

Meeting is subject to the provisions of the Nevada Open Meeting Law – NRS 241.020

*****MEETING MINUTES*****

Name of Organization: Nevada State Apprenticeship Council; Governor's Office of Workforce Innovation for a New Nevada (OWINN)

Date and Time of Meeting: December 16, 2019 at 9:00 A.M.

Note: Some members of the Council may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following locations:

Place of Meeting: Legislative Counsel Bureau
555 E. Washington Ave
Conference Room 4412
Las Vegas, NV 89101

Legislative Counsel Bureau
401 South Carson St.
Conference Room 3137
Carson City, NV 89701

Note: Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. NRS 233B.126.

Council Members Present: Nanette Quitt, Chair; Thomas Pfundstein; Mike Kennedy; Caleb Cage; Madison Burnett; Archie Walden; Randy Canale; Jeremy Newman; Kristine Nelson; Dr. Ricardo Villalobos

Council Members Absent: Bob Potts, Vice Chair

Others Present: Craig Von Collenberg, Governor's Office of Workforce Innovation (OWINN); Richard J. Williams, (State Apprenticeship Director); Dave Gardner; (DAG), Andres Feijoo, (OWINN); Joan Finlay (OWINN), Doug Howell, (US Department of Labor, Region VI.)

(*Please note that all attendees may not be listed above)

I. CALL TO ORDER AND WELCOME
Nanette Quitt, Chair

Chair Quitt called the meeting to order at **9:00 a.m.** She welcomed Nevada State Apprenticeship Council Members and members of the public. She also stated that the agenda should remain as last posted.

II. ROLL CALL - CONFIRMATION OF A QUORUM
Richard J. Williams, State Apprenticeship Director, OWINN

Richard J. Williams called roll and informed the Chair that a quorum was present.

III. VERIFICATION OF PUBLIC POSTING
Richard J. Williams, State Apprenticeship Director, OWINN

Richard J. Williams affirmed that the notice and agenda for this December 16, 2019, Nevada State Apprenticeship Council Meeting was posted according to Nevada's Open Meeting Law pursuant to NRS. 241.020.

IV. PUBLIC COMMENT(S)
(Public Comment will be taken regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Chair of the State Apprenticeship Council will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Council's jurisdiction or advisory power.)

Chair Quitt invited public comment.

Josh Morrow, Training Coordinator for Northern Nevada Sheet Metal Workers' Apprenticeship Program, stated he would like to cover a few points on a WAC Program review for the ABC Northern Nevada Apprenticeship standards for a sheet metal worker, and cited Section 2.B.1, noting it was unclear to him how the representatives on the JATC would be appointed, and ensure fair representation. He added that in Section 2.C.2, a fair representation of the employees was also important. **Mr. Morrow** cited page 25, signature sheet, and noted that it was interesting the both JATC representatives were ADC representatives. He noted that on Attachment 1, Section 3, there was a math test on the application process and asked for clarification on how that would affect ranking. On Number 7's reference to applicants who did not take the drug test being subject to removal from the program, **Mr. Morrow** commented that he believed an applicant could not be drug tested prior to being offered a position. Citing Number 8, "Committee shall rank applicants objectively" he stated that section was unclear as to what applicants would be ranked on.

Brian Reeder, Ferrari Public Affairs, on behalf of the Nevada Contractors' Association, spoke in general support of Item 9, ABC Apprentice Program, stating he believed more apprenticeship programs are needed in the State of Nevada.

Kevin Christiansen, Local 12, Joint Apprenticeship and Training Committee, commented on Agenda item 9.2, Certification for Operating Engineer, noted that the Council's focus should be on the apprentice and the quality of the program, as this application did not work for "one size fits all," due to safety elements of working around heavy equipment such as dozers, loaders, and cranes. He believed more emphasis on equipment safety is needed as this work inherently can be

dangerous. The curriculum needs more detail, and it should be ensured that the processes and classes are also provided, as well as certification that would lead to competency. He added that no instructors were listed, and it was important to list them and to confirm the instructors' capacities and backgrounds, based upon the statute's requirement to be meaningful and trustworthy. Wages are another consideration, as the application listed wages well below standard, at one-half the public's typical rate, with \$73 to \$78 per hour being standard, and the application proposed only \$30 per hour (SB207 required horizontal public work by apprentices), so it was proposed that more than double this wage be approved. Ratio standards should be listed as 5-1 in the Ratio Standards section but was not. He requested that the Council focus on: the value of apprentice, quality of program, facilities and equipment, and deny this application as submitted.

Antonia Godinez, Operating Engineer, graduated apprentice, full-time instructor, part-time operator, and working at a company in crusher and mining operations and CDL super-truck operation, stated she was thankful for the apprenticeship, noting that skills learned by in-classroom activities, including interaction with instructors and peers since there was not a lot of opportunities to ask on the job. She added that a well-rounded apprenticeship program would include grade checking, hazmat, and other items that would ensure safety.

