

NEVADA STATE APPRENTICESHIP COUNCIL

May 1, 2015

Quarterly Meeting

LOCATIONS:

**Las Vegas
Carson City**

555 East Washington Avenue, #2450
1919 College Parkway, Room 100

Members Present:

Kevin Christensen Chairman, Public Member

Michelle Daugherty Employer Member
Nanette Quitt Employer Member

Randy Canale Employee Member
Dan Gouker Employee Member
Dan Rose Employee Member

Legal Counsel:

Scott Davis Deputy Attorney General

Administrative Staff:

Mary Huck Deputy Labor Commissioner
Lleta Brown Chief Compliance Audit Investigator
Jennafer Jenkins Audit/Investigator
Susan Muranyi Administrative Assistant II

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ITEM 1 – CALL TO ORDER AND ROLL CALL

Roll call was taken to ensure a quorum.

ITEM 2- PUBLIC COMMENT

There was no public comment.

ITEM 3 - APPROVAL OF THE FEBRUARY 2015 MEETING MINUTES

There were no suggested changes.

Mr. Rose had motioned to approve.

Mr. Gouker had seconded the motion.

M/S/C TO APPROVE THE FEBRUARY 2015 MEETING MINUTES

ITEM 4- APPRENTICE TRAVEL DISCUSSION

Ch. Christensen explained that the apprentice travel discussion was an agreement reviewed at the February 2015 meeting.

Ch. Christensen had asked for comment from the Council.

Mr. Gouker referred to item #2, apprentice must be in good standing, suggestions were to strike the word with there and insert as defined by.

Mr. Canale had stated, this was in addition to the previous training agreement or could replace it. That this was difference from original was that it would allow for other apprentices to participate, not just apprentice who had completed classroom training.

Ch. Christensen questioned Mr. Canale on how he wanted to proceed.

Mr. Canale had stated since he submitted this, he thought it would not be appropriate if he motioned on this and asked for comments. Mr. Canale indicated he remembers the comment "as defined by the sponsoring training program" and that would be a good addition.

Mr. Gouker asked if Mr. Canale was referring to Item #3 of the form.

Mr. Canale had stated yes and conveyed that he wants to make sure that it is done by the training committee that is responsible for that apprentice. Due to differences in each program it can be arranged that there is no lapse.

Mr. Gouker stated that if the program was electing to allow apprentices to have classroom instruction such as mail or web based training, that training method would have to be approved as part of their standards. If it's not addressed in the standards it would not be acceptable. As long as this is understood he had no problem with extending the temporary training agreement. He does not want to encourage them going out of their standards.

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Mr. Canale answered yes that's why this was included with the statement "consistent with the sponsoring programs current standards".

Ch. Christensen asked for comment from the Council.

Ch. Christensen asked for comment from the public.

Mr. Gouker motioned to approve document with the additional language in Item 2.

Ms. Daugherty seconded the motion.

(M/S/C TO APPROVE THE UPDATED SUPPLEMENTAL TEMPORARY TRAINING ASSIGNMENT AGREEMENT)

ITEM 5 - CONSENT ITEMS 5A) ELECTRICAL JATC FOR SOUTHERN NEVADA (ELECTRICAL WORKERS) 5B) ELECTRICAL JATC FOR SOUTHERN NEVADA (INSTALLER/TECH) 5C) NEVADA GLAZIERS JATC (MASTER GLAZIER) 5D) NEVADA GLAZIERS (ARCHITECTURAL GLAZIERS)

Ch. Christensen explained consent items were 5A Electrical JATC for the electrical wireman occupation. 5B related to the electrical installer tech occupation. 5c was from the Nevada Glaziers JATC and related to the master glazier. 5b related to the JATC architectural glazier.

Ms. Quitt motioned to approve Items 5A through 5D.

Mr. Gouker seconded the motion.

Mr. Rose recommended that it was a good idea to put fringe benefits on the 5910 form.

(M/S/C TO APPROVE CONSENT ITEMS 5A) ELECTRICAL JATC FOR SOUTHERN NEVADA (ELECTRICAL WORKERS) 5B) ELECTRICAL JATC FOR SOUTHERN NEVADA (INSTALLER/TECH) 5C) NEVADA GLAZIERS JATC (MASTER GLAZIER) 5D) NEVADA GLAZIERS (ARCHITECTURAL GLAZIERS)

ITEM 6 – PERCY THOMAS VS. PLUMBERS LOCAL 525 JATC APPEAL

Ch. Christensen explained Item #6 is an appeal by apprentice Percy Thomas involving the Plumbers Local 525 JATC.

