no authority to approve the proposed apprentice program here in question, either under the Federal or the State statutes Subsequent to that date, with the promulgation of Public Law 679, the Division was empowered to approve the proposed program *solely for the purposes of the Servicemen's Readjustment Act*. Under the facts of this case, however, it appears that by that time the applicant employer had removed the matter from the jurisdiction of the State authority and had placed it before the Veterans Administration. If the application is once again submitted to the Division of Apprenticeship Standards, we are of the opinion that the business establishment may now be recognized as an approved apprentice training institution under the Servicemen's Readjustment Act, provided, of course, that it meets the other eligibility requirements of that law. *Such approval, however, would of necessity be confined strictly to the Federal statute and would not be an expression of recognition of the program as an approved apprenticeship under the Apprentice Labor Standards Act of this State.* Nor would persons entering upon training in that particular program be recognized as indentured apprentices under the California law."

(9 Ops. Cal. Atty. Gen. 246, 249–250 (1947).) We can safely presume that the Legislature was aware of the issues raised in our opinion and that section 3070 was enacted as a result. (*Cf. California Correctional Officers' Assn. v. Board of Administration* (1978) 76 Cal. App. 3d 786, 794 quoting *Meyer v. Board of Trustees* (1961)195 Cal. App. 2d 420, 432.)

Standards (*id*., subd. (e)) and for the approval of them by the latter (§ 3090). While the submission of an other on-the-job training program to state auspices is entirely voluntary (see e.g., § 3093, subds. (a), (c) and (l); *cf*. tit. 8, Cal. Admin. Code § 254, subd. (h)), both parties to it derive benefits from such an arrangement in the form of assistance in its formulation and implementation and security thereafter in its operation. If the legislative purpose in making such assistance available was, as the Council has declared, to provide an opportunity, with reasonable adequate safeguards, for members of the workforce to learn the basic skills and knowledge necessary to participate in the non-apprenticeable occupations (tit. 8, Cal. Admin. Code § 254, subd. (d)) and to keep journeymen in the apprenticeable occupations abreast of current techniques, methods and materials and to provide them opportunities for advancement in their industries (*id*., § 282, subd. (a)(2)), then Council involvement in fostering and promoting other on-the-job training is an important part of the "intent and purposes of this chapter" thus making the area appropriate for Council regulation.

The historical context in which "other on-the-job training" was wrought into the Act, supports rather than detracts from that conclusion. As noted above (fn. 9, *ante*, and accompanying text), the concept first appeared in 1947 with the addition of section 3090 and was entrenched in 1961 with the addition of section 3093. Thereafter, as we have also seen, in 1967 the Legislature amended section 3071 to add the clause "which shall *include* regulations governing equal opportunities in apprenticeship and other on-the-job training" to the area of the Council's rule making power. Since the term "include" is one of enlargement and not one of limitation (*People v. Western Air Lines, Inc.* (1954) 42 Cal. 2d 621, 639; *Paramount Gen. Hosp. Co. v. National Medical Enterprises, Inc.* (1974)42 Cal. App. 3d 496, 501; *People v. Homer* (1970)9 Cal. App. 3d 23, 27), we can safely assume that that 1967 amendment to section 3071 constituted a recognition by the Legislature that the Council did have rulemaking authority over other aspects of other on-the-job training programs, whether derived from section 3090 or section 3093, or 3071 itself. It was perhaps on the basis of that reassurance that the Council in 1967 promulgated its regulations giving persons in other on-the-job training programs complaint and appeal rights virtually similar to those apprentices enjoy (Cal. Reg. #67–32; August 12, 1967). In any event, in 1976, at a time when a version similar to today's existed for well nigh a decade, the Legislature again amended section 3071 to further *broaden* the Council's rule making authority over yet another facet of other on-the-job training (affirmative action programs), and we can again assume a legislative confirmation that the Council's existing regulations in areas unmodified by that legislation were consistent with its intent and consonant with its will regarding those areas. (*Coca-Cola Co. v. State Ed. of Equalization* (1945) 25 Cal. 2d 918, 922–923; *Horn v. Swoap* (1974) 41 Cal. App. 3d 375, 382; *cf. Eldorado Oil Works v. McColgan* (1950)34 Cal. 2d 731, 739; *Universal Eng. Co. v. Bd. of Equalization* (1953) 118 Cal. App. 2d 36, 43.)

