

NEVADA STATE APPRENTICESHIP COUNCIL
February 5, 2016
Quarterly Meeting

LOCATIONS: **Las Vegas** 555 East Washington Avenue, #2450
 Carson City 1919 College Parkway, Room 100

Members Present: Kevin Christensen Chairman, Public Member

 Michelle Daugherty Employer Member
 Nanette Quitt Employer Member
 Tom Pfundstein Employer Member

 Randy Canale Employee Member
 Dan Gouker Employee Member

Legal Counsel: Melissa Flatly Deputy Attorney General

Administrative Staff: Shannon Chambers Labor Commissioner
 Mary Huck Deputy Labor Commissioner
 Lleta Brown Chief Compliance Audit Investigator
 Susan Muranyi Administrative Assistant II

ITEM 1 – CALL TO ORDER AND ROLL CALL

Roll call was taken to ensure a quorum.

Ch. Christensen stated let the record reflect that Dan Gouker joined the meeting by phone.

ITEM 2- PUBLIC COMMENT

There was no public comment.

ITEM 3 - APPROVAL OF THE NOVEMBER 2015 MEETING MINUTES

Ms. Quitt stated that on page 8 her name was spelled incorrectly and would motion to approve with the changes.

Mr. Canale seconded the motion.

(M/S/C) TO APPROVE THE NOVEMBER 2015 MEETING MINUTES

ITEM 4- ANNUAL REVIEW OF APPERENTICE MINIMUM WAGE FOR THE CONSTRUCTION INDUSTRY.

Ch. Christensen stated there were a series of calculations from The Labor Commissioner's Office a review of San Francisco and Los Angeles indexes and average to compare the previous rates. This calculation shows a proposed change from \$12.38 to \$12.70 and asked if that is the recommendation of The Labor Commissioner's Office.

Ms. Brown stated yes.

Mr. Canale motioned to approve.

Mr. Pfundstein seconded the motion.

(M/S/C) TO APPROVE ANNUAL REVIEW OF APPERENTICE MINIMUM WAGE FOR THE CONSTRUCTION INDUSTRY

ITEM 5 - CONSENT ITEMS 5A) PAINTERS JOINT APPRENTICESHIP COMMITTEE. (PAINTER) 5B) PAINTERS JOINT APPRENTICESHIP COMMITTEE. (DRYWALL FINISHER) 5C) FLOORCOVERERS JOINT APPRENTICESHIP COMMITTEE (FLOOR COVERER) 5D) NEVADA GLAZIERS JATC (MASTER GLAZIER) 5E) NEVADA GLAZIERS JATC (ARCHITECTURAL GLAZIER)

Ch. Christensen explained the item 5 is a series of consent items for wage and benefit increases. Ch. Christensen stated that typically these items are taken together unless there are questions.

There were no comments

Ms. Quitt motioned to approve Items A-E.

Mr. Canale seconded the motion.

Mr. Pfundstein recused himself for the record.

(M/S/C) TO APPROVE CONSENT ITEMS 5A) PAINTERS JOINT APPRENTICESHIP COMMITTEE. (PAINTER) 5B) PAINTERS JOINT APPRENTICESHIP COMMITTEE. (DRYWALL FINISHER) 5C) FLOORCOVERERS JOINT APPRENTICESHIP COMMITTEE (FLOOR COVERER) 5D) NEVADA GLAZIERS JATC (MASTER GLAZIER) 5E) NEVADA GLAZIERS JATC (ARCHITECTURAL GLAZIER)

ITEM 6 – REVISION OF STANDARDS 6A) NORTHERN NEVADA ELECTRICAL TRAINING CENTER 6B): ELEVATORS LOCAL 8 JATC

Ms. Brown stated that if a program has not been reviewed within five years the programs are sent a notice. She asked if the programs could be asked to appear before the council.

Mr. Jim Leonard, Elevator's in Northern Nevada and Northern California, stated they are in the process of revising their standards. Their Local 18 in Las Vegas has already had their standards adopted. The standards that will be submitted will be exactly what Local 18 submitted.

Mr. Gouker asked if there was a reason why they had not submitted standards for both programs in almost 10 years.