Louis Loupias, Local 12 Training Center Engineer, commended the Council for their review of items and commented on several items, which were: last meeting minutes were not posted for public review, referred to page 5 qualifications for Timet that stated program would select from current pool of employees and that written industry recommendations were not stated in the standards or selection procedure, so he hoped that Council would see clarification if the program wanted to use the referral system, but if not, it should be stated what standards would be used and that the application process should be open to the public. If it is the intention of the program to sue Timet instructors it should be stated and their experience should be listed. He added that under process Appendix A2., the ratio is 1:1, but optimal ratios should be established only by Council if less than 3:1. In the February 6, 2015 meeting, the Council Chair asked to see the safety record of the program and sponsor. Process F shows 1,000 hours of basic carpentry for a crane mechanic in order to learn carpentry. He added that in 2016, a Councilmember had stated that a test must be validated, so this process must be used for all items under consideration.

David Gardner, Deputy Attorney General, stated that while there was no ability to transfer time between people, it was the Chair's prerogative to enlarge the time for a meeting. **Chair Quitt** said she would allow Mr. Loupias to speak three minutes on each item if that was permissible. **Mr. Gardner** said that it was important to provide equality across all speakers, so the Chair opted to retain a consistent approach and keep Mr. Loupias to the three-minute time frame already exhausted.

Brian Prather, Operating Engineers of Northern Nevada Apprenticeship Program, said there are many shortcomings to the applicants' standards, which misrepresent the apprenticeship program, with the objective to dismantle the safety standards. He added that on the job training does not allow for proper training because without the experience beforehand provided in the apprenticeship program, people often make rash and unsafe decisions, jeopardizing others and the expensive equipment in use. He said that when people are accepted into the apprenticeship

program, they actually quit their paying jobs in order to gain appropriate training, including safety training. If they are not provided that training, after having to disrupt their lives, they would have no recourse but to leave the industry if they should incur a safety issue, as they would be let go. He hoped Council would consider that before they changed standards.

Bill Stanley, Southern Nevada Building Trades Union, commented on items 7, 8, and 9, and noted the intent of SB 207 which had the Legislature voting unanimously to increase apprentices in Nevada, but at no time considered rushing apprenticeships forward in such a way as to neglect competency and due process, especially in the building trades, to allow the apprentice to have a way to grieve to the Committee, and allow the apprentice due process. Secondly, he hoped the Council would be cognizant of the fact that apprentices are properly trained and live up to the promise of apprenticeship, which is training and ability to work around the globe since the value of apprenticeship and gold standards of the program is recognized.

Robert Martinez, Operating Engineers Local 12, stated that he had worked as a union and non-union worker, and he agreed that the apprenticeship program should continue to provide the same standards of the past, and he looked forward to good training and advancing skillsets with the apprenticeship training.

Richard Hecht, Operating Engineers Local 12, a Marine Corps veteran, said he has four technical degrees as well as an associate's degree and has seen no technical training any better than the apprenticeship program. He believed that the safety standards were very important, with ample time allowed for training.

Travis Merrihew, Operating Engineers Local 12, said he was almost finished with his apprenticeship, and noted that he made a lot of sacrifices to get into the program, and would like to see all apprenticeships held to the same standards because of the personal sacrifices he had made to enter the program. He added that there was an agreement that is monitored by the Department of Labor, that the Trust pick up the tab, in order to ensure that the same wages are paid to all apprentices, and the difference between the typical program and the proposed program was \$32,230, not including the additional \$27.09 they are entitled to under the fringe benefits for 6,000 hours (a total of \$162,540). He asked where the money would go for the ABC apprentice, and he recommended the Council consider there were too many unanswered questions before taking action on the proposed program today.

Paul Palleschi, Operating Engineers Local 12, Army veteran, stated that he had learned in the service the importance of safety when lives are at stake. He said that without an established time frame for the apprenticeship, or specifics on how training would be administered, safety and proficiency could suffer, and he believes people with proper apprenticeship training and experience are essential to furthering knowledge and adhering to safety standards.

Daniel Durfee, Navy veteran, stated that at the time he earned his business degree, he had to work two jobs in order to get through college, and he believes in apprenticeship due to its fair wages,

with hands-on training, and meeting deadlines. Having employees answer questions on the job is not practical, and safety was of concern to him.

Sergio Enriquez, Operating Engineers Local 12, stated the importance of proper training and safety in the apprenticeship program. He was once injured through an unskilled novice worker, and he was able to still participate in the apprenticeship program.

Chris Trolson, Southern Nevada Operating Engineers Training Trust Instructor, stated he had gone through the apprenticeship program for three years and it was paramount that instructors taught a lot of safety as well as how to survive on the job site, along with the journeymen in the field. He added that he had come back in 2000 to assist in training young apprentices, and he felt that safety is supreme, while the speed of work is secondary and would come later. He added that after 40 years in the business he had learned a lot of tips and tricks that he passed on, and there were 17 instructors with more than 20 years of experience. He added that teaching with simulators does not really work, and stressed the value of fieldwork.

Kyle Gilbert, USAF veteran, stated he joined the apprenticeship over two years before and had seen the military side of safety, having joined the military, and having been a firefighter, after completing a two-year college program (where he had never used a fire hose), and after being deployed three times to Afghanistan, he had a rough transition, so had joined the apprenticeship program based on a friend's suggestion. He stated that he trusted his fellow apprenticeship members over his Reservists because he knew their focus on safety.