Ch. Christensen asked if Mr. Thomas was present.

Ms. Brown stated that Mr. Thomas was not present and she had not received confirmation by the Post Office that the noticed was received by Mr. Thomas.

Mr. Gouker motioned to table the item until Mr. Thomas was properly notified.

Ms. Quitt seconded the motion.

Mr. Gouker expressed that no new items should be submitted.

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Mr. Davis explained that the regulations specify what's submitted for the Council's consideration. By tabling the item it moves it to the next agenda.

(M/S/C TO TABLE PERCY THOMAS VS. PLUMBERS LOCAL 525 JATC APPEAL)

ITEM 7 - SHEET METAL WORKERS LOCAL 88 JATC STANDARDS REVISION

Mr. Rose was recused and stated the standards were last updated September 1, 2011, the revision was to follow the wording and the template of national standards, and there was no major changes.

Ch. Christensen asked for questions from the Council.

There were no comments.

Ch. Christensen asked for comments from the public.

There were no comments.

Mr. Gouker motioned to approve.

Mr. Canale seconded the motion.

Ch. Christensen stated "let the record show that Mr. Rose did not participate in the review and the decision making of agenda Item #7 having recused himself".

(M/S/C TO APPROVE SHEET METAL WORKERS LOCAL 88 JATC STANDARDS REVISION)

ITEM 8 - PLUMBING HEATING COOLING CONTRACTORS OF NEVADA REVISION OF STANDARDS

Ch. Christensen asked for staff to come forth and to be identified and explain the item.

Ms. Echo Svoboda, Program Coordinator, stated they have a done a revision and the standards were last approved in 2008.

Ch. Christensen asked if there were any particular items that Ms. Svoboda wanted to point out that changed the standards.

Ms. Svoboda answered they had a change under the drug free policy. A change was added that if a student was unable to provide an adequate sample during the testing that it would be a refusal to submit.

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Ms. Brown explained that the drug policy was not added to the standards, because the Council has no jurisdiction over policies. When you change any policies they have to be resubmitted to the Council.

Ch. Christensen asked for questions from the Council.

Mr. Gouker stated he is fine with the policy revision and they are not a part of standards.

Mr. Rose stated he did not see any signature pages.

Ms. Brown stated she had the signature pages and signed out curriculum check list.

Mr. Rose stated on page 9 the ratio is 1 to 1 and asked if that has always been their ratio.

Ms. Svoboda answered yes.

Mr. Rose asked if there were any safety issues having a 1 to 1 ratio.

Ms. Svoboda answered that there had not been any.

Mr. Rose inquired about Appendix A, there were 4 years at 8000 hours and asked if there was any issues with getting the apprentices to fulfill the required hours.

Ms. Svoboda answered yes and they have implemented a database to track them.

Mr. Rose stated he had no further questions.

Ch. Christensen asked for other questions from the Council.

Ms. Quitt stated she had a question regarding Page 9, apprentice ratio. The word "recommended" should be changed to shall not be "less than".

Ch. Christensen asked if Ms. Svoboda would accept that change.

Ms. Svoboda stated she would.

Ch. Christensen asked for comments from the Council.

Mr. Gouker suggested the language to follow as required by NRS 610.438 it gives you the 1 to 1 and then the 1 to 3 after. It was not optional it meets state statute.

Mr. Davis clarified that regulation was NAC 610.438.

Mr. Gouker agreed.

Ch. Christensen stated those ratios need to be maintained both company and project wide.

Ch. Christensen asked for other comments.

Mr. Gouker asked if after the 1 to 1 ratio, the program would change 2 than 3 to 1.

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Ms. Svoboda agreed.

Christensen stated all the more reason to incorporate that statute and asked if she agreed to that change.

Ms. Daugherty asked if the signature pages could be given before the meeting from Ms. Brown because it held up the Council on approving standards and they have had to deny approval due to not having those signature pages.

Ms. Brown agreed.

Mr. Canale asked how about the committee composition.

Tracy Garvey, JATC Chairman stated both labor and management was represented for both the employees and apprentices.

Mr. Canale asked if all the companies had the opportunity to have this position, were they elected by the employees, or how they were decided.

Mr. Garvey answered yes; they were elected by the employees. On the last election an employee was voted in and would be representing the labor side.

Mr. Canale asked about section 4, page 4, A7, the applicant must be able to pass a post selection drug test. He asked for clarification on that.

Ms. Svoboda answered it read post selection/preregistration random drug testing, and preregistration was removed because that had done random drug testing after the program had begun.

Ch. Christensen asked for other questions from the Council.