Mr. Leonard stated he should have the electronic paperwork ready for the next meeting and that he did not have an answer for Mr. Gouker.

No motion from council.

ITEM 7 - SOTHERN NEVADA OPERATING ENGINEERS JATC REVISION OF STANDARDS

Mr. Louis Loupias, Apprentice Coordinator, presented the revision of standards. He stated the revisions would comply with Southern California and the National Guideline Standards.

Ch. Christensen noted that there were different principle occupations in the standards for the Construction Safety Inspector, the Drill Rig Operator, the Equipment Operator, the General Construction Building Inspector, the General Machinist Operator, the Heavy-Duty Repairman, the Renewable Green Energy Inspector, the Rock Products Industry Equipment Operator, and the Surveyor.

Mr. Mohr stated there was no date on page 18 of 18 for when the standards were adopted.

Mr. Loupias stated they did not put the date on the standards until they have been approved by the Council.

Mr. Canale stated that in Appendix E, Selection Procedures, on page 2, section 5, reads 30.4 Selection Procedures: 30.4 is actually the Affirmative Action Plan and 30.5 is Selection

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Procedures. Also on that page, on Section 5, A, Eligibility Standards, No. 8, states that the entrance examination is a pass/fail exam. He asked if the test had been validated?

Mr. Loupias stated the program was using a point system for about 10 years ago. He agreed to correct that language and say that they must meet the minimum of point requirement. There is no validated test. It's just a Civil Service Exam.

Mr. Canale stated in Recruitment and Selection on Page 5, Section E, testing procedures for surveyors only. E and it says "when openings occur they have to be contacted back within 24 hours" but the National Standard Guideline gives 48 hours. He asked if there was a reason for the difference.

Mr. Loupias stated that could be changed 48 hours.

Mr. Gouker motioned to approve the standards the changes noted.

Mr. Canale seconded the motion.

(M/S/C) TO APPROVE SOTHERN NEVADA OPERATING ENGINEERS JATC REVISION OF STANDARDS WITH CHANGES

ITEM 8 - SOTHERN NEVADA OPERATING ENGINEERS JATC CANCELLATION OF STANDARDS FOR EXISTING PROGRAM (SAFETY INSPECTOR AND BUILDING INSPECTOR).

Mr. Loupias, Apprentice Coordinator, stated these two programs were approved five years ago. They have included the occupations in so that one set that standards cover all programs.

Ch. Christensen clarified that the program was not asking us to cancel a program, just get rid of those standards.

Mr. Loupias stated it was just to combine all of the programs into one set of standards.

Mr. Gouker asked are there any apprentices in this year.

Mr. Loupias stated no.

Mr. Gouker motioned to approve the cancellation of the two programs.

Ms. Quitt seconded the motion.

(M/S/C) TO APPROVE SOTHERN NEVADA OPERATING ENGINEERS JATC REVISION OF STANDARDS

ITEM 9 – NORTHERN NEVADA SHEET METAL WORKERS JATC REVISION OF STANDARDS

Ch Christensen asked is there anyone present, either North or South, to speak in favor of this application?

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Ms. Brown stated she did not see Mr. Morrow.

Ch. Christensen asked if there was any objection from the Council to trail this item to allow for the representative time to appear.

Item trailed.

ITEM 10 - NEVADA ROOFERS JATC REVISION OF STANDARDS

Mr. Tom Neilson, Apprentice Coordinator, presented the revision of standards. He stated the program has not revised their standards in the last five years. The first one is the Form 5910. The second revision was Qualification for Apprenticeship, Minimum Qualifications on page 8 and page 35. The third was the related instruction outline, OJT hours on page 18. The fourth was the work process, OJT to better emphasis hours to the trade on Page 5. The fifth was change of applicant score scale on page 38. And final6 is the signature page is on page 17, 33 and 42.

Mr. Mohr stated one concern, on page 9, probationary period. I see that you have a three year program, 3,600 and your probationary period, you're saying is 1,000 hours. That's a concern. 29 CFR 29, Section 5 and NAC 610.442 states that, your probationary period should be one year or 25% of the program total, whichever is less.