Justin Mader, Operating Engineers Local 12 Apprenticeship, said he was 45 years old and had struggled for some time as non-Union. He was very thankful for this program, and the training center instructors were one-on-one and professional. He was grateful for his family and the great living and the healthcare had helped his family through a rough time, with his wife going through cancer treatment twice. He said that safety is very important.

Warren Hardy, Associated Builders, and Contractors of Nevada said that he disagreed with **Mr. Stanley's** statement that there wasn't enough time to initiate apprenticeship programs, as there had been significant discussion on that, with the time frame of putting those together. He added that SB 207's purpose was to extend apprenticeship opportunities for young people into the construction industry in Nevada. He said that it had been mentioned by a previous speaker that the Union program had been in place for decades, and to expect that the facilities would remain at that level was unrealistic. He was very confused about the concerns expressed since the program is mirrored by the current apprenticeship programs. He acknowledged that the unions have a phenomenal program across the board, which the Associated Builders and Contractors aspired to be. He appreciated the testimony of the apprentices who had noted how the program changed their

lives. He pled for the Committee to treat the SB 207 design the programs with the same respect as the other programs.

Chair Quitt thanked all the members of the public who had comments and noted that there were not often that many apprentices or veterans in attendance.

VI. NEW PROGRAM - Sierra Pacific Power Company DBA NV Energy
1. Utility Fleet Mechanic (Competency-based)

Mr. Williams confirmed that this new program met the standards to be considered by the Council.

Chair Quitt recused herself from this item, as did **Jeremy Newman**.

Ryan Peterson, Senior Fleet Equipment and Training Advisor for NV Energy, stated that NV Energy was requesting a new program since the current program had been dormant for some time. He added that NV Energy was utilizing unique opportunities by provided full-time regular employment, as a represented employee of IBW1245, with college classes to be taken at TMCC while on the clock. He said this would be the first program that would allow an associate's degree into the curriculum.

Randy Canale commended the NV Energy program, stating the standards were well put together, but he had a question under Appendix D, Qualifications and Selection procedures, under Section C, physical qualifications, with applicants passing any physical agility test, and on the aptitude test it said applicants must pass an aptitude test, but according to NAC 610-820 and 825, those tests must be stated in detail in order together with the procedures for determining the standards and whether they would eliminate applicants from the eligible list.

Ryan Peterson said that during the application process, some tests would be performed such as mechanical testing, and such, so NV Energy was looking for mechanical abilities.

Mr. Gardner stated that the discussion was about part of the standards, which were not on the agenda today. **Chair Quitt** stated that the standards had already been approved, and this was a new occupation under those standards, so those generalized standards of the typical standards of a new occupation. She encouraged clarifying templates being used going forward, and encourage applicants for new programs to clarify standards.

Archie Walden said he understood the program had previously been approved as a competency-based program, but it was listed as a 2,000-hour program, although 18 months of the pay scale and 20 months of classes were outlined. He asked when the program would end, and Mr. Peterson stated that the program length would be two years because the apprentice's time would be split between the job site and the program at TMCC. He added that the limitation for topping out would be to achieve a two-year degree at TMCC.

Chair Quitt added that Appendix A showed competencies established by program competency and almost 1,200 hours of education.

Archie Walden stated that Section 20 should have OWINN listed as a contact for complaints.

Madison Burnett made a motion to approve the new occupation as submitted. Randy Canale seconded. The motion carried with two abstentions (Chair Quitt and Member Newman).

- VII. NEW PROGRAM - Titanium Metal Corporation (Timet) and United Steelworkers Local 4856
1. Crane Mechanic (Time-based)

Mr. Williams confirmed that this new program met the standards to be considered by the Council.

Ms. Susan Ross, College of Southern Nevada (CSN), presented the time-based position with apprentice ratio 1:1, referring to page 2, Apprentice Wage Schedule, and stated that the position has a pathway of associate's degree (CSN to provide instruction by certified instructors), and on-site training to be provided by Timet. She cited page 4, Appendix A.2., the 450 hours was incorrect and should have been revised per last meeting's direction (had not had time to meet with OWINN staff). She noted that Item F should state "basic mechanics," not "basic carpentry."

Chair Quitt clarified that if the Council chooses to approve this item today, it would be under the standards previously approved with all amendments, and **Mr. Williams** confirmed that. He added that OWINN staff would sit down with the sponsor over the next few weeks to make those amendments.

Randy Canale was confused on the O*NET code (494031 is for bus and truck mechanics and diesel engine specialists), noting that in Appendix 2, page 4, "crane" was not referenced. He was not sure why the crane mechanic was the title chosen for the occupation.

Mr. Williams stated that OWINN staff would double-check the O*NET code, although crane mechanics appeared to be the most appropriate compared to the job standards. **Mr. Canale** said that he simply did not see the connection to crane mechanic, so he did not see how that could be recruited as that occupation.

