BS&J BRANSTETTER STRANCH & JENNINGS PLLC

November 23, 2022

SENT VIA EMAIL ONLY
Nevada State Apprenticeship Council
Department of Business & Industry
Office of the Labor Commissioner
3300 W. Sahara, Suite 225
Las Vegas, NV 89102
nevadasac@labor.nv.gov
ewoltz@labor.nv.gov

Re: November 29, 2022 Nevada State Apprenticeship Council Meeting
Opposition to Agenda Item 10 - Solar Photovoltaic Installer 47-2231.00

Dear Members of the State Apprenticeship Council:

Please be advised that this law firm and the undersigned have been retained as counsel for the Ironworkers Local 433 JATC, the International Union of Operating Engineers, Local Union No. 12 and the Southern Nevada Operating Engineers Joint Apprenticeship Training Committee, and the Bricklayers & Allied Craftworkers, Mountain West Administrative District Council and Nevada Brick, Tile, Marble & Stone Joint Apprenticeship & Training Committee with regard to the above-referenced matter. Each of our clients are either labor unions who are sponsors of an apprenticeship program through a joint labor-management committee or a "joint committee" as defined within Nevada Administrative Code Chapter 610. Their sponsored programs are registered with the Nevada State Apprenticeship Council ("NSAC"). ***Our clients ask that the Nevada State Apprenticeship Council deny the portion of the application within Item 10 on the November 29, 2022 NSAC Agenda concerning the Solar Installer Occupation application made by the Southern Nevada Laborers' Training Trust (Attachment 1-C).***

The item contained at Attachment 1-C to Agenda Item #10 must be denied because the proposed solar installer occupation by the Laborers' Trust fails to meet minimum apprenticeship standards. The proposed installer position also must be denied because it does not meet the requirements of Senate Bill 247 and Assembly Bill 459 from the 2021 Nevada Legislative Session. That law requires the NSAC to ensure that in approving a new apprenticeable position that the approval will not oversupply the number of workers necessary in the skills taught and trained and that it does not force down wages. The solar photovoltaic installer program to be presented by the

Laborers' Trust under Agenda Item #10 already presents lower wages than those for the Ironworker, Operating Engineer, and Bricklayer occupations that teach the same skills that the Laborers' program attempts to teach under its solar program. The Operating Engineers, Ironworkers and Bricklayers programs also review and consider the entire construction industry in southern Nevada when determining the number of apprentices to bring into their programs to teach the necessary skills of their trade. They do not simply look at one segment of the construction market, like solar installation, and admit apprentices only for those type of construction projects.

I. NRS 610.144 Requires the NSAC to Evaluate Numerous Factors Before Approving the Laborers' Application and those Factors Demonstrate their Application Should be Denied.

NRS 610.144 provides the requirements for programs to be eligible for registration and approval by the NSAC. The Legislature substantially amended this section of the Nevada Revised Statutes during the 2021 Nevada Legislative Session through its enactment of Senate Bill 247 and Assembly Bill 459. Those changes are now codified within NRS 610.144, and those changes are important to the NSAC's consideration of the Laborers' application. NRS 610 also provides the purposes of the Chapter of NRS are to "regulate the supply of skilled workers in relation to the demand for skilled workers." NRS 610.020(4)

> If a program of apprenticeship in a skilled trade is proposed by an employer or association of employers for approval and registration by the Council and the Council has previously approved and registered a program for the skilled trade, the Council shall provide a copy of the proposed program to the sponsor of the approved and registered program and hold a hearing before approving or rejecting the application. The Council shall not approve a proposed program pursuant to this subsection unless the program requires the completion of at least as many hours of on-the-job learning or the demonstration of at least the same number and quality of skills, or both, as applicable, as all existing approved and registered programs in the relevant skilled trade.

NRS 610.144(2)

The Legislature also directed the NSAC how to determine whether such a program should be approved or rejected under subsection 2 of NRS 610.144. In addition to the requirements of subsection 1 of NRS 610.144, the NSAC must consider the following eight factors:

> (a) Relevant information concerning the approved and registered program, including, without limitation, the standards for apprenticeship of the program;
> (b) *Whether the sponsor of the approved and registered program is jointly administered by labor and management*;
> (c) *The provisions of any applicable collective bargaining agreements*;
> (d) Dictionaries of occupational titles;
> (e) Opinions of experts provided by interested parties, including, without limitation, organized labor, licensed contractors and associations of contractors;
> (f) *Recognized labor and management practices in the relevant industry*;

(g) *Scope of work descriptions issued by the Labor Commissioner and the United States Department of Labor*; and

(h) *The supply of skilled workers in the trade in relation to the demand for skilled workers in the trade and the extent to which the sponsor of the approved and registered program is willing and able to provide apprentices to the proposed program*.

NRS 610.144(3)(a)-(h) (emphasis added).