Mr. Neilson stated we can go ahead and make that change of 25% of the \$3,600.

Ch. Christensen asked 900 hours, is that what it is?

Mr. Neilson stated yes.

Ms. Brown stated on page 9 of the standards, the ratio. The ratio has been approved as 1:1, 1:2, so it looks like the program is asking to be revised to a 1:1 ratio.

Mr. Neilson stated the current working ratio right now is 1:1 for the first journeymen. Thereafter it's two journeymen to one apprentice.

Ch. Christensen asked it would be 1:1, 2:3.

Mr. Neilson stated correct.

Ch. Christensen stated 3:5.

Mr. Neilson yes, and so up further.

Ch. Christensen stated the program probably needed to add in that additional ratio description under Item 6. He asked if that was acceptable.

Mr. Neilson stated they were asking for the ratio for everything to be 1:1. He said to have two journeymen to watch one apprentice, sometimes is a hard thing.

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Ch. Christensen stated historically this has been a safety issue. If the history is a good one, then the Council has considered varying the ratio. He asked if the program had any information with regard to safety.

Mr. Neilson stated he did not. He asked if the program could go to the 1:1 ratio on a temporary basis and provided the records at the next meeting.

Ch. Christensen asked the language in the does the Collective Bargaining Agreement say.

Mr. Neilson stated the collective Bargaining Agreement says, "the ratio of men and women on any non-prevailing wage, roofing or water proofing project shall not be greater than one pre-apprentice and one indentured apprentice to one journeyman. No 6 is the ratio of men and women on any prevailing wage, roofing or water proofing projects shall not be greater than one indentured apprentice to one journeyman unless otherwise dictated by the JATC Apprenticeship Standards."

Mr. Gouker stated he would rather see the records. The standards certainly could be reviewed at the May meeting when there are safety records. It's lower than the State's standards of Chapter 610 is allowed 1:1 and 1:3, so to approve anything less than that would be inappropriate at this time.

Ch. Christensen asked Mr. Neilson, do you have any objection to following that process?

Mr. Neilson asked for clarification of safety records.

Ch. Christensen stated the more records that could be provide to demonstrate an adequate safety coverage for the apprentice to make sure they are properly supervised the better.

Mr. Neilson asked is there any time frame?

Ch. Christensen said they should go back as far as they are able to competently show us a pattern.

Ch. Christensen stated they would want to see them in advance, I'm sure.

Ms. Brown stated we would need to have them prior to the Council's packet being presented, so it would need to be at least 45 days.

Ch. Christensen asked is that acceptable to Mr. Neilson.

Mr. Neilson answered yes sir.

Mr. Gouker motioned to approve with one exception of, ratio of apprentices, will be reviewed at the May meeting, pending submission of their safety record.

Mr. Canale seconded the motion.

(M/S/C) TO APPROVE NEVADA ROOFERS JATC REVISION OF STANDARDS

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ITEM 11 – REPORT OF STAFF A) QUATERLY STATISTIC

Ms. Brown reported there were 91 total programs approved and 2795 registered apprentice 5% are female, 47% are minority.

ITEM 12 - REPORT OF FEDERAL OFFICE OF APPRENTICESHIP

Mr. Howell reported that there was new National Guideline for Apprenticeship Standards for Department of Navy, US Department of Transportation for the Federal Railroad Administration and also for Administration of Government Employees, Local 2814, WRC, Pathways through Apprenticeship Program; which is a new occupation as a Workforce Development Specialist and a Workforce Development Analyst. There is a new apprenticeable occupation for Wireless Technician. Also there's a new apprenticeship occupation approval for Apprenticeship and Training Representative (ATR) for government agencies.

He reported that there were new National Guidelines Standards for Tesla Motors and they had been contacted by Tesla in Reno to develop a set of standards. One is for the battery manufacturing facility and then also maintenance for the facility.

There was \$90M in federal funds to launch a community based apprenticeship program for FY 2016.

Mr. Gouker asked based on Mr. Neilson's submission and our request for safety records, are there any federal guidelines on the timeframe? Is there any type of federal guideline on that, or maybe the Deputy Attorney General could give some guidelines? Because with the type of work coming up, there was some manufacturing places coming up in sector that the Council might want to have some kind of legal opinion on the timeframe on those, if it's appropriate.