Ms. Ross asked whether inserting the word "crane" where applicable would suffice. **Mr. Canale** said that he was not necessarily looking for the word "crane" but perhaps an analysis to ensure this was actually a crane mechanic by duties, based on the fact that the O*NET code being used is typically for bus and truck mechanics, and diesel engine specialists. **Mr. Williams** stated he had just reviewed the codes and the one used seemed the most appropriate for that standard right now, but when considering other codes, perhaps code 49-3042.00 for mobile heavy equipment mechanic might be more appropriate.

Chair Quitt asked if there were other codes that had been researched, and **Archie Walden** stated he had researched the matter, and the 49-3042.00 would be the most appropriate code.

Mr. Williams said that he did not have the information available to see if there was a similar program from OWINN.

Mr. Canale made the motion to table the item until the appropriate code and similar programs could be researched. Jeremy Newman seconded. Motion carried unanimously.

Chair Quitt stated the item should be on the February meeting agenda, and requested that OWINN staff work with the program's sponsor.

- VIII. NEW PROGRAM - Nevada System of Higher Education DBA Truckee Meadows Community College
 - 1. CNC Set-Up Programmer Milling and Turning (Competency-Based)

Mr. Williams confirmed that the new item met the requirements by the Council to be considered today.

Cheryl Olson, Nevada System of Higher Education, representing Truckee Meadows Community College (TMCC), stated that the program was a two-year competency-based program, including 360 hours of related technical instruction, with approximately 4,000 hours of on the job training, with related technical instruction being provided by TMCC, taught by qualified instructors, with the apprenticeship program leading to associate of applied science in manufacturing technology. She noted the competency matrix is utilized to assess and document apprentices' progress towards full competency.

Chair Quitt asked if there were any questions, and **Caleb Cage**, from Nevada System of Higher Education, asked what might be the possibility of replicating something like this for the College of Southern Nevada in the future, and Ms. Olson said TMCC would be happy to work with any other educators/employers across the state to duplicate such a program.

Randy Canale asked if there was a company associated with the apprenticeship standards, and **Ms. Olson** said that there was one employer partner who would participate in the occupation. **Chair Quitt** stated that the standards that were previously approved would apply.

Mr. Canale thought the signature pages dated November 2017 should possibly be updated, and **Ms. Ross** stated she would work with OWINN to update that signature page. **Mr. Gardner** stated that this should be a future agenda item as it was not on the agenda.

Chair Quitt encouraged the Council to consider updated signature pages as a wide-range item that should be addressed as a Council matter.

After it was confirmed that the signature page is part of the standards, Mr. Canale dropped his request.

Tom Pfundstein made the motion to approve the new program for TMCC Set-Up Programmer Milling and Turning (competency-based) apprenticeship. Mr. Canale seconded. Motion carried unanimously.

- IX. NEW PROGRAM - Associated Builders and Contractors (ABC) Nevada Chapter Northern and Southern Apprenticeship Trust Fund
1. Operating Engineer North (Time-Based)

Chair Quitt reminded the Council that the standards have previously been approved, and **Mr. Williams** confirmed that all items in the new program met the statutory rules for consideration by the Council. **Kara Arenas**, Vice President, Associated Builders, and Contractors, Nevada Chapter, presented the new program information, noting that she had been managing programs for 16 years, and ABC's strategic plan was to focus on building additional apprenticeship programs for all the other trades in the association. She stated that southern and northern division standards are exactly the same. She provided the following information:

- Pages 1-30 already approved with other ABC standards in place and new programs will follow the same standards
- Apprentices will work for approved ABC Nevada contractors
- All contractors paid for students' training costs, college education and health insurance throughout the four years in the program
- Apprentices pay for books and tools
- Minimum qualifications are must be 18 years or older, have GED or HS diploma and possess a birth certificate
- The 8-member Apprenticeship Committee consisted of 4 management and 4 field representatives, appointed by apprenticeship trustees
- Representatives will be added by trade
- The maximum amount of OJT that can be approved by the committee are 1,000
- All programs require a minimum of 144 classroom hours
- All apprentices will also attend OSHA courses (paid for by trustees) and any specific certification courses needed to excel in their area
- National Center for Construction Education and Research (NCCER) will be the curriculum for all programs
- Classes will be one night a week for four hours
- NCCER students will receive certificates and transcripts when completed
- All NCCER modules consist of a multiple-choice class and hands-on performance
- Classes will be held at ABC facilities in classrooms
- Labs will be held in designated areas based on specific training
- Instructors are all NCCER certified (at least a journey worker level, and attend mandatory instructor training)
- All have 10 years' experience in their specific area of training
- The probationary period for all programs will be 25% of specific OJT program duration
- Apprentice wages will receive a raise every 1,000 of OJT
- All apprentices covered by ABC health insurance program for the duration of the program by the companies they work for
- Majority of apprentices are usually on the insurance up to a year or two after graduation
- Students receive 5 credits per semester
- Students will receive a skills certificate and a certificate of achievement
- Encourage students to move forward to achieve associate's or bachelor's degree
- Attend all job fairs to help with recruiting opportunities
- Ms. Arenas meets with middle and high school counselors to inform them of the programs
- Building a stronger partnership with Hope for Prisoners in re-entry efforts (Casa Grande)
- ABC is approved OJT program with the VA
- Some apprentices are receiving an extra \$1,500 per month (since they do not have student loans)

Mr. Gardner said that public comment was allowed at this point, but the topics must be on the agenda.

Chair Quitt asked for discussion for any Council Member discussion on 1. Operating Engineer North (Time-Based).

Madison Burnett stated that since much of the public comment referred to safety, he would like details regarding ABC's 5910 form, which listed only two instructors for programs north and south. **Ms. Arenas** stated that the instructor for the north was in process and not yet set up. She added that in the southern area, one instructor has 24 years of experience, while the other has 15. At **Mr. Burnett's** question regarding heavy equipment training, **Ms. Arenas** stated that will be working with quality contractors and the classroom time would be at a specific pit in southern Nevada, and every module in the curriculum would be on actual equipment and hands-on for evaluation purposes, with CDL and other certifications earned by apprentices, will be awarded the first year of the program.

Mr. Pfundstein asked about qualifications for instructors, and **Ms. Arenas** replied that they have at least five years' experience as journeymen, and are vetted and interviewed by the Committee. They were not required to have a degree but attended the NCCER Instructor Training, which requires periodic recertification. Upon **Mr. Pfundstein's** question about grading, **Ms. Arenas** stated that apprentices have to achieve 75% on every test. Attendance issues and/or failed tests would bring them before the Apprenticeship Committee and possible removal from the program. She noted that the operator's program duration and ratio, as well as classroom hours and hands-on program, instructor longevity, are all the same as OWINN requirements.

Mr. Canale asked why the standards were not renewed or discussed when new programs are introduced. **Mr. Williams** said the program standards review will begin next year for all programs; he expects to report on that in February. **Chair Quitt** said the previous Council had the same concern and had provided a work plan that would apply to those standards outside of the review time period. **Mr. Williams** said he will look to Council for further input during the review period. **Mr. Canale** said he appreciates that. It is difficult to go through the number of programs without standards being fully available and updated. He inquired about an address of a training program that would always be available. **Ms. Arenas** said the pit address would always be available for instructors. **Mr. Canale** added that the ABC classroom is another such location. **Ms. Arenas** undertook to provide those addresses once the program starts. **Mr. Canale** noted the curriculum and standards have to be approved by the Apprenticeship Council. **Mr. Von Collenberg** said the former requirement was for approval by the Department of Education. **Mr. Canale** said he appreciates that but reviewing all parts of programs before the Council is important.

Mr. Pfundstein moved to have the items tabled until the program staff could provide full details on the curriculum. Mr. Canale seconded the motion, stating that he would like to see full details on the programs, along with the standards.

Chair Quitt asked for clarification on what the unanswered questions were. She also clarified the motion was to deny this program, and **Mr. Von Collenberg** stated that other programs had been

voted upon in the past without the standards, so if that was the reason for tabling, that could cause some problems.

Mr. Warren Hardy objected to the motion for the reason that **Mr. von Collenberg** cited, and noted that the standards were already approved, and wanted it stated for the record that no one else had been held to that standard in the past.

[The Council took a short break]

Chair Quitt conducted roll call after the break. Having served for over eight years, she implored the Council to remember Council's responsibility to review pertinent statutes, not to encourage program sponsors to pay a certain wage, but to ensure that the agenda items are treated fairly and consistently. Based on the motion on the table, she had grave concerns about the standards already being approved, and she felt the Council should look at the statutes and reminded them that they have a legal obligation to those statutes.

Mr. Canale said that he questioned the agenda items, such as number IX, being stated as new programs, so his question was why they were not being evaluated as programs, not agenda items. He added that the standards had not been updated by five years, as the statute required. He believed that the item is on the agenda should allow for discussion of the standards. **Chair Quitt** stated that the review of standards was not an agenda item so it was not up for discussion. She asked **Mr. Pfundstein** to restate his motion; he said he wanted the motion to remain as he worded it before the break. He again mentioned the importance of quality for programs and he believed the standards should be the same across programs.

Mr. Hardy respectfully requested that **Mr. Pfundstein** provide a detailed description of where the standards were different and precisely what was under discussion. He added that there had been discussion all morning about disparities in the program, regarding safety and instructors. He added that those questions had all been answered and nothing was missing. He requested that **Mr. Canale** recuse himself, based upon an apparent bias unless issues could be clearly described. He respectfully requested an opportunity at this time, so that an opportunity in this duly noticed meeting was given for a response. He added that the standards had already been accepted and did not need to be defended. Two or three other programs were brought by others to this Council and the Council had been told not to discuss the standards. He wondered why standards were now an issue when they had not previously been in this meeting. **Mr. Hardy** said that he would respectfully suggest that the Council adopt **Mr. Pfundstein's** motion so that the next judicial level could be pursued.

Chair Quitt asked for clarification again from **Mr. Pfundstein** and reminded him that standards were not on the agenda. She noted that the previously approved standards were not to be

considered since this is a new program under the previously approved standards. She was unsure what his motion was regarding the standards.

Mr. Pfundstein asked **Mr. Kevin Christiansen** to speak on this item, to hear his concerns and to provide guidance.

Chair Quitt stated it was not within the purview of the Council to receive guidance from the public, but noted that **Mr. Pfundstein** was allowed to ask questions of the public in regards to clarifying any concerns regarding this new program.

Mr. Pfundstein stated he would not withdraw his motion.

Mr. Gardner stated that since there was a motion and a second, only the motion could be discussed until the motion was decided upon or withdrawn.

Mr. Kennedy asked for clarification on the motion. **Mr. Walden** said that while he had some issues with the program, he did not have a strong reason to deny the new program.

Chair Quitt noted that several members of the Council had requested **Mr. Pfundstein**, who made the motion, to state the motion again for the record before moving forward. **Mr. Pfundstein** stated that what he wanted with the motion was the same equality that is now present throughout the apprenticeship program, and was not disrespecting the organization or not wanting them to have a program. He wanted clarity in the program that after apprentices went to school and back out to the workforce, they would be safe.

Mr. Hardy asked where that was not provided, and **Mr. Pfundstein** stated he did not hear that so far. **Mr. Pfundstein withdrew his motion** and stated that he would like to open discussion to ensure that the construction site would have parity with the other programs in place. He is still not hearing that, and he did not want anyone later to say that the Council crucified an apprenticeship program.

Mr. Hardy again asked for clarification, beyond the standards, of what had not been provided. He added that the opportunity to review the standards had already been given before the presentation today. **Mr. Pfundstein** said that one point was the quality of a program with teachers who potentially do not have degrees, or plans to obtain a degree going forward. **Mr. Hardy** asked if that was a standard required by the state and **Mr. Pfundstein** said that it was not. **Mr. Hardy** asked why this program was being held to standards that others were not. He objected and reminded the Chair that a member of the Council had requested that legal counsel have the Operating Engineer's Program come up and provide guidance. He noted he had been doing this

work for 35 years and did not need further explanation of where this process was headed. He excused himself.

Chair Quitt asked **Mr. Gardner** for the protocol since the motion was withdrawn by **Mr. Pfundstein**. **Mr. Gardner** clarified that once the motion was withdrawn the second to the motion was also withdrawn automatically.

Chair Quitt asked if there was a motion, and **Mr. Newman** stated he had questions on the program. **Chair Quitt** stated that he was allowed to ask questions on Agenda Item IX.1. **Mr. Newman** asked if crane training for apprentices would be provided in-house or by a third party. **Ms. Arenas** stated that those details are being worked out, and a third party would be involved, with all the training being provided at the pit.

Mr. Matt Sizewell (phonetic) ABC Home and Heart, asked if it would be possible to excuse **Mr. Christiansen** as he is counsel for another entity and was sitting next to his client. **Chair Quitt** asked **Mr. Christiansen** to step away from the podium.

Mr. Walden stated his current concern is that northern Nevada did not have instructors. **Ms. Arenas** stated that she had not been able to make it to Reno to get the initial training done, but that would be completed within the next few weeks, and she already has instructors in mind. She added that she was a master trainer for NCCER, and they have several instructors throughout the country.

Mr. Canale stated that he would not recuse himself, and had previously stated that he believed the program should be brought in, but under the same conditions that every other program with the same job classifications had been brought in with. Since there was not an instructor for Northern Nevada right now, that would have to be listed on the 5910 as part of the new occupation. He said that not being done was the same as being given special instructions. He also wanted to know **Ms. Arena's** credentials for the train the trainer capacity, since normally that should come from someone working in that occupation.

Mr. Hardy respectfully asked that statute be cited that requires the items **Mr. Canale** mentioned, and he also asked why he had been asked numerous times for items that were not in the statute, while other programs are not asked. The statute allows a year to get all these items in place. He requested that every request from this Committee going forward be accompanied by an NRS statute that would indicate why that information should be provided when others do not have to provide it.

Chair Quitt said that it was permissible for the Council to ensure that new programs meet statutes so Council Members could ask for items in order to ensure that. She added that there is a probationary period, and some information would come forth after that. **Chair Quitt** said that the safety record of a new occupation should be reviewed to ensure that safety precautions are met.

Archie Walden said that the program would have a one-year probationary period. **Mr. Williams** verified that NRS-Statute gave the following wording: "Each newly approved program will be on

probation for a period of at least two years.” **Mr. Walden** said that would give time to correct issues, and his only concern was the 5910 form not being included, but other than that, it looked like all documents were followed.

Madison Burnett said that he would like to see the experience and safety record of the three employers in the north and south section, and **Ms. Arenas** stated she did not have that on hand but noted those employers were all required to complete the ABC national application and there was a standard for safety.

Mr. Hardy noted that was not required, but seeing it was a fair question, it would be provided to the Council.

Mike Kennedy asked if the ABC application was relied upon to insure contractors. **Ms. Arenas** confirmed that. **Mr. Hardy** stated that was the same definition in all the other ABC approved programs.

Jeremy Newman asked if there were any NRS codes that would prevent the Council from approving this new program, and **Mr. Williams** stated that OWINN had not found any issues when they reviewed the program.

Mr. Hardy said that there were three minutes originally allowed for public comment at the beginning of the meeting.

Mr. Christiansen interjected that statute, NRS 6101443-I (3) sub-parts i and n, called for “adequate facilities.” **Mr. Canale** asked if the program required proof of journeymen employees. **Ms. Arenas** said that at this time, there was no process in place, but it was planned to perform testing for all journeymen (working with NCCER on that). **Mr. Hardy** stated that was not a requirement of the standards, so he respectfully requested that if there was an area where the state standards were not being met, they should be articulated so they can be addressed.

Upon **Chair Quitt’s** question regarding which other programs are currently functioning under the same standards, **Ms. Arenas** replied those are electrical (approved 1991), sheet metal (approved 2008), and plumbing (approved 1995) apprenticeship programs.

Randy Canale said that during the public comment period, several engineers had noted a difference in their programs, and asked if it would be appropriate to ask for a statement from one of them as to why they felt the programs were not similar. **Chair Quitt** said that would be allowed for a specific question. **Mr. Canale** asked **Mr. Christiansen** to define the multiple differences in the programs to which he referred in the public comment period, and **Mr. Christiansen** cited NRS 6101443-I (3) sub-parts i and n, noting that standard required provisions for adequate and safe equipment and facilities for training.

Mr. Gardner noted that the standards were again in the discussion, even though they were not amended. **Mr. Canale** asked what the difference was in training requirements as opposed to the new occupation. **Mr. Christiansen** stated that there was no way to assess the merits of a program

without looking at standards. **Chair Quitt** respectfully asked that any Council Members ask questions in order to conduct its duty here today. She entertained a motion.

Chair Quitt moved to approve the new program under agenda item IX. 1., as it met the statute standards requirements, as well as the standards for ABC company, and that the company's standards be reviewed by this Council in February 2020.

Mr. Louis Loupias stated that as a point of order, the Chair could not make a motion. **Chair Quitt** requested a second to her motion. **Mr. Loupias** asked Mr. Gardner if the Chair can make a motion. **Mr. Gardner** said he was not allowed to respond to the public. **Mr. Louis Loupias** said that a fair process would not allow the Chair to make a motion.

Mr. Walden asked Mr. Gardner if the Chair was allowed to make a motion. **Mr. Gardner** stated Chair could, but was not allowed to vote, except in the instance of a tied vote.

Chair Quitt mentioned that all non-voting members are allowed to make motions, but only voting members are allowed to speak in favor or opposition.

Mr. Madison seconded the motion and Mr. Walden noted that he would like to see some things added to 5910, such as instructors, and years in experience and occupation, as well as a physical address, as a valid, safe place of training. The motion carried with no opposition.

2. Operating Engineer South (Time-Based)

Chair Quitt said that she believed the program overview had already been provided and she opened for questions from the Council of the program sponsor.

Chair Quitt moved that the new program in Agenda Item IX.2. be approved, pending review of their standards by SAC Council in February 2020. Mr. Kennedy seconded. Motion carried with no dissension (Mr. Walden requested the same information as Item IX.1. be added for the 5910).

3. Carpenter North (Time-Based)

Chair Quitt stated she believed a review of this program had been provided and opened for questions from the Council of the program sponsor. **Mr. Walden** said his only concern was the ratio, according to NFC16438, the program was asking for a 1:1, while that statute stipulates a 1:3 ratio for instructor/apprentice. He requested that the ABC program change the 1:1 to 1:2 and 1:2 to 1:3 ratios. **Ms. Kara Arenas** agreed to that.

Archie Walden moved that the new program in Agenda Item IX.3. be approved with the above change in ratios. Jeremy Newman seconded. Motion carried without dissension.

Mr. Gardner asked if the ratio was found in the standards and **Chair Quitt** noted that Attachment III overview referred to the ratios.

4. Carpenter South (Time-Based)

Ms. Kara Arenas stated she would like to change the ratios to the 1:1 to 1:2 and 1:2 to 1:3 on this program as well.

Jeremy Newman moved that the new program in Agenda Item IX.4. be approved with the change in ratios. Mr. Burnett seconded. Motion carried without dissension.

5. Sheet Metal Worker North (Time-Based)

Ms. Arenas noted that this was for the northern division only, as there was already a program in the southern division (which this proposed new program mirrors).

Archie Walden requested that the ratios be changed on this one also to the 1:1 to 1:2 and 1:2 to 1:3, and **Ms. Arenas** agreed to that.

Madison Burnett moved to approve as amended above for Agenda Item IX.5. Mr. Pfundstein seconded. Motion carried without dissension.

6. Telecommunications Technician North (Time-Based)

Ms. Arenas said that this program had been approved before but had been in hibernation, and all was mirrored to the previously approved program.

Madison Burnett stated he was of the parallel program so would abstain.

Jeremy Newman also abstained, for the same reason.

Mr. Walden once again requested that the ratios be changed, and **Ms. Arenas** agreed to make the change on this item and the south proposal.

Mr. Archie Walden moved to approve with the change in ratios on Attachment 3, as above.

Upon **Mr. Kennedy's** question about the programs hibernating, **Ms. Arenas** stated that the north program went inactive in 2010 and the south program around 2013, due to contractors' companies dissolving.