That being the case we cannot say that the Council could not have adopted regulations to give persons in other on-the-job training programs, complaint and appeal rights virtually equal to those afforded apprentices. Legislative delegation to administrative agencies to detail statutory enactments by promulgating rules and regulations means first, that the determination of whether a particular regulation is meet is a matter best left to the agency's expertise (*Davies v. Contractors' State License Bd*. (1978 79 Cal. App. *Id.* 940, 50–951; *cf*. *Thole v. Structural Pest Control Bd*. (1974) 42 Cal. App. 3d 732, 738), (what constitutes gross negligence") and second, that the action of an agency in duly promulgating a regulation upon that determination will not be overturned unless the regulation is inconsistent and in conflict with the enabling statute (*Davies v. Contractors' State License Bd*., *supra*, at pp. 946–948). We find the regulations here in question are not inconsistent with the Act. That is, if the Council determined that such complaint and appeal rights were necessary to ensure the viability of even a voluntary program, that was properly its determination to make and was within its legislatively prescribed bailiwick to so provide by regulation.

It has been suggested that the absence of express provisions in the Act for complaint and appeal rights for persons in other on-the-job training programs comparable to those found in sections 3081 through 3085 for apprentices constitutes a legislative determination that the former not enjoy those rights. Since "exceptions to a general provision of a statute are strictly construed and will not be understood as a limitation on general powers except to the extent the limitation fully appears" (*Estate of Banerjee* (1978) 21 Cal. 3d 527, 540) we are reluctant to imply a limitation on the Council's general authority to issue rules and regulations under section 3071 because of a legislative "*silence*" on a matter that those rules and regulations might embrace (*People v. Southern Pac. Co*. (1930) 209 Ca1. 578, 594–595; *Rivera v. Division of Industrial Welfare* (1968) 265 Cal. App. 2d 576, 601), and we therefore reject the suggestion. Instead we view the provisions for complaint and appeal rights for apprentices that appear in section 3081 *et. seq*., *not* to be an exclusive listing of those who should enjoy those rights, but rather a legislative desire to assure that those rights be accorded *at least* to apprentices without precluding the possibility that the Council might find it necessary or prudent for others to enjoy them as well. In a similar vein, we are aware of the argument which posits that the Legislature's thinking it necessary to create complaint and appeal rights for apprentices *by statute*, implies a lack of authority in the Council to create those rights or similar ones for persons in other on-the-job training programs, *by regulation*. However, while it may be open to question, as noted above, we feel that the Legislature has acquiesced in the Council's contrary interpretation that it had such rulemaking power, in its 1976 amendment to section 3071.

It has also been suggested that section 3090 and section 3093, subdivisions (d) and (e) which provide for involvement on the Council and the Division in other on-the-

job training programs, conflict with the voluntary nature of those programs expressed subdivisions (a), (c) and (l) of section 3093, and as a corollary, that because of the voluntary nature of the system, its participants are free from the type of Council regulation here in question. We find no irreconcilable differences among the statute's provisions and are unimpressed by the corollary notion. True, other on-the-job training programs are predicated on a voluntary basis but so is the whole system of apprenticeship in California (56 Ops. Cal. Atty. Gen. 95, 98). Indeed the Council has found that the basic objectives of each are best achieved thereby. (Tit. 8, Cal. Admin. Code § 254, subd. (h) and § 204, subd. (e).) But that does not mean that just because the parties to either voluntarily choose to submit their work program for state approval and imprimatur and bring it under state auspices, that they are free from regulatory controls over that arrangement, for the voluntariness of a submission does not detract from the obligations assumed thereby. Once the parties to another on-the-job training program choose to "participate" in the statutory system and derive benefits therefrom, they become subject to such rules and regulations the Council may adopt to "foster and promote" it. (*Cf. Veix v. Sixth Ward Assn.* (1940) 310 U.S. 32, 38; *In re Marriage of Walton* (1972) 28 Cal. App-. 3d 108, 112; *Castleman v. Scudder* (1947) 81 Cal. App. 2d 737, 740.) Thus while there is no requirement that another on-the-job training program be approved or certified by the Division (§ 3093, subd. (1)), once that approval is sought and granted, the State approved training program, like the apprenticeship program, becomes a "voluntarily accepted" obligation to undertake a system of training under the State approved standards. Whereupon if the Council has determined that complaint and appeal rights similar to those enjoyed by legislative prescription for apprentices are also essential to the viability of other on-the-job training programs, such must be accepted by the parties involved.

We therefore conclude that it is within the scope of the statutory authority of the California Apprenticeship Council to adopt rules and regulations to give persons in on-the-job training programs other than apprenticeship, complaint and appeal rights similar to those accorded apprentices by statute.

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