Mr. Howell stated through the Department of Labor, there currently was not a certain timeframe, but he'd do some research on it also.

Ch. Christensen asked if you find something that is a suggested standard, would you provide that to the Roofers Program.

Mr. Howell stated yes.

Mr. Gouker stated he thought the five year timeframe might be appropriate at this time because it's starting blank.

ITEM 13 - REPORT OF ATTORNEY GENERAL

Ms. Flatly stated she did not any a report at the time. She said she was looking forward to working with the Council.

Ch. Christensen stated there's been a significant push to enforce the Nevada residency requirement. If they made some kind of exception for a non-resident apprentice, making them perhaps responsible for the difference in the tuition price, or, not allowing indenture-ship until they've satisfied that residency requirement which either one of those kinds of things raises questions about discrimination. He asked the Attorney General's Office and/or the Bureau of

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Apprenticeship and Training could weigh in on that and give us some advice. That is, if a program came before this Council and asked for a revision of their standards and said, they're going to restrict in some fashion these apprentice applicants until they've obtained their Nevada residency or require them to pay.

Ms. Chambers stated that particular issue has not come forward in the North. It could certainly be looked into.

Mr. Gouker stated he's met with some of the JATCs. The intent of that requirement is very clear. It says a resident for tuition purposes. It has nothing at all to do with indenture-ship of the apprentice. Nor does it have anything to do with the apprentice attending classes. What it has to do with—[inaudible] apprentice, if you want to be registered through a Nevada System of Higher Education facility, whether it be CSN in the South or Great Basin or TMCC in the North, Western Nevada. They are in fact coded as non-resident for tuition purposes. Tuition must be paid either by the student, or the program, in this particular case, the apprenticeship program and that language resonates in Nevada Statute. So, certainly it could be looked by the, Attorney General. But it's probably not appropriate to discuss at the Council level. However, it is not anything to do with indenture-ship. It has to do with registration of becoming a degree seeking student within the Nevada System of Higher Education.

Ch. Christensen stated what some of the programs could be struggling with is, whether it is fair to impose some kind of limitation on an apprentice until they qualify as a Nevada resident, to save the program training monies.

Mr. Gouker stated he knew it affects the programs because the bulk of their enrollment is for apprentices, but there are several programs such as plumbing and pipe fighters, the electrical also enroll journeymen in classes and they have those classes approved for credit at CSN. If a journeyman is not a resident, then he pays the non-resident tuition just like any other student that would walk on to CSN's campus to enroll. It's not unique to the apprentices it just affects these programs because that's the bulk of their enrollment. It is not designed nor was it ever intended unique to just the apprentices. It's any student at CSN that does not qualify for residency, for tuition purposes.

ITEM 14 - REPORT OF SECRETARY DIRECTOR

Ms. Chambers stated a compliance audit plan was being developed and would be shared with the Council at the next meeting.

ITEM 15 - PUBLIC COMMENT

Mr. Loupias stated he would like to congratulate Mr. Mohr on his appointment to the Council. Just for information purposes to the Council, the Workforce Investment Board just approved some grant money to Nevada Partners and they are in the process of hopefully recruiting women and minorities—more women and minorities into the Apprenticeship Program. Mr. Jeff Vaughn retired out of the Painters and he is their Training Director. Hopefully we will see the 5% number of females increase significantly.

Mr. Christensen recalled Item No. 9, the Northern Nevada Sheet Metal Workers JATC revision of standards.

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Ms. Brown stated she didn't see the coordinator. She asked if this item could be tabled this until the May meeting.

Ch. Christensen asked is there a motion.

Mr. Gouker motioned to table Item 9 until the May meeting.

Mr. Pfudstein seconded the motion.

(M/S/C TO TABLE NORTHERN NEVADA SHEET METAL WORKERS JATC REVISION OF STANDARDS)

ITEM 16 - ADJOURNMENT

Mr. Gouker stated so moved.

Mr. Canale seconded the motion.

(M/S/C) TO ADJOURN)