Mr. Canale stated, regarding section 26, Qualifications for Employers, and on #2 it stated are required number of journeyman, he wanted to know if these were licensed journeyman.

Ms. Svoboda answered yes.

Ch. Christensen recognized Mr. Rose.

Mr. Rose asked to go back to the random drug testing. He stated the word random to him meant, whenever and whomever, and if they were drug testing everyone, the word "random" might not be needed.

Ms. Svoboda answered, yes they do test everybody and that it was at random times.

Mr. Gouker suggested to change the word "random" should be changed to, "upon offer of indentureship". So that everyone that is offered this apprenticeship would know they would be drug tested.

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Ms. Svoboda agreed.

Ch. Christensen asked for other comments.

Ch. Christensen asked for comments from the public.

Wade Mohr, Training coordinator for Local 525, asked the Council to go to page 1, under section 1B, #2, where it says "for cause" to be changed to "for just cause". Under section C, #2, each member "will" retain to be changed to "shall". He suggested several other clerical errors that needed changes.

Ms. Svoboda agreed to the changes.

Ch. Christensen stated he would entertain a motion.

Mr. Gouker motioned to approve with changes as noted and asked for Mr. Mohr to send the requested changes to Ms. Brown.

Mr. Rose seconded the motion.

(M/S/C TO APPROVE PLUMBING HEATING COOLING CONTRACTORS OF NEVADA REVISION OF STANDARDS)

ITEM 9 - LOCAL 669 NEVADA SPRINKLER FITTERS JATC REVISION OF STANDARDS

Ch. Christensen asked for anyone to speak in favor of the application.

Charles Ketner, Director, stated that the revision was being aligned with national standards and also aligned with the current collective bargaining agreement.

Ch. Christensen asked for any question from the Council.

Mr. Rose regarding the definition pages sub standards, under apprentice, and journeyman, under 2, and 10 add the definitions for "sprinkler fitter apprentice" and "sprinkler fitter journeyman".

Mr. Ketner replied yes.

Mr. Rose asked if Ms. Brown has received the signature pages.

Ms. Brown stated she had.

Mr. Rose asked about the language in section 2 of the Selection Procedure. The language stated "No new apprentice may be hired while unemployment exceeds two journeymen or apprentice within 100 miles." He wanted to make sure they were bringing in enough apprentices to keep the numbers where they needed to be.

Mr. Ketner replied yes they did maintain that.

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Ms. Quitt had a question for Mr. Ketner on Page 3 of the agreement; under Item 3, structure of the subcommittee, Item #B, to clarify participating electronically

Charles Ketner stated the committees had to meet telephonically, to have a quorum.

Ms. Quitt asked if it's video conference or teleconference.

Ch. Christensen asked what happens after you had established a quorum, did the persons stay and participate.

Mr. Ketner answered yes.

Ch. Christensen asked for questions from the public.

There were no comments

Ch. Christensen stated he would entertain a motion.

Mr. Gouker motioned to approve with changes as noted.

Mr. Canale seconded the motion with the changes.

(M/S/C TO APPROVE LOCAL 669 NEVADA SPRINKLER FITTERS JATC REVISION OF STANDARDS)

ITEM 10 - WELLS RURAL ELECTRIC REVISION OF STANDARDS

Ch. Christensen asked if anyone was present to speak in favor of the application.

Doug Howell stated the last revision was years before and they had to complete and clean up the revision of standards.

Ch. Christensen asked for questions from the Council.

Mr. Rose asked about the signature pages.

Mr. Howell answered that they had been given to Ms. Brown's office.

Mr. Rose requested that in the definitions, that they add inside and outside lineman to the apprentice journeyman definition and put fringes on the 5910.

Mr. Howell agreed.

Ch. Christensen asked for other questions from the Council.

Mr. Gouker stated that the applicant was not available to answer questions and he had not seen any recommendation for Mr. Howell to make changes. In the past this situation was tabled.

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Ch. Christensen asked if Mr. Howell had been authorized to accept changes.

Mr. Howell replied to a certain extent.

Ms. Daugherty had concerns regarding the form 5910, and stated that it was not complete.

Ch. Christensen asked Ms. Brown if she had received any update to the 5910 form.

Ms. Brown stated no and that it was missing step increases and the journey worker information.

Mr. Howell requested this item to be tabled until the next meeting.

Ch. Christensen asked for discussion from the Council.

Ch. Christensen asked to entertain a motion.

Mr. Gouker stated he would make a motion to table under the terms that someone from the program be present at the August meeting

Ms. Quitt seconded the motion.

Ch. Christensen asked that Ms. Brown make sure they understood the appearance, advise them of the changes and form 5910.

(M/S/C TO TABLE WELLS RURAL ELECTRIC REVISION OF STANDARDS)

ITEM 11 - REPORT OF STAFF A) QUATERLY STATISTIC

Ms. Brown reported there were 91 total programs approved, 2993 registered apprentice, 46% minority, 31% overdue and 4% female

Ch. Christensen asked Ms. Brown if she had stated 4% were female.

Mr. Brown stated yes.

Ch. Christensen asked for questions from the Council.

Ch. Christensen asked for questions from the public.

Mr. Howell stated that Local 669 JATC had 149 overdue apprentices and that counted toward the numbers.

Ch Christensen asked that they can invite Mr. Ketner back and explain why they had so many apprentices overdue. He asked Mr. Howell how many he had said they had.

Mr. Howell replied they had a total of 880 and of those 149 were overdue.

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Mr. Gouker agreed that the program come back explain why so many were overdue.

Ch. Christensen asked Ms. Brown to ask the program to come back.

Ms. Brown answered yes.

ITEM 12 - STATIONARY ENGINEERS LOCAL 39 JTC REVISION OF STANDARDS

Ch. Christensen asked if there was anyone to speak in favor for this applicant.

James Anderson stated they were submitting for Council to review the revision and approve current standards that were last revised in 2008. The change was for the addition of section 4 sub section A.

Ch. Christensen asked for questions from the Council.

Mr. Brown stated for the record that she had the required signature pages and curriculum check list.

Ch. Christensen asked for comment from the public.

Mr. Rose asked for clarification on definitions under journeyman and apprentice, and that they add the language stationary journeyman and stationary apprentice.

Ch. Christensen asked if that was acceptable.

Mr. Anderson stated yes.

Mr. Rose asked regarding, on page 7, under qualifications, A3, must be legally residing in the United States, how was that verified.

Mr. Anderson stated they used the documents that were given by the applicants. For example drive licenses, high school diplomas.

Mr. Rose stated that was not a process to verify if they were legally residing in the United States.

Mr. Anderson stated if they had a green card.

Mr. Gouker asked if Mr. Anderson was talking about I9 documentation for verification of legal status.

Mr. Anderson answered yes.

Mr. Rose asked if that part of the selection was to submit the form to the I9 verification website and E-Verify.

Mr. Anderson stated he does not personally do that. No.

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Mr. Rose stated the reason he was asked was that in his apprenticeship program, they legally check. They had them fill out the form, and asked for the required documents. They had staff trained to make sure they were legally residing and can work in the United States. That if you have that in your language, false documents can be submitted, and asked how was the verifying being done.

Ms. Quitt suggested changing legally residing, with must be eligible to work.

Mr. Rose stated he was not sure, that does not do anything if they were not being verified.

Ch. Christensen stated he understood this was a gray area in the law and obligation to verify was with the employer. He stated that they had never required employers to use e verification systems. Taking some steps to verify eligibility of individuals, may meet the obligation of current law.

Mr. Davis stated verification and legal eligibility was not listed in NRS 610.144.

Ch. Christensen stated that Mr. Rose's concern was if you had a statement in your standards that implies that you would take action, to ensure compliance with a requirement that you had in place. The issue is, is the Council requiring E-verification or is I9 documents sufficient for the program to determine eligibility. There is no regulation by the State or the Federal Government to require E-Verify.

Mr. Gouker stated he preferred the terminology eligible to work. An apprentice who was not legally eligible to work could create a problem for the programs.

Mr. Rose stated he was not asking for them to put in the E-Verify. When he saw the language, must be legally residing, he wanted to see how that was checked and the burden is on the employer.

Ch. Christensen asked for other comments from the Council.

Mr. Canale stated it was not required, but can they change or add something like, must provide documentation of eligibility to work in the United States.

Mr. Anderson stated that change can be made.

Ms. Quitt stated that on the previous application they had the same wording and that if a change is made they would have to change the previous language also. Guidance should be given from Council to strike this because it is not a requirement.

Ch. Christensen asked for comment from the attorney.

Mr. Davis answered an applicant can voluntarily agree to make a change, and he advised that they do not revisit that agenda item.

Ch Christensen stated benefits are available to people whether or not they are residents of the United States. We should not take that language out of their standards if that's their committees approach.

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Ms. Daugherty asked for clarification on the selection process, is the written test the only score used for the rank list.

Mr. Anderson stated the ranking is based off the score.

Ms. Daugherty asked if they did any interviews and just used the test.

Mr. Anderson answered just the written test and that when an employer calls for an apprentice they send out three applicants to be interviewed.

Ch. Christensen asked for other questions for the applicant.

Ch. Christensen asked for comment from the public.

Mr. Loupias stated we must remember we are not the employer just the trainer. He had the situations in the past when he sent an applicant to the employer and was turned back due to not being a legal resident or documents were falsified. That having, must be eligible to work in the United States, would eliminate most of that.

Ch. Christensen clarified that Mr. Loupias' suggestion was to place this in the application rather than in the standards.

Mr. Louipoues stated that was what they were told for the last 30 years.

Mr. Rose stated we are considered employers because Nevada statute, that we are required to pay workers comp while they are in class; therefore, we are an employer.

Mr. Loupias stated he was not familiar with that statute, and if they go to the insurance company they will not add apprentices who are training.

Mr. Rose stated that it depends on the company that has your insurance policy.

Mr. Gouker asked if Mr. Anderson would clarify the ranking of applicants, and if anyone was eliminated on the ranking score.

Mr. Anderson stated that everyone was put on the test, there is a passing score of 72%, anybody that falls below anyone who was at 71% or 69% do not make the hiring list.

Mr. Gouker stated if you do not have a valid test, you cannot eliminate anyone.

Mr. Anderson stated it was a certified test.

Mr. Gouker asked if documentation was available to verify that.

Mr. Anderson stated he did not have them with him.

Mr. Gouker stated that validation of test is required and to submit that to Ms. Brown.

Mr. Anderson answered he would.

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Ch. Christensen asked for other questions from the public.

Mr. Howell requested to table the program until verification of the test can be validated.

Ch. Christensen stated that this program has been approved since 1980.

Mr. Anderson stated last approval was in 2008.

Ch. Christensen asked Mr. Anderson if he wanted the Council to make a decision with or without the submitted test.

Mr. Anderson stated he wanted the Council to make the decision to be made without the documentation.

Ms. Brown stated regardless of the outcome, the Council could review the program and see if the test is validated; and if it was not, it could be brought back to the Council, and that was part of the normal compliance board.

Mr. Gouker stated he was fine with that and asked Mr. Anderson for clarification on how many applicants fall below the cut off score.

Mr. Anderson stated out of 1600 people that take the exam, 2% fail.

Mr. Gouker suggested that to eliminate the validation part, that every applicant that takes the test is put on the ranking list regardless of score.

Mr. Anderson agreed.

Ch. Christensen asked for other comments from the Council.

Ch. Christensen requested to entertain a motion.

Mr. Gouker requested that the motion come from the north since this program was in the north, and for clarification were they adding the words under qualification to provide documentation that they are eligible to work or leave at is.

Mr. Anderson stated he would change it to eligible to work.

Mr. Canale motioned to approve with changes.

Ms. Quitt seconded the motion.

Mr. Gouker asked Mr. Anderson to send a letter to Ms. Brown regarding that all applicants that take the test will be ranked.

Mr. Anderson stated yes he would.

(M/S/C TO APPROVE STATIONARY ENGINEERS LOCAL 39 JTC REVISION OF STANDARDS)

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REPORT OF DEPUTY ATTORNEY GENERAL

Mr. Davis stated he did not have any legal news to report.

REPORT OF SECRETARY DIRECTOR

Ms. Brown stated Ms. Chambers was not present and wanted to introduce the Deputy Labor Commissioner Mary Huck.

PUBLIC COMMENT

Mr. Howell stated that the federal report had been left off the agenda and asked if they wanted report.

Ch. Christensen answered yes.

Mr. Howell stated there had been new standards for apprenticeship for the Hilton World Wide for Hotel Management. There was a new application for coach operator on behalf of the San Jose Valley Transit Authority. There were new National guidelines for apprenticeship standards for international associates for bridge structural ornamental and iron who are over seeing iron workers. American grant application had closed. On April 24 there was a white house upscale summit and apprenticeship was pushed during this summit

Ch. Christensen asked for comments from the public.

Mr. Loupias asked that if Mr. Rose was going to retire, that The Labor Commissioner appoint someone from the south. Also, Senator Atkinson had submitted an apprentice bill that will give the Council more authority and had felt this would be a good thing because it would add any project that is funded through tax payer dollars.

Mr. Rose stated that after serving on the board for the past 5 years and due to his upcoming retirement he was resigning.

Ch. Christensen asked for public comments.

ADJOURNMENT

Mr. Gouker motioned to adjourn.

Mr. Canale seconded the motion.

(MISC TO ADJOURN)