

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 (OWINN)

Date and Time of Meeting: Wednesday, March 24, 2021 at 9:00 AM

Note: The members of the Council will be attending the meeting, and other persons may attend the meeting and provide testimony, through teleconference in compliance with Governor Sisolak's State of Emergency Directive 006.

Place of Meeting: Teleconference: 1-888-363-4735 Access Code: 9319340

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: Chair Archie Walden, Thomas Pfundstein, Mike Kennedy, Randy Canale, Jeremy Newman, Madison Burnett, Stacey Bostwick, Ryan Bellows

Council Members Absent: Craig Statucki, Dr. Ricardo Villalobos

Others Present: Richard Williams, State Apprenticeship Director; David Gardner, Senior Deputy Attorney General; Douglas Howell, U.S. Department of Labor; Eileen Woltz, OWINN; Al DeVita, Laborers' Training Fund for Northern Nevada; Cheryl Olson, Nevada System of Higher Education (NSHE)

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

1. CALL TO ORDER & WELCOME
Chair or Vice Chair

Chair Walden called the meeting to order at **9:00 AM**. He welcomed Nevada State Apprenticeship Council Members and members of the public. For everyone's information, under normal circumstances we would not be having council meetings over teleconference. However, due to the COVID-19 pandemic, Governor Sisolak's Emergency Directive 006, extended by Directive 029 Section 4, does permit public bodies like this council, for the time being, to conduct proceedings over mediums such as teleconference.

2. ROLL CALL - CONFIRMATION OF A QUORUM
Richard Williams, State Apprenticeship Director

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

3. VERIFICATION OF PUBLIC POSTING

Richard Williams, State Apprenticeship Director

Richard Williams affirmed that the notice and agenda for this March 24, 2021 Nevada State Apprenticeship Council meeting was posted according to Nevada's Open Meeting Law pursuant to NRS. 241.020.

4. PUBLIC COMMENT

(Public Comment emails sent to mwoltz@gov.nv.gov will be read by the State Apprenticeship Director)

Chair Walden called for Public Comment and or emails to the OWINN office. He asked if there were any comments for the Public that were listening on the phone, **hearing none** he then closed the public comment.

5. REVISION OF PROGRAM STANDARDS, OCCUPATION, APPRENTICESHIP AGREEMENT, AFFIRMATIVE ACTION PLAN, QUALIFICATIONS AND SELECTION PROCEDURES *(Information/Discussion; For Possible Action)*

Discussion of possible action on the program sponsor's revisions to its previously approved standards.

Sponsor: Laborers' Training Fund for Northern Nevada

Occupation: Construction Craft Laborer

Chair Walden noted that, after consulting with the Senior Deputy Attorney General, he discovered he does not have to abstain from this line item, as Local 169 is a separate entity.

Al DeVita, Training Director, Laborers' Training Fund for Northern Nevada, discussed the revision of the program standards. Section 13, in Section 23, the last paragraph was added to align their standards with their collective bargaining agreement. The most substantial changes are in Appendix D, Qualification and Selection Procedures. Previously, they had a requirement that a person had to score 70% of the total application points in the process to be placed in the pool of eligible applicants. They removed the 70% requirement for the total process and instead implemented a cutoff score in the first phase.

Madison Burnett asked about the program's required hours in Appendix B. Originally, the hours had been listed as required, but are now written as recommended, for both instruction in core courses and instruction in areas of concentration. Mr. Burnett asked whether they would be leaving at least 300 hours for the requirement or removing it.

Al DeVita answered that the requirement to finish the program remains at 300 hours, and what is being changed is what is required within that 300 hours. Previously, core courses required 175 hours and areas of concentration required 125 hours. While those are the recommended hours, some applicants enter the program with experience and training that should allow them flexibility in what they learn in their required 300 hours.

Randy Canale asked whether in Part 1, Section E, under Construction Craft Laborer, the highlighted changes were being expanded or changed. It says all phases of concrete construction, masonry construction, pipelines, tunnel and shaft excavation, landscaping, hazardous waste, and environmental remediation and demolition.

Al DeVita clarified that that the industries represented have been clarified to include all phases of concrete construction, and then they also added masonry construction, pipelines, tunnel and shaft excavation, and landscaping. He proposed, for clarity's sake, moving the phases of concrete construction to the end of the list, or adding something that indicates it would be only work traditional performed by members of the Laborers' International Union in North America.

Randy Canale asked whether **Mr. DeVita** would move all the phases of concrete construction at the end.

Al DeVita indicated he would work with **Director Williams** to make that happen.

Randy Canale wished to make statements on Section 23, page 19, on relation of standards, collective bargaining agreement. He indicated that it appears **Mr. DeVita** has met the minimum requirements. Mr. Canale asked whether Mr. DeVita was changing the selection procedures, as on page 45, it states that direct date entry placements shall be permitted for a son or daughter of a journeyman laborer provided the laborer has ten or more years of field experience with Laborers' 169. Mr. Canale noted that normally this is something he would take issue with, as most programs who have this option do not have their timetables and goals being met. However, Mr. DeVita appears to be meeting all required goals and it does not appear that this option negatively affected the timetables. Mr. Canale would like to watch carefully the effect of this option on processes and whether it starts having an adverse effect.

Chair Walden called for further discuss and **hearing none** called for a motion to approve the program standards revisions for the Laborers' Training Fund for Northern Nevada Construction Craft Laborer occupation.

Chair Walden made a motion to approve the program standards revisions for the Laborers' Training Fund of Northern Nevada, Construction Craft Laborer occupation. Thomas Pfundstein seconded. All those in favor say "Aye," those opposed say "Nay." The Ayes have it and the motion carried.

6. NEW PROGRAM STANDARDS/NEW OCCUPATIONS

(Information/Discussion; For Possible Action)

Discussion and possible action for new program standards and new occupations.

Sponsor: Board of Regents, Nevada System of Higher Education (NSHE)

1. INJ Standards of Apprenticeship and Associated Appendices B through E
2. Appendix A1 - Licensed Practical Nurse
3. Appendix A2 - Medical Front Office Representative
4. Appendix A3 - Pharmacy Technician

5. Appendix A4 - Certified Nursing Assistant

Cheryl Olson presenting for the Nevada System of Higher Education briefed the Council on the new program standards and occupations. Healthcare employment represents over 150,000 total jobs or 11.3% of the civilian workforce in Nevada. Unlike every major industry sector in Nevada, employment in healthcare has increased every year since 2002. Over the next decade, the healthcare sector in Nevada is projected to add over 29,000 jobs, an increase of over 23%. Healthcare jobs in Nevada continue to represent well-paying recession resistant employment to thousands of young Nevadans poised to enter the state's workforce over the next decade. Many of these opportunities will only increase as a result of the growing demand for healthcare associated with population growth and improving economy and retirees relocating to the silver state, offering a wide variety of registered apprenticeship programs and healthcare occupations, which will help jumpstart the careers of individuals interested in healthcare and help build the healthcare workforce in Nevada.

Chair Walden asked about Section 4, Item D, Aptitude Tests. It says when required by an employer, each applicant must pass that test given by the employer, which will be used as one factor in the selection process. Chair Walden asked whether multiple employers would have a standardized test or whether each employer would have their own test.

Cheryl Olson indicated that, as at this point each occupation has only one employer, they do not anticipate utilizing assessment tests at this time. However, if they do have an employer that joins a particular occupation as approved, they will standardize the assessment test that is utilized, and bring it to the Council for consideration prior to implementation.

Chair Walden asked about Section 20, page 13, the Complaint Section. The document indicates that a discrimination complaint must be filed not later than 180 days from the date of the alleged discrimination or specified failure to follow equal opportunity standards. Chair Walden recalls that the standards he has seen indicate 300 days for filing a discrimination complaint, and asked why it was changed to 180. He also asked of **Senior Deputy Attorney General Gardner** whether 180 days is allowable.

David Gardner said that in NAC 610, it indicates 180 days, but the time to file discrimination charges was recently increased to 300 days, and it likely has not been updated yet.

Chair Walden asked Ms. Olson whether she would be amenable to changing it to 300 days to file complaints and **Ms. Olson** said she was happy to make an adjustment to that standard.

Randy Canale asked whether this aptitude test would eliminate anyone from the applicant pool or whether it was merely an evaluation and **Ms. Olson** indicated that at this point, they are not utilizing any aptitude tests, and that should they require any, they will bring that to the Council for consideration.

Randy Canale asked whether NSHE gives applicants a right to appeal to the Council on any removal and **Ms. Olson** affirmed yes.

Randy Canale asked, regarding Appendix A2, the Medical Front Office Representative, about the journeyman occupation's hourly rate. His concern is that the hourly rate is listed as \$16.79, but GOED's chart lists the average wage for that occupation at \$18.41. He is concerned that, after a year of participating in an apprenticeship, journeymen will receive a wage lower than industry standard.

Cheryl Olson stated that the employer offering the apprenticeship based its wage scale off their existing wages for hiring medical front office workers. She assumes that if their wage is not competitive, they will not be able to fill their apprenticeship vacancies.

Randy Canale understands that this could be pay for an entry level position, but the entry level position should be apprentice, not journeyman. He is again concerned that this will lower the wage earning ability of Nevada workers, as employers will race to the apprenticeship program to lower their offered wages.

Cheryl Olson believes that with supply and demand, and other opportunities, employers will not be successful in operating an apprenticeship at an unrealistically low wage. She also indicated that these are stepping-stone occupations created for people entering into a field and that the job attained after the apprenticeship is also an entry-level position. She said she would work with the employer to increase the wage scale, but the employer feels that this is a reasonable wage for apprenticeship.

Randy Canale stated that he understood but does not believe that competition would eliminate problems with wages if employers chose to enter the program using these same wage scales. He also asked what the purpose of an apprenticeship is if at the end of that apprenticeship a journeyman is still in an entry-level position. He looked at additional occupations in the document and both Pharmacy Technician and Certified Nursing Assistant paid lower than the average hourly earnings as reported by GOED by as much as 19%.

Doug Howell noted that these are single employer occupations and wages are based off those single employers. Despite the availability of average wages, those wages are likely based off the state of Nevada, which incorporates areas like Las Vegas that has wages higher than in the rest of the state. The programs available are in Reno where wages are lower. He indicated that these programs are for a career lattice with mobility into new positions rather than keeping a career in the entry level positions.

Mr. Canale asked whether all the programs were for Northern Nevada or if some were for Southern Nevada, as some LPN program schooling was being done through Southern Nevada and **Mr. Howell** indicated that the schooling was online.

Mr. Canale asked whether all the employers were in Northern Nevada and **Ms. Olson** answered that they have one employer for the LPN program in Las Vegas, and one employer for CNA is in Mesquite.

Mr. Canale indicated he would have difficulty approving this plan as he does not believe it

meets the intent of apprenticeship programs to have apprentices complete a program and become journeymen in an entry-level position.

Chair Walden echoed **Mr. Canale's** concerns and suggested this might create a "race to the bottom." He is concerned that when more employers join, they will also want the same wage scales. He suggested that at some point, they may need to discuss minimum wage scales for non-construction crafts so that apprenticeship programs remain a career path. He indicated that with this program, the lattice is not linear enough to provide a career direction.

Doug Howell indicated that looking at the 5910, they are told to put the lowest wage possible that an apprentice would be paid starting off in this program, just as all construction programs in Nevada. The employer may pay higher.

Cheryl Olson clarified that the career lattice does not mean that someone beginning in medical front office work would necessarily go into a caregiving profession. They can move into occupations like coding, billing, or medical information systems. The goal is to create growth opportunities in apprenticeship pathways, and they hope to create very direct career paths.

Chair Walden asked whether, on moving to another position, individuals would have to start another apprenticeship, or whether they would simply be trained in their new position.

Cheryl Olson indicated they would create a stackable apprenticeship, where they retain credit for their previous apprenticeship and learn a new apprenticeship for the new occupation. The goal is to build on the existing work that an apprentice has completed and not make them duplicate work.

Chair Walden asked whether, when they moved into a new position, if the pay is lower than their current pay, whether they would have to take a pay cut to receive that new position and **Ms. Olson** indicated that the goal is for them to always build upon their existing wage and they would never have to take a pay cut to start a new program.

Randy Canale asked how the classes are being paid for at this time, and how that will be affected if more employers are brought in.

Cheryl Olson said that the coursework is currently being funded by the US Department of Labor apprenticeship grant funding, or employer tuition programs.

Randy Canale asked how the courses will be funded once grant funding runs out.

Cheryl Olson said that all employers have been provided a timeline for the apprenticeship grant funding and all the employers have tuition reimbursement programs that they are transitioning to pay for the courses for apprentices in a different manner, so that it's not a reimbursement program, but upfront funding for the apprentices.

Randy Canale wished to point out a clerical error in Appendix A4, work process schedule

and instruction for CNA, which appeared to have the wage schedule for the LPN position instead. **Ms. Olson** stated that the 5910 indicates the correct wage scale, and the Appendix did contain a clerical error which she will correct.

Chair Walden asked about the possibility of internship programs rather than apprenticeships, as internship programs have been the standard for the medical field.

Cheryl Olson indicated that these employers have in the past offered internships, but because COVID limited the presence of non-employees in the healthcare environment, internships were no longer possible. The employers are excited about having the apprenticeships begin. While they will eventually offer internships again, an internship is temporary, and the apprenticeship is the talent development model preferred.

Chair Walden asked for clarification on whether the employers will start paying into the program itself to make sure classes are paid for, even if grant money runs out. **Ms. Olson** affirmed yes, they will.

Chair Walden is concerned that if many individuals are brought into the apprenticeship program, and the programs start failing, it will create disillusionment. The purpose of an apprenticeship is to provide a career path and make sure that we are able to establish a foundation and move these people forward through the program and into a livable wage once they have completed with the program.

Chair Walden called for for a motion to approve the program standards and occupations for Board of Regents, Nevada System of Higher Education, Licensed Practical Nurse, Medical Front Office Representative, Pharmacy Technician, Certified Nursing Assistant. Stacey Bostwick motioned. Mike Kennedy seconded. All those in favor say "Aye," those opposed say "Nay." There was a vote of 4 to 3 in favor and the motion carried.

7. PUBLIC COMMENT

(Public Comment emails sent to mwoltz@gov.nv.gov will be read by the State Apprenticeship Director)

Doug Howell commented that he has taken on a new position as California State Director - Region 6, United States Department of Labor, Office of Apprenticeship. He will be staying on as acting State Director for Nevada and will be here for further meetings as needed, or to help support NSAC and Director Williams. He appreciates the time that he has worked here and hopes to continue to work and push apprenticeship into a new direction.

9. ADJOURNMENT

Chair or Vice Chair

Chair Walden adjourned the meeting of the State Apprenticeship Council at 10:01 AM.

NOTE (1): Persons with disabilities who require special accommodations or assistance at the meeting should call 702-486- 8080 on or before the close of business, Friday, March 19, 2021.

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.

NOTE (3): All public comments need to be emailed to mwoltz@gov.nv.gov. Comments based on viewpoint may not be restricted. 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. 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 OWINN 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 may be requested from the Governor's Office of Workforce Innovation (OWINN) by calling M. Woltz at 702-486-8080.

Governor Sisolak's Directive 006: As per Governor Sisolak's Declaration of Emergency Directive 006, issued March 22, 2020, certain provisions of Nevada's open meeting law contained within NRS Chapter 241 have been suspended due to Nevada's state of emergency. Directive 006 states:

1. The requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended.
2. If a public body holds a meeting by means of teleconference or videoconference and a physical location where members of the public can attend is not provided, the public body must provide a means for the public to provide public comment and post that means on the public notice agenda posted in accordance with NRS 241.020. Public comment options may include, without limitation, telephonic, or email comments.
3. The requirements to contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada are suspended. Public bodies must still comply with the requirements in NRS 241.020(4)(b) and NRS 241.020(4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.
4. The requirement contained in NRS 241.020(3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.
5. If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.
6. A public body that holds a meeting pursuant to this Executive Order must ensure that any party entitled to or required to appear before it shall be able to do so through remote means and fully able to participate in the agenda items that pertain to them.

Meeting Location: Due to the current state of emergency in Nevada, and as allowed in Governor Sisolak's Directive 006, there will be no physical meeting place for this meeting. Board Members and members of the public may only participate via telephone.

OWINN's Public Meetings website - <http://owinn.nv.gov/Apprenticeship/Meetings/Meetings/> and Nevada's Public Notice website - <https://notice.nv.gov/> - as required by NRS 232.2175.