Tom Pfundstein seconded. Motion carried with two abstentions (Mr. Burnett and Mr. Newman).

7. Telecommunications Technician South (Time-Based)

Ms. Arenas stated that she would also change the ratios on this program as well.

Jeremy Newman and **Madison Burnett** abstained due to being in parallel programs.

Tom Pfundstein moved to approve, with the change in ratios in Attachment 3, as above. Mike Kennedy seconded. Motion carried with two abstentions (Mr. Newman and Mr. Burnett).

Chair Quitt thanked those present from the sponsors and stated she would see them in February.

Ms. Arenas thanked those present.

X. SECOND PUBLIC COMMENT(S)

(Public Comment will be taken regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Chair of the State Apprenticeship Council will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Council's jurisdiction or advisory power.)

Paul McKenzie, Building and Construction Trades Council Member in Nevada, noted that every agenda item was considered a new program, not a new occupation. He added that the attorney had not made this agenda clear, and the meeting in its entirety was held in violation of the statute and he believed the Attorney General's Office would receive a similar complaint.

Donnie Gibson, President of Civil Works, commented that Civil Works is a horizontal contractor in the Las Vegas market, and he felt this was about workforce development, energizing youth, and giving options while providing career opportunities without college debt. He believed such programs are vital for the future and growth of the industry. He added that the industry is responsible for many conveniences, and Nevada is short over 16,000 workers, with the workforce rapidly aging. He said the union and non-union shops should coexist for the betterment of the state, the industry, and workers.

There was no further public comment.

Chair Quitt reminded OWINN staff and Council to be cognizant of the agenda items that would be revisited at the next meeting, as well as the previous work plan document as submitted by the council regarding probation and programs that were to be reviewed and reported the council.

Mr. Williams stated that OWINN looked forward to getting programs reviewed at the next Council meeting. **Chair Quitt** reminded him that in November the Council had asked for some programs to attend the February meeting, so she suggested the minutes be reviewed to clarify those items in preparation.

XI. ADJOURNMENT

The meeting of the Apprenticeship Council was adjourned.

NOTE (1): Persons with disabilities who require special accommodations or assistance at the meeting should notify Joan Finlay, OWINN, between the hours of 8:00 a.m. through 5:00 p.m., in writing at 555 East Washington Ave, Ste. 4900; or call (702) 486- 8080 on or before the close of business, Tuesday, December 10, 2019.

NOTE (2): Agenda items may be taken out of order, combined for consideration by the public body, and/or pulled or removed from the agenda at any time. The Chair may continue this meeting from day-to-day. Pursuant to NRS 241.020, no action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

NOTE (3): All comments will be limited to 3 minutes per speaker. Comment based on viewpoint may not be restricted. No action may be taken upon a matter raised under the public comment period unless the matter itself has been specifically included on an agenda as an action item. Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process of individuals, the Board may refuse to consider public comment. See NRS 233b.126

NOTE (4): Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes

NOTE (5): Supporting public material provided to members for this meeting is posted on OWINN's website at OWINN.NV.GOV/ and may be requested from the Governor's Office of Workforce Innovation (OWINN) at 555 E. Washington Avenue, Ste. 4900, Las Vegas, Nevada 89101 or by calling Joan Finlay at 702-486-8080.

NOTE (6): NOTICE OF THIS MEETING WAS FAXED, E-MAILED, OR HAND DELIVERED FOR POSTING TO THE FOLLOWING LOCATIONS: on or before 9:00 a.m. on the third working day before the meeting: DETR, 2800 E. St. Louis, Las Vegas, NV; DETR, 500 East Third St., Carson City, NV; DETR, 1325 Corporate Blvd., Reno NV; NEVADA JOBCONNECT, 3405 S. Maryland Parkway, Las Vegas, NV; NEVADA JOBCONNECT, 4500 E.Sunset Road, Henderson, NV; NEVADA JOBCONNECT, 2827 N. Las Vegas Blvd., North Las Vegas, NV; NEVADA JOBCONNECT, 1929 N. Carson St., Carson City, NV; NEVADA JOBCONNECT, 172 Sixth St., Elko, NV; NEVADA JOBCONNECT, 480 Campton St., Ely, NV; NEVADA JOBCONNECT, 121 Industrial Way, Fallon, NV; NEVADA JOBCONNECT, 475 W. Haskell, #1, Winnemucca, NV; NEVADA JOBCONNECT, 4001 S. Virginia St., Suite G, Reno, NV; NEVADA JOBCONNECT, 2281 Pyramid Way, Sparks, NV; CAPITOL BUILDING, 101 N. Carson Street, Carson City, NV 89701; GRANT SAWYER OFFICE BUILDING, 555 E. Washington Ave., Las Vegas, NV; LEGISLATIVE BUILDING, 401 S. Carson St., Carson City, NV; NEVADAWORKS 6490 S. McCarran Blvd., Building A, Unit 1., Reno, NV; WORKFORCE CONNECTIONS, 6330 W. Charleston Blvd., Las Vegas, NV. This agenda was also posted on the internet through OWINN's website at: OWINN.NV.GOV.