

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: August 9, 2018 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: Department of Employment, Training and Rehabilitation
SAO Auditorium
500 E. Third Street, Carson City, NV 89701

Department of Employment Training and Rehabilitation
200 E. St. Louis Avenue, Las Vegas, NV 89104

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, Interim Chair, Jo Cato, Linda Montgomery, Louis Loupias, Jason Lamberth, Madison Burnett, Bob Potts, Dr. Ricardo Villalobos, Kristine Nelson, Dr. J Kyle Dalpe, Lance Semenko, Crystal Van Dyke

Council Members Excused: Michelle Sanchez-Bickley

Others Present: Manny Lamarre (OWINN), Joan Finlay (OWINN), Andres Feijoo (OWINN), David Gardner (Deputy Attorney General), Don Elliott (Husmann Services), Erin Hasty (SAC), Randy Canali (UA Local 350), Cheryl Olson (TMCC), Harry Mowrey (DC 16 IUPAT), Echo Svoboda (Plumbing-Heating-Cooling Contractors of NV, JATC), Alan Darney (NNV Electrical JATC) Richard Johnson (Heat & Frost Local 135 JATC), Patricia Garcia (U.S. Department of Labor and Office of Apprenticeship), Bill Stanley (SNBTU), Tom Nielsen (RW #162 JATC), Douglas Howell (U.S. Department of Labor and Office of Apprenticeship), Larry Hopkins (SNOETT), Russ James (DC 16 IUPAT), Al Devita (Laborers Local 169 Apprenticeship), Chap Roukey (Local 350)

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

I. CALL TO ORDER
Manny Lamarre, Executive Director, OWINN

Manny Lamarre called the meeting to order at **9:00 a.m.** He announced new member, Michelle Sanchez-Bickley, although she was excused from the meeting. Former chair Randy Walden has resigned. Nanette Quitt will be serving as Interim Chair for this meeting.

II. WELCOME

Nanette Quitt, Interim Chair, welcomed Nevada State Apprenticeship Council Members and members of the public.

III. ROLL CALL - CONFIRMATION OF A QUORUM
Erin Hasty, Apprenticeship Director, OWINN

Erin Hasty called roll and informed the Chair that a quorum was present.

IV. VERIFICATION OF PUBLIC POSTING
Erin Hasty, Apprenticeship Director, OWINN

Erin Hasty affirmed that the notice and agenda for this August 9, 2018, Nevada State Apprenticeship Council Meeting was posted according to Nevada's Open Meeting Law pursuant to NRS. 241.020.

V. 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.)

Randy Canali, UA Local 350, spoke regarding Item IX regarding a new program coming in for Hussmann Services Corporation. There is no question regarding the viability of the company, however there are questions as to getting an apprenticeship program in Northern Nevada. Much of the package is incomplete. A number of items that included boilerplate language where the company should have inserted its own language. One of the main concerns is that while Nevada aims to increase apprenticeship, this program does not have a training site and no certified instructors. They are using NCCER as their training provider. He supports legitimate training programs. This program will be competing for same available dollars, the same prevailing wage

projects. He would like to make sure that if they obtain these dollars and projects, they are actually a quality apprenticeship program.

VI. APPROVAL OF MINUTES

Interim Chair Quitt called for approval of the previous meeting minutes.

Bob Potts made a motion to approve the minutes as presented. Lance Semenko seconded. The motion carried.

VII. NAC 610 COMPLIANCE REVIEW OF APPRENTICESHIP PROGRAMS

Erin Hasty explained that consistent with NAC 610, the Council will conduct a systematic review of files on a regular basis. After transfer of the program from the Office of the Labor Commissioner to the OWINN office, it was found that approximately 41 percent of the programs before the transfer have no record of being reviewed, the oldest being from 1985. Ten programs are recommended for follow-up within 12 to 24 months and no documentation has been found. Seven programs two years or older have no record having of having an apprenticeships ranging in date from 2009 through 2016. Four programs two years or older have no record of having had a registered apprentice.

It is the recommendation to the Council that OWINN staff conduct a review of programs beginning with the ones who have gone the longest without review. Others prioritized for review will be those that were recommended for follow-up, but which were not reviewed. Per NAC 610.310, SAC must review programs every five years. Many programs have not been updated according to this schedule. OWINN staff will reach out to the programs with the longest running unreviewed standards. It is also recommended to reach out to programs which have not had apprenticeships enrolled within two years. There may be a deregistration process for such programs.