The proposed solar installer occupation from the Laborer's Trust significantly overlaps with the skills and competencies taught in the Operating Engineer, Ironworker, and Bricklayer programs in multiple ways. Should the Laborers' application be approved this will result in overtraining of certain skills within already existing and approved programs. As will be testified to by the witnesses from the affected programs, they survey the entire construction industry in determining the need and number of apprentices to bring into their programs. Their review of upcoming, expected, and projected work within the construction industry of southern Nevada includes a review of solar projects. Their review of those projects specifically has included an understanding that expansion of those types of projects will occur with recently enacted federal laws and a knowledge that the skills they teach within their programs applicable to solar installation will increase. In summary, the supply of necessary workers to meet the skills demanded is accurately accounted for by the Bricklayer, Ironworker, and Operating Engineer programs, which means the new occupation applied for by the Laborers is redundant and unnecessary. This is true within and outside of solar construction in southern Nevada.

As it concerns the Bricklayers' program, the following portions of the proposed solar installer occupation are similar to those skills or directly overlap with the skills taught in the existing already approved Bricklayers' programs:[1]

- Brick Paver Installation (Schedule of Related Instruction: Appendix B to Attachment 1-C)
- Retaining Wall Installation (Schedule of Related Instruction: Appendix B to Attachment 1-C)
- Fence Installation (Schedule of Work Experience: Areas of Concentration-Appendix A to Attachment 1-C)

As it concerns the Operating Engineers' program,[2] the following portions of the proposed Solar Installer occupation are similar to those skills or directly overlap with the skills of the already approved and registered Operating Engineers programs:

[1] Note that for each of these three programs, this is not an exhaustive list of the ways in which they demonstrate similar occupations, skills taught, core competencies or training objectives.

[2] Larry Hopkins and Chris Trolson from the Operating Engineers Apprenticeship expect to be present for the NSAC meeting on November 29, 2022 to answer any questions and to provide further information to the NSAC concerning the skills and competencies within the Operating Engineers program.

- Trenching and Excavating (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)
- Grade Setting/ Checking (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)
- Site Preparation (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)
- Line and Grade (Schedule of Related Instruction: Appendix B to Attachment 1-C)
- Landscape Equipment Operation (Schedule of Related Instruction: Appendix B to Attachment 1-C)
- Forklift and Equipment Operation (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)

As it concerns, the Ironworkers' program,[3] the following portions of the Laborers' Solar Installer occupation are similar to or directly overlap with the skills taught in the Ironworkers' program:

- Site Preparation (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)
- Identifying Torque Tubes and H beams (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)
- Layout and post setting (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)
- Identifying PV system components and hardware[4] (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)
- Assemble and install hardware to rack systems, torque tubes, H beams and other PV system components (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)
- Aerial lift operation (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)
- Fence Installation (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)
- Identify, inspect, use and maintain all tools (Schedule of Work Experience: Areas of Concentration- Appendix A to Attachment 1-C)

All of the above work experience and the skills attendant to these work experiences are taught by the above named and registered programs. These skills are proposed within the application now pending before the NSAC by the Laborers' Trust. This means the application falls within NRS 610.144(2) as a program in which a previously approved program exists. Thus, it is incumbent upon the NSAC to ensure that all provisions of NRS 610.144(3)(a)-(h) are satisfied before approving the program. Subsection (b), (c), (f), (g), and (h) of NRS 610.144(3) dictate that

[3] Scott Sylvia and Jason Rafter from the Ironworkers Apprenticeship Program expect to be present for the NSAC meeting on November 29, 2022 to answer any questions and to provide further information to the NSAC concerning the skills and competencies within the Ironworker program.

[4] Photos of apprentices performing hands on training in this type of work is attached to this letter as **Exhibit A**.

the NSAC should not approve the solar installer application brought forward by the Laborers' Trust.

First, the NSAC has been directed by the Legislature to review "[w]hether the sponsor of the approved and registered program is jointly administered by labor and management." NRS 610.144(3)(b). The Ironworker, Operating Engineer and Bricklayer programs are all jointly administered by labor and management and are already approved and registered programs.

Second, the NSAC must examine the "[r]ecognized labor and management practices in the relevant industry." In this matter, the prior registration of joint labor management programs by the Ironworkers, Bricklayers and Operating Engineers and their signatory contractors shows that the practice in the industry is to teach skills within a fully apprenticeable occupation and not merely pick and choose specific skills for a single type of construction project. The industry practice as it concerns the work performed by Ironworkers and their apprentices on solar projects is shown by the letters from a contractor attached as **Exhibit B** to this letter. Even in their most modern form (since the National Apprenticeship Act of 1937), apprenticeships in the construction industry have followed a model of providing full instruction for apprentices in becoming a journeyperson in a specific trade. They have not been cut into pieces and trained for specific portions of the construction industry. Thus, industry practices show the Laborers' Trust's solar installer occupation application should be denied.

Third, subsections (c) and (g) of NRS 610.144(3) can be analyzed together and demonstrate that the Laborers' Trust's solar installer application should be denied. Those subsections direct the NSAC to evaluate "[t]he provisions of any applicable collective bargaining agreements" and the [s]cope of work descriptions issued by the Labor Commissioner and the United States Department of Labor." NRS 610.144(3). The Labor Commissioner surveys annually in recognized work classifications. Those classifications, the skills and tasks required of those classifications, and the applicable prevailing wage rate are published by the Labor Commissioner, which makes them a public record of which the NSAC can take notice. Moreover, under NRS 338.030, when a union wage rate prevails, the collective bargaining agreement rules are subsumed within the prevailing wage determination. The skills necessarily taught within the Bricklayer, Operating Engineer, and Ironworker programs are within the recognized classifications of the Labor Commissioner in setting the applicable prevailing wage rates. Thus, the applicable CBAs and work scopes demonstrate no need for approval of a new solar installer program teaching many of these same skills.

Fourth, under subsection (h) of NRS 610.144(3), the NSAC must analyze "[t]he supply of skilled workers in the trade in relation to the demand for skilled workers in the trade and the extent to which the sponsor of the approved and registered program is willing and able to provide apprentices to the proposed program." NRS 610.144(3)(h). The programs already registered and teaching the necessary skills to perform the Ironworker, Bricklayer and Operating Engineer skills and competencies on construction projects, including solar installation projects, across southern Nevada will produce a sufficient number of apprentices and journeypersons to meet demand within the construction industry. Construction employers will not be short of skilled apprentices and journeypersons because a sufficient supply of labor will be provided by the Ironworkers, Operating Engineers, and Bricklayers programs. Quite simply, approving the Laborers' Trust's application

will only lead to an oversupply of workers and will drive down wages for those with the skills currently being taught by the existing programs.

In addition to the required NSAC analysis of the subsections within NRS 610.144(3)(a)-(h), the Legislature also specifically permitted the NSAC to "condition approval of the proposed program on the payment of compensation to apprentices that is equal to or greater than the compensation provided by the approved and registered apprenticeship program." NRS 610.144(3). The wage rates presented within the Laborers' application are considerably below those for the Ironworker, Operating Engineer and Bricklayer apprentices registered in their programs. In fact, in many cases, the Laborers' rates for journeypersons are below several steps of apprentices in the Ironworker, Operating Engineer and Bricklayer programs. If the NSAC is inclined to approve this solar installer occupation, it must condition approval of the occupation on payment of wages at the rate applicable to and equivalent to the existing programs when apprentices are performing work within those skill sets.

After consideration of the pertinent factors within NRS 610.144, the NSAC may appropriately deny the Laborers' solar installer application. The proposed solar installer occupation fails to meet the examination required of it under NRS 610.144.

II. The Proposed Laborers' Occupation Fails to Meet Important Safety Standards Required by the NRS, NAC and Previous NSAC Decisions and NSAC Policies.

It is impossible to understate the importance of workplace safety. This especially true in work as dangerous as that on a construction site. The proposed Laborers' occupation fails to meet requisite safety standards in three major ways that each standing alone would require rejection of their program. Standing together, all three fully demonstrate the critical importance of rejecting this application.

The three ways in which this proposed occupation by the Laborers Trust lacks proper safety precautions and protections is (A) improper journeyperson to apprentice ratios; (B) reduced hours needed to complete the apprenticeship; and (C) lack of qualified instructors.

A. The Laborers' Application does not include adequate apprentice to journeyperson ratios to ensure worker safety.

Ensuring an adequate ratio of journeypersons to apprentices is directly within the purview of the NSAC. The Laborers' application for solar installer occupation does not meet the standards typically observed in the construction industry. NRS 610.144(1)(e)(7). The Legislature has specifically delegated the responsibility for setting safe ratios to the NSAC. The Legislature has also committed to the NSAC responsibility over the "working conditions for apprentices." NRS 610.140(a). Regulations adopted by the NSAC require construction programs to use a ratio of "not more than one apprentice for the first journeyman at the jobsite and not more than one apprentice for every three additional journeymen." NAC 610.438(l)(a). To amend or change this ratio up or down, the NSAC must "determine[] that a different ratio is consistent with the proper supervision,

training, safety and continuity of employment of an apprentice, and, if applicable, with any provisions of a collective bargaining agreement." NAC 610.438(3).

The standards proposed by the Laborers' Trust state their ratio of apprentices to journeyperson will be one apprentice for the first journeyperson employed and then one additional apprentice for every two additional journeypersons employed. *See* Attachment 1-C of the Laborers' Trust Solar Installer Standards. This ratio is inconsistent with the applicable Nevada Administrative Code Sections and inconsistent with standards approved by the NSAC for the type of work contained within the Laborers' Trust's application and the skills they propose to teach under their solar installer occupation.

The Operating Engineers Standards for their program, which has previously been approved by the NSAC, require a journeyperson to apprentice ratio of five journeypersons to each apprentice. Operating construction equipment, like a trenching machine, is certainly dangerous work. Therefore, the ratio of journeypersons to apprentices is higher than that stated in the applicable NAC section. Failure to meet the standards set within the Operating Engineers' program would cause apprentices to be subject to unsafe on-the-job training and working conditions. The Operating Engineers Standards are based on many decades of experience in what is an appropriate ratio for safe training. The portions of the Laborers' solar installer application that seek to teach the skills within the Operating Engineers program of apprenticeship must meet the applicable journeyperson to apprentice ratio. Otherwise, the apprentices and those working around them will be in needless danger and at risk of unnecessary harm.

The Bricklayers' approved Standards for their program, which has previously been approved by the NSAC, require a journeyperson to apprentice ratio of three journeypersons to each apprentice for teaching and attainment of the skills within their program that are also placed within the Laborers application. This ratio of journeypersons to apprentices is higher than that stated in the applicable NAC section. The Bricklayers' Standards are based on decades of experience in knowing what an appropriate ratio is for safe on-the-job training. The portions of the Laborers' solar installer application that seek to teach the skills also taught within the Bricklayers' program of apprenticeship must meet the applicable journeyperson to apprentice ratio in the Bricklayers' program. The Laborers' solar installer occupation does not meet this standard.

The Laborers' Trust's application must be denied because it presents an unsafe work and learning environment for apprentices.

B. <u>The Laborers' Application does not meet the total number of hours required for the existing Operating Engineer, Bricklayer and Ironworker NSAC-approved programs.</u>

Within its application, the Laborers' Trust states "[t]he term of the occupation shall be approximately two years with an on-the-job learning (OJL) attainment of 4000 hours supplemented by 300 hours of related instruction." This falls far short of the on-the-job attainment requirements of the Operating Engineer, Bricklayer and Ironworker programs. The Operating Engineer program requires at least 6,000 on-the-job hours and in some cases as many as 8,000 on-the-job hours. The Ironworker program requires 5,600 to 8,000 hours of on-the-job attainment to

reach journeyperson status. The Bricklayer program requires a completion of 4,500 on-the-job training hours to reach journeyperson status.

The Laborers' proposed solar installer occupation does not meet the number of on the job hours necessary to properly teach the skills taught within the already registered apprenticeship programs of the Operating Engineers, Bricklayers, and Ironworkers. The lack of appreciable and necessary hours will result in apprentices who (1) lack competency in the skills needed and (2) who will present a potential danger on construction sites because of their lack of competent fully trained skills. Simply failing to provide the same number and quality of on-the-job hours is sufficient to deny the Laborers' Trust's application pursuant to NRS 610.0144(2). Therefore, the NSAC should deny the solar installer occupation application made by the Laborers' Trust.

C. The Laborers' Application does not include information on who their qualified instructors will be or how they will obtain qualified instructors.

NRS Chapter 610 makes it the responsibility of the State Apprenticeship Director to ensure the public interest is protected within the fields of apprenticeship. *See* NRS 610.110(2)(d)(2). Nevada law also requires that instruction of apprentices be completed with trained teachers that have the requisite job experience to teach apprentices the skills under the proposed occupation. *See* NRS 610.120(2). Furthermore, standards for apprenticeship must include "[p]rovisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction." NRS 610.144(1)(e)(9). Qualified instructors are required before a program may be approved by the NSAC. *See* NRS 610.144(1)(e)(14).

The proposed standards submitted by the Laborers Trust merely state that they will provide or secure competent instructors for their program. The proposed standards do not state that they currently have any such instructors and does not provide how they plan to locate or hire those instructors. The proposed standards do not identify any such persons and also do not provide the experiential background of their instructors.

The Laborers' Trust's inability to identify their instructors by name reveals the lack of ability to properly provide and administer their program. The environment for apprentices should be as safe as possible while they learn the trade. Obviously, construction sites cannot be made accident or harm free but qualified instructors can go a long way in protecting apprentices and those working with them from harm.

Operating heavy machinery, like trenching equipment or a crane, is incredibly dangerous if performed improperly. It is dangerous to those operating the equipment and to those workers on the construction site near where the equipment is being improperly operated. A lack of adequate instruction will result in improper equipment and machinery operation and maintenance. Working around or with electricity is also dangerous and solar projects certainly involve electricity and the dangers attendant to working with electricity. Furthermore, the Laborers' application fails to state the quantity or whether they, in fact, possess or have access to the construction equipment and machinery necessary to teach the skills stated in the application. This is a critical omission for their application.

The Laborers' Trust's proposed solar installer occupation must be denied by the NSAC. Without qualified instructors, no program should be approved under Nevada law. The NSAC has a duty to ensure workplace safety is maintained through examining the experiential history or background of instructors in a proposed occupation. A promise of providing adequate instructors at a later date is insufficient for purposes of meeting the applicable NRS sections. Therefore, the NSAC must deny the program solar installer occupation proposed by the Laborers' Trust.

III. Presentation from Apprentices in Affected Programs

Registered apprentices in the Bricklayer, Ironworker, and Operating Engineer programs will be in attendance at the NSAC meeting via Teams on November 29, 2022. The apprentices wish to speak to the importance of their registered program to them and how approval of this Laborers' Trust solar installer application will harm their future job prospects through an oversupply of workers with the skills they are learning and drive down wages due to oversupply of workers with their skills. In addition, the lower wages proposed within the Laborers' application in and of itself present a negative force on the wages earned by apprentices in already registered programs. Each apprentice will endeavor to limit their remarks to two minutes in keeping with the traditional public comment rules of the NSAC.

IV. Each of our Clients Request Recognition from the NSAC and a Designation as a Party of Record.

Each of our clients request that the NSAC designate them as a party of record in this matter as a contested administrative matter, case, or hearing. Each of our clients has the right to submit comments to the Council in this matter under NAC 610.355.

In addition, in 2007, the NSAC adopted temporary rules adding two subsections to NAC 610.355. Those sections read:

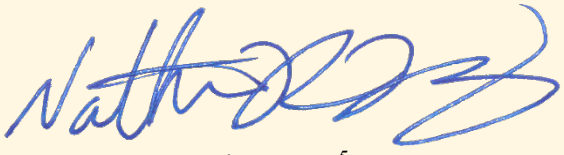
> 3. Any registered sponsor who elects to comment may request in its written comments that it be allowed to become a party of record to the application for the proposed program of apprenticeship. If the registered program demonstrates to the Council that it has a direct and substantial interest in the application for the program of apprenticeship, the Council shall make the registered sponsor a party of record to the application and shall provide written notice to the registered sponsor and the applicant of such action. Once the Council has made a registered sponsor a party of record, the registered sponsor shall receive notice of any matter on the application, including any final action taken on the application by the Council.
>
> 4. The registered sponsor, as a party of record, may appeal the Council's final action on the application to the Labor Commissioner. If the registered [sponsor] does not appeal the Council's final action to the Labor Commissioner, but the applicant for the proposed program does, the registered sponsor shall be given notice of the appeal and shall have a right to participate, as a party of record in the appeal so taken.

Our clients are either sponsors of approved and already registered programs operated as joint committees that will be negatively affected should the NSAC approve the Laborers new solar installer application under Agenda Item #10. Furthermore, the participating employers in the programs will be directly harmed by approval of the proposed substandard program by the applicant. If the NSAC approves this application, it would reduce the quality and skills of the workers already performing this work, limit apprentice training to single occupations on specific types of construction projects, fail to provide skills needed to become a journeyperson in an apprenticeable occupation or trade, and negatively impact on the job safety requirements on Nevada construction projects. The Bricklayers, Operating Engineers and Ironworkers programs all specifically teach workplace safety and meet OSHA standards in their programs.

As existing registered programs that teach skills, which the proposed Laborers' solar installer application also seeks to teach, our clients request that they be recognized by the NSAC as a party of record in this matter. This will allow them to further pursue their interests should appeal of any decision made by the NSAC on this matter become necessary following the hearing on November 29, 2022. Furthermore, our clients and each of their programs' apprentices and journeypersons will be injured if the Laborers' Trust's standards for solar installer are approved. Therefore, they also request being designated as an "aggrieved party" before the NSAC, the Labor Commissioner and Nevada courts holding jurisdiction should the program in Agenda Item #10 be approved by the NSAC. Though, they all request that the application by the Laborers' Trust be denied as presented.

Our clients ask that the Nevada State Apprenticeship Council deny the portion of the application within Agenda Item #10 on the November 29, 2022 NSAC Agenda concerning the Solar Installer Occupation application made by the Southern Nevada Laborers Training Trust. Should the NSAC have any questions concerning these written comments, I will be in attendance at the November 29, 2022 NSAC meeting to answer questions and provide additional comment. Also present will be representatives from each of our clients.

Very truly yours,



Nate Ring, Esq.[5]
BRANSTETTER, STRANCH & JENNINGS, PLLC

Enclosures: As Stated

cc: Ron J. Sikorksi, Business Manager, IUOE, Local 12
Shawn Kinsey, Recording- Corresponding Secretary, IUOE, Local 12
Rich Crawford, Director, Bricklayers MWADC

[5] Licensed in the States of Nevada, Oregon (inactive), and Washington.

Anthony Ivester, Bricklayers MWADC
Jason Rafter, Ironworkers JATC
Scott Sylvia, Ironworkers JATC
Larry Hopkins, Operating Engineers Apprenticeship Training Trust
Chris Trolson, Operating Engineers Apprenticeship Training Trust
Richard Wood, Southern Nevada Operating Engineers

EXHIBIT A

BS&J BRANSTETTER STRANCH & JENNINGS PLLC

Scott Sylvia

From: scott sylvia <adrenalinejunki@att.net>
Sent: Wednesday, November 9, 2022 9:44 AM
To: Scott Sylvia
Subject: '[EXTERNAL]'



Sent from my iPhone

Scott Sylvia

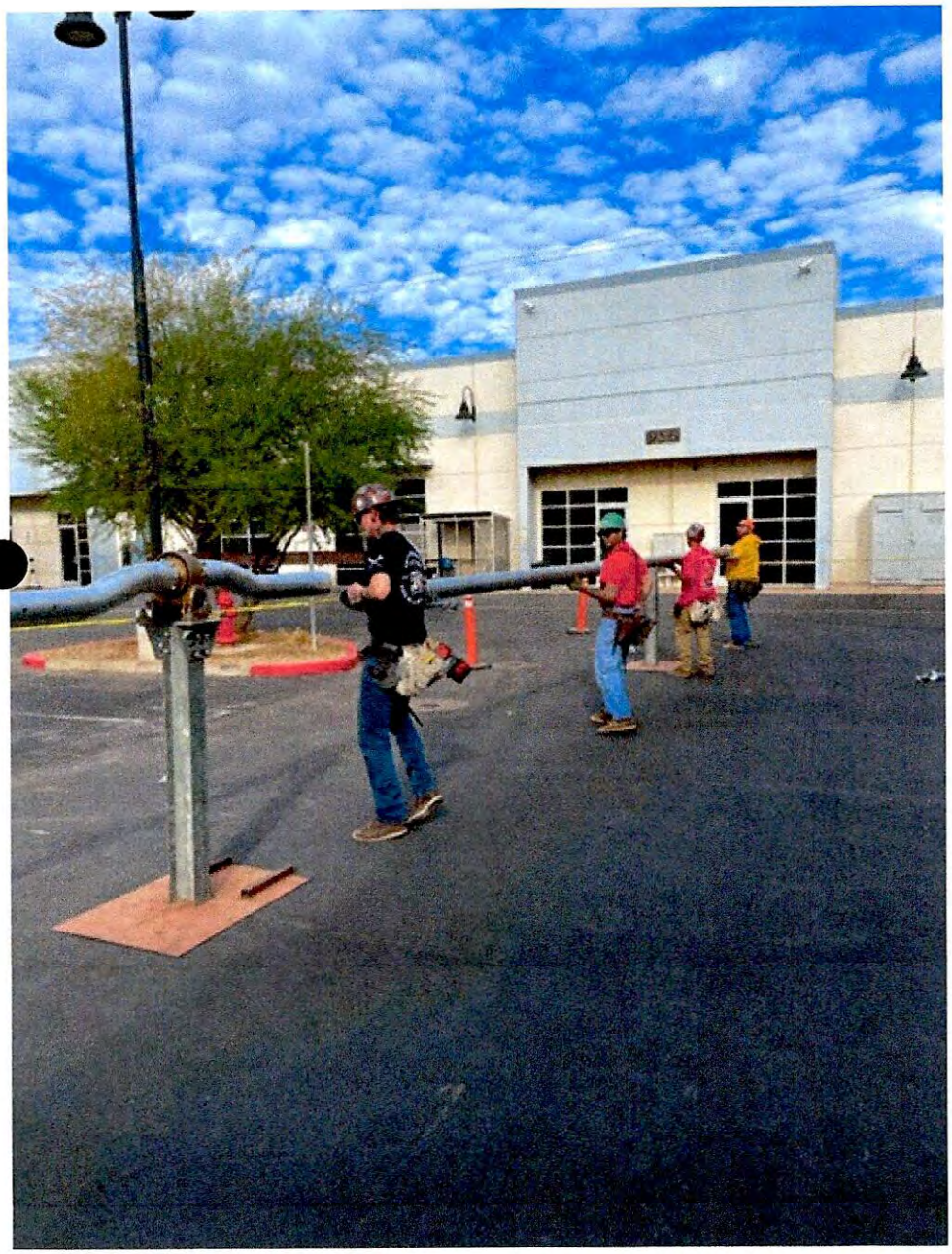
From: scott sylvia <adrenalinejunki@att.net>
Sent: Wednesday, November 9, 2022 9:43 AM
To: Scott Sylvia
Subject: '[EXTERNAL]'



Sent from my iPhone

Scott Sylvia

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Sent: Wednesday, November 9, 2022 9:43 AM
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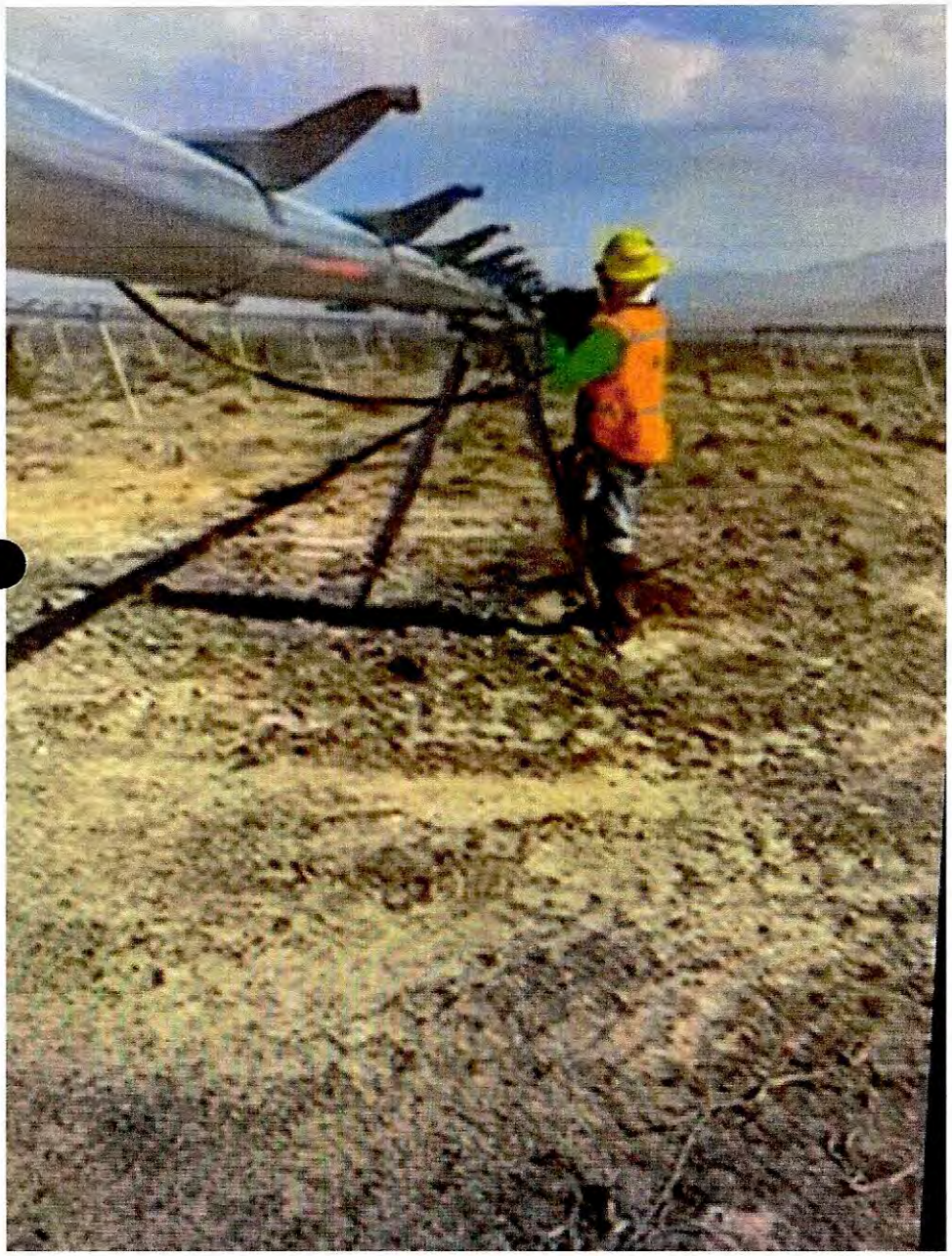
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To: Scott Sylvia
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Sent from my iPhone

Scott Sylvia

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[redacted]ent: Monday, August 22, 2022 9:43 AM
To: Scott Sylvia
Subject: '[EXTERNAL]'[EXTERNAL]



[redacted]ent from my iPhone

Scott Sylvia

From: goscootgo@gmail.com
Sent: Monday, August 29, 2022 7:12 AM
To: Scott Sylvia
Subject: '[EXTERNAL]'[EXTERNAL]Bom

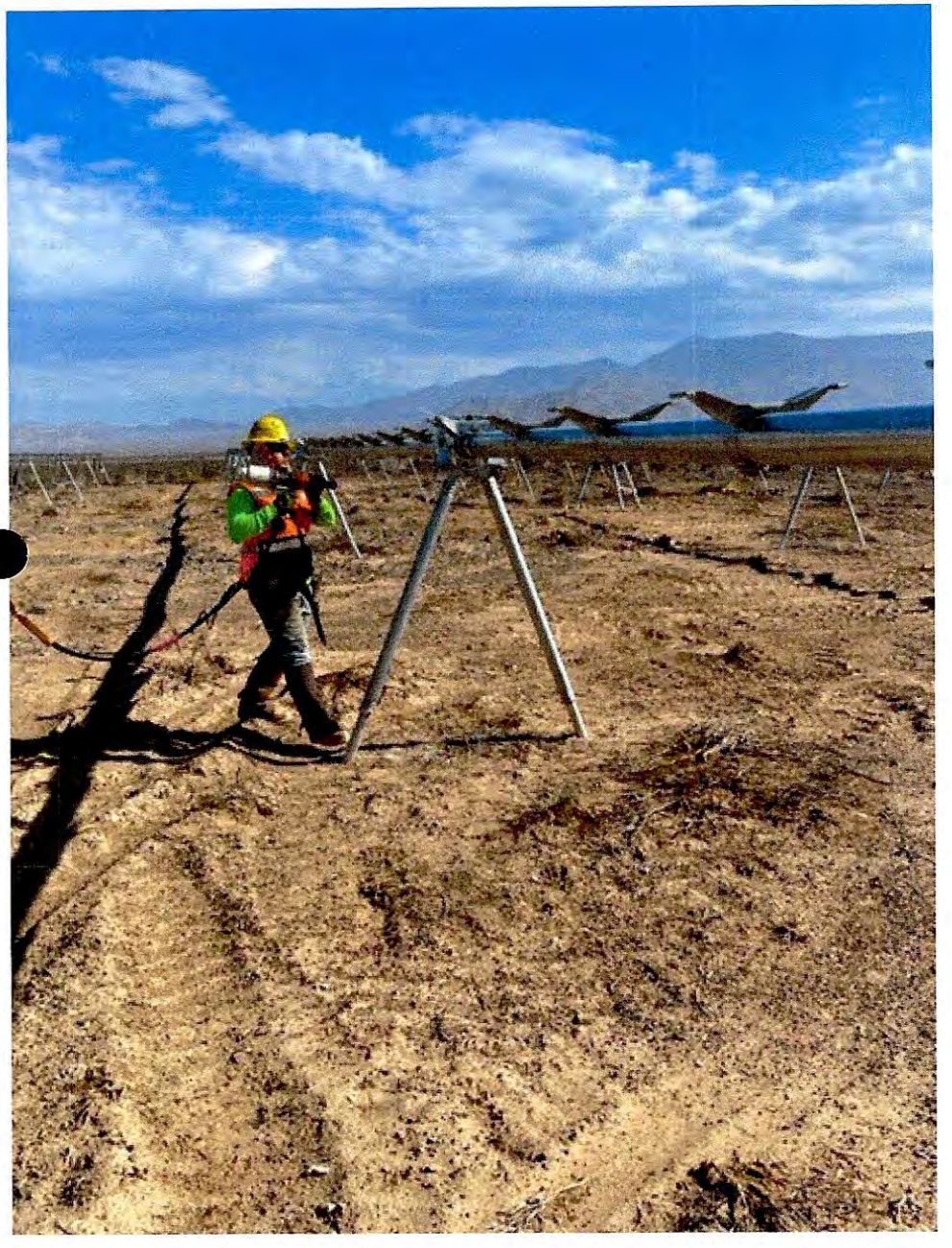


EXHIBIT B

BS&J BRANSTETTER STRANCH & JENNINGS PLLC

Kiewit

Scott,

Over the last few years of my career in the construction industry, I can undoubtedly say that I have never seen a trade so dedicated to their members like I have witnessed with the Ironworker's Local 433 apprenticeship program. I have been on a multitude of union construction jobs but witnessing first-hand your care for your members and their safety, especially on solar work, has been inspiring. As a safety professional, I have seen hundreds of craftsmen and women of all experience levels come through my office, but none before having such a solid foundation when arriving to one of our sites than the apprentices and pre-apprentices through your apprenticeship program. The individuals we have seen here are extremely eager to learn, seem to thoroughly enjoy the work they are doing, striving to impress, and follow their directives exceptionally well. If there is one trade that I do not have to worry about on-site, it's the ironworkers. Your program always provides us with well-trained workers and workers on demand whenever we need them.

Your journeymen and foremen must be applauded as well. They have served as a great group of mentors for the newer generation of ironworkers. They have all been willing to answer questions, provide guidance and support to not only the apprentices and pre-apprentices, but to myself and my staff as well, which has helped us learn more about the work itself and adapt to the abundance of field knowledge present. This work has seemed to be a perfect fit for this trade so far. In addition, the opportunities created for the apprentices to earn a great wage and have benefits based on the skills your program teaches them is unapparelled among the trades.

YELLOW PINE SOLAR

I truly look forward to the ability to work with this group in the future on other solar projects in Southern Nevada and across the country.

Sincerely,

Evan Laird

Project Safety Manager

Kiewit Power Constructors

Scott,

It has been a pleasure working with you and the Ironworker's Local 433 apprenticeship program over the past five months. Being invited to attend a portion of your 40-Hour solar orientation for pre-apprentices, I was able to witness first-hand the care and passion you put into the pre-apprentices preparing them for their entry into a construction career. This has, in turn, bolstered the effect of my teachings during our site safety orientation in connecting with and empowering this future generation of ironworkers. It speaks volumes to the dedication that you and the Ironworkers have to your craft by including solar specific classes for your members that enhance the skills already learned in your best-in-class apprenticeship program.

We have greatly appreciated the dedication you have to your apprentices. We are impressed that your dedication shows in your travel to our project site multiple times to check in with the Ironworker apprentices and pre-apprentices to see first-hand what is working, what changes would be more effective, and genuinely caring for the safety of your members. Your program's commitment to supplying the construction industry of southern Nevada with high quality ironworkers is obvious from the work you do and the ironworkers your program produces. More importantly, your program builds the community in other ways by providing high wages and benefits and a career to your apprentices and journeypersons.

Your dedication to safety and the training of your members has not gone unnoticed by me or others on the project site.

John Shutes

Craft Safety Advisor

Kiewit Power Constructors