Bob Potts stated that it would make sense to have an audit.

Ricardo Villalobos inquired as to potential outcomes from the review. **Erin Hasty** stated that according to statute, the programs are to be reviewed in order to ensure compliance with affirmative action, EEO requirements, that they are implementing the contents of the standards as well as NRS, RTI and OJL. Programs should have an affirmative action plan and be making good faith efforts to include women and underrepresented populations. The review should determine whether programs are performing as statutorily required. Council can make the determinations as to corrective actions such as deregistration.

Bob Potts asked about the process timeline. **Erin Hasty** indicated that some analysis of files has begun. Next steps are to reach out to programs. It will take some time to do a complete review of

all files, which is the reason that the process will include prioritization. A quarterly report on progress will be provided to the Council.

Nanette Quitt, Interim Chair asked for an estimate on programs to be audited per quarter. **Erin Hasty** said the goal would be two to three per quarter, however it depends on the location of the program as well as other factors. **Bob Potts** suggested developing a process of review and a potential timeline to give programs an opportunity to address potential issues/challenges. **Erin Hasty** stated that she could provide a list of programs and the Council can in turn decide on an action plan.

Kristine Nelson suggested a risk-based assessment protocol. **Manny Lamarre** clarified that this stage of the process does not discipline or reward the programs. It is a process of reaching out, gathering information and requesting documents.

Louis Loupias commented that this is why compliance reviews take place – to correct issues that OWINN identifies during review. He would like to see OWINN follow through with a quarterly report, as has been suggested, while also setting a time limit for programs to respond to OWINN's requests. **Nanette Quitt, Interim Chair** concurred with Mr. Loupias in that a number of programs have been found have no active apprentices enrolled for some time. She suggested a process of notifying the programs and requesting records within a specified period of time, in order for the program to be in compliance with statute. Failure to provide the documentation should require the program's attendance at an upcoming Council meeting. Failure to appear may result in recertification. A second approach would inform programs that their standards have not been submitted in accordance with statute. Programs should submit their revised standards by a specified date. A third approach would be to contact the programs with no records of having apprentices. Program should report as to whether the records are correct. If the records are correct, programs should be notified that decertification process would commence.

Erin Hasty asked for Council input about how the information should be presented. **Kristine Nelson** reiterated her suggestion for risk-based prioritization of the first site visits. This will help determine the schedule going forward. **Ricardo Villalobos** agreed that a notification letter should be sent to programs that should expect monitoring. A framework should include current findings and corrective action plan.

Manny Lamarre clarified that there is difference in process between monitoring versus a standards update. All programs will receive a notification with 30 days to respond. That does not necessarily mean the problems must be solved in that window, but that the programs have the opportunity to provide whatever rationale they have. A flowchart will then be required in terms of determining what is needed. This includes a standards update, minor modifications or notice of upcoming monitoring. Subsequent notifications will notify programs that monitoring will occur. The quarterly Council meetings will include reports on all the steps and progress for the programs. **Bob Potts** stated he likes the idea of having a simple one-page matrix outlining the responses within the 30-day window.

Bob Potts made a motion to create a matrix as outlined by Manny Lamarre for the 41 programs under review to include correspondence to each program with a 30-day deadline

for response. The responses will generate a report from Erin Hasty at the November meeting. J Kyle Dalpe seconded. The motion carried.

Louis Loupias made a motion to send a notification to programs that have not been reviewed, receive the responses, and then schedule monitoring review for programs that have gone the longest without being reviewed. A report would be provided at the next quarterly meeting in November. Linda Montgomery seconded. The motion carried.

Discussion ensued regarding the third proposed motion.

Erin Hasty explained that programs would have 30 days to respond before a deregistration process begins (if Council deems deregistration appropriate). **Jason Lamberth** asked whether there is anything in statute or administrative code that states that if a program is dormant for a certain period, they can automatically be cancelled by the Council. **David Gardner** stated that based on review, he does not believe such a provision exists. It likely must go through a deregistration process to be removed. Alternatively, they may voluntarily withdraw their program.

Kristine Nelson made a motion that OWINN notify programs with no registered apprentice involvement for two years, allowing a response time for due process. The list will be presented to the Council at the upcoming meeting. J Kyle Dalpe seconded.

Discussion:

Jason Lamberth said that NAC 610.365 states that the Council may cancel an approved program, if the program has not indentured an apprentice within the immediately preceding year. **Manny Lamarre** clarified that the motion on the table would cover this provision, as it subsumes inactive apprenticeship participation for a period of two years. The only clarification to the motion is whether the Council wishes to reduce the time frame to one year. **Linda Montgomery** noted the importance of adequate staffing to accommodate this immense workload.

The motion carried.

VIII. REVIEW OF FORMS FOR REGISTERED APPRENTICESHIP PROGRAM

Erin Hasty reviewed that there were previous questions regarding requirements on forms. She reviewed the requirements. **Kristine Nelson** noted that the 5910 Form has a section stating, “Do not write before this line approve/disapprove.” She suggested that verbiage be added, such as, “Internal use only.” **Erin Hasty** added that the hourly wage listed does not include benefits.

In response to an inquiry from **Interim Chair Quitt**, **Erin Hasty** confirmed that wages listed in the apprentice wage scale are the minimums, as reflected in Appendix A1. **Bob Potts** suggested adding the North American Industry Classification System (NAICS) code, rather than the Standard Industrial Classification (SIC) code. **Louis Loupias** said that during the first Council meeting, it was discussed that some of programs presented were missing the 5910 forms. While it is not required, it would be easier to follow program requests if the 5910 form were provided. Fringe benefits are required on federal prevailing wage projects. **Erin Hasty** clarified that fringe benefits

are not required as part of an apprenticeship program. **Interim Chair Quitt** commented that with the transition from the Department of Labor to the OWINN office, the form used to serve multiple purposes (with the Department of Labor). The transition to the OWINN office includes a bifurcation of what is required for an apprentice versus what the DOL requires from a wage perspective. **Kristine Nelson** suggested removal of the form number as well as the portion pertaining to approval.

David Gardner stated that suggestions are fine, however if the Council decides to act on them, that would have to be agendized. **Interim Chair Quitt** commented that the form is not a requirement. As such, she asked whether the Council could make suggestions to Ms. Hasty as to what should be included in the packet going forward. **David Gardner** said the form is not required by statute. The idea is that if the Council wishes to require a specific process, the process needs to be agendized for discussion and determination.

IX. NEW PROGRAMS

1. INJ Standards Apprenticeship and Associated Appendices B through D Husmann Services Corporation

Erin Hasty stated that this refers to individual, non-joint, wherein the employer is hiring the apprentices. There are programs approved at the OA level in New Hampshire and Colorado as well as at the SAA level in Arizona and Mexico. They were brought to Nevada. She introduced Don Elliot from Husmann Services. **Don Elliot** provided an overview of the company, noting that they have developed an apprenticeship program for installation and service technician. They have partnered with Lincoln Tech. The company has put a 5,000 square foot training facility on the local Lincoln Tech School. Graduates from Lincoln Tech who meet the behaviors for success criteria of Husmann are interviewed and go through a no-expense training program geared toward supermarket refrigeration. The first class just graduated from the eight-week course. These students are automatically entered into the apprenticeship program.

Madison Burnett referred to page D6, Section 5C, which states, “The complaint must be filed no later than 180 days following the date of alleged discrimination.” He had recently come across revised standards from his parent organization. There has been a change in CFR 29 Part 30.14, wherein the time period has increased from 180 days to 300 days. **Erin Hasty** confirmed that this change has taken place and asked whether Mr. Burnett would like the section to reflect this change. **Madison Burnett** affirmed the request. **Don Elliot** agreed to make the change.

Interim Chair Quitt asked how apprentices receive feedback. **Don Elliot** stated that he manages the program, including monitoring all aspects for each apprentice. He provides feedback regarding any issues in terms of related instruction, on-the-job learning or the program in general. There is an open door communication policy and annual reviews. Yearly evaluations look at work processes and progress on set objectives.

Lance Semenko made a motion to approve the Standards of Apprentices and associated Appendices B through D with the increase in time from 180 to 300 days to file a complaint. Bob Potts seconded. The motion carried.

2. Appendix A1 – Installation-Refrigeration Mechanic (time-based)

Erin Hasty stated that is the recommendation of the Agency that all requirements are met and that a motion for approval be made after discussion. **Don Elliot** explained that this technician position involves installation of refrigerated fixtures, piping, line sets, setting and starting up equipment.

Ricardo Villalobos addressed the comments of the public speaker on this subject at the beginning of this meeting. He asked whether NCCER certified trainers are supplying the certificate to apprentices upon completion. **Don Elliot** stated that he is unaware of such certificate. Hussmann currently uses several platforms for instruction, including the Hussmann Institute Online, which includes 100 interactive videos. They do receive a certificate upon completion of this training. In terms of related instruction, two people are credentialed to deliver vocational education, including himself. Instructors go through in-house facilitated training.

Erin Hasty reviewed the required provisions of an apprenticeship program: Qualified trainers and supervision, provisions to provide supplemental instruction related to the trade with a minimum of 144 hours for each year of apprenticeship given in a classroom or through trade, industrial or correspondence courses. **Ricardo Villalobos** referred to page 7 of the appendix under related technical instruction, and quoted “The related theoretical education listed below is tightly integrated with real work product. Curriculum is defined as a variety of classes around which the exams and projects are based.” It also states, “All competencies required of the students are met through project work.” He asked for clarification that the classroom instruction includes hands-on projects and not necessarily on-the-job learning. **Don Elliot** confirmed the understanding. The RTI is through the self-study process with meetings every two months for instructor-led training and hands-on training (not jobsite, on-the-job training). On Job Learning (OJL) is not being counted within the RTI.

Louis Loupias asked for the name of the Nevada instructor (s). **Don Elliot** explained that the content is delivered by Canvas via online format. There are no textbooks. Cengage is also being used as a publisher. Only one Nevada apprentice is currently enrolled. Don Elliot will fly to Nevada to provide services for any enrolled apprentices, as he does for those in other states.

Jo Cato inquired as to success rates for the online programs in other states. **Don Elliot** explained that the process is fairly new. New Hampshire has been online for a year and a half. It has just been approved for New Mexico. Due to the newness of the program, he does not yet have such data.

Interim Chair Quitt asked if there is a target number of apprentices for the State of Nevada. **Don Elliot** said they hope to have three in the program by the end of the year. The goal is to build into a feeder school. **Interim Chair Quitt** inquired as to the existence of an apprentice daily or monthly on-the-job learning card that documents hours in the program. **Don Elliot** confirmed that this will be included in SharePoint, as they load in hours in the category for on-the-job learning. Apprentices will also be assigned mentors.

Madison Burnett asked how someone qualifies for the program. **Don Elliot** stated that those who wish to participate automatically qualify. There are no minimal standards or testing.

Jo Cato inquired as to any plans to attract women into the program. **Don Elliot** said this will be addressed by visiting workshops in different states to draw interest.

Louis Loupias made a motion to accept Appendix A1. Jo Cato seconded. The motion carried. Crystal Van Dyke opposed.

3. Appendix A2 – Service Refrigeration Mechanic (time-based)

Erin Hasty referred to the materials, noting that the requirements have been met. **Don Elliot** explained that the Service Refrigeration Mechanic involves installation in convenience stores, supermarket or other small format stores. These technicians will be responsible for service and preventative maintenance.

Ricardo Villalobos asked whether the safety portion covers OSHA specifications for 10 and 30. **Don Elliot** confirmed that it is outlined with OSHA. He would like to address issuing OSHA 30 in the future, which consists of 30 hours of training. Currently, apprentices take the courses, however they are not tied into the OSHA program.

In response to an inquiry from **Jo Cato**, **Erin Hasty** noted that OSHA certifications are not a requirement of the program. **Interim Chair Quitt** said that OSHA put forth standards in which certain occupations or trades are required to have a 10 versus a 30. As such, Mr. Elliot would need to review these and determine whether his program was subject to the regulations. **Louis Loupias** added that for the State of Nevada, OSHA 10 is only required for construction. Anyone who supervises more than five employees must have OSHA 30. It is not required under general industry. **David Gardner** stated his understanding that for apprenticeships, there is no requirement for OSHA 10 or 30 of any kind.

Lance Semenko made a motion to accept Appendix A2. J. Kyle Dalpe seconded. The motion carried.

X. REVISION OF PROGRAMS

1. Discussion and possible action regarding the approval of the addition of appendices for the existing program of: Board of Regents, Nevada System of Higher Education dba Truckee Meadows Community College (TMCC) and Workforce Connections.

Addition of Appendix A10-Press Technician (competency-based)

Erin Hasty noted that the standard and Appendices B through E have already been approved. This item is intended to add additional occupations under the standard. All requirements have been met. **Cheryl Olson** (TMCC) described it as a four-year competency-based program starting with one employer and one or two apprentices. **Louis Loupias** stated he would have to recuse himself

from this item, as he sits on the Workforce Investment Board. **Ricardo Villalobos** also recused himself.

Interim Chair Quitt made a motion to accept Item X-1. Bob Potts seconded. The motion carried. Louis Loupias and Ricardo Villalobos abstained.

2. Discussion and possible action regarding the approval of revisions of standards for the existing program of: Electrical JATC of Southern Nevada, Electrical installer/Tech (time-based)

Erin Hasty stated that it is a recommendation of the Agency that all requirements have been met and that after discussion, a motion for approval be made. **Madison Burnett** stated that the submissions are a revision of standards for the Installer Tech Program. This program has not come before Council since 2013. The cover sheet provides a breakdown of changes. Changes include definitions, affirmative action and EEOC. A significant factor was the collective bargaining agreement between labor and management, which was updated to the three-year, 4,800-hour program, which became effective June 1st. It is now a four-year, 6,000-hour program, increasing from four to eight pay periods. They still have a three-year program in process. Apprentices indentured before June of this year remain in this program while future apprentices will fall under the four-year program.

Interim Chair Quitt thanked Mr. Burnett for the very comprehensive list of specific changes and the redlined document indicating the revisions. She referred to page 15 of the program, item C, which discusses having a high school equivalency or in lieu of equivalency or diploma, having a two-year degree. She asked whether the two-year degree proof is offered in lieu, simply because in some instances it is easier for a person to locate that documentation than it is to locate a diploma. **Madison Burnett** confirmed the understanding.

Bob Potts commended Mr. Burnett on the level of detail provided.

Bob Potts made a motion to accept Item X-2. Lance Semenko seconded. The motion carried. Madison Burnett abstained.

3. Discussion and possible action regarding the approval of revisions of standards for the existing program of: Electrical JATC of Southern Nevada, Inside Wireman (time based)

Erin Hasty stated that it is a recommendation of the Agency that all requirements have been met and that after discussion, a motion for approval be made. **Madison Burnett** stated that this is a five-year program. The last revisions were complete in November of 2016. Current changes are in response to the collective bargaining agreement. The program will still be five years, however the pay periods have changed from six to ten. Apprentices indentured after June of this year will go to the ten pay periods. **Linda Montgomery** commended Madison Burnett and his team for the level of detail in the materials.

Louis Loupias made a motion to accept Item X-3. Linda Montgomery seconded. The motion carried. Madison Burnett abstained.

4. Discussion and possible action regarding the approval of revisions of standards for the existing program of: Northern Nevada Finishing Trades Institute (time based)

Erin Hasty stated that this represents a revision to the program with the addition of a new occupation. It is a recommendation of the Agency that all requirements have been met. The program has requested that the Council entertain a modification as follows: “Have a minimum of two years of high school with at least ten credits. Must receive his/her high school diploma or its equivalent prior to completion of the apprenticeship program.” NAC allows that the Council may waive or modify a requirement, if the program sponsor asks. **Harry Mowrey**, (**Northern Nevada Finishing Trades**), added that there are several sets of standards they will be looking to update moving forward. This was the first document submitted to the new OWINN Council.

Bob Potts asked for the reasoning behind extending the amount of time for them to acquire their high school diploma. **Harry Mowrey** said that the last set of standards approved many years ago had the same language and he had been unaware of the change until informed by Ms. Hasty.

Madison Burnett referred to the page 8, Title 29 CFR 30.11 Nevada State EEO Plan, third paragraph and requested that the timeline be changed for the complaint to be filed no later than 300 days. **Harry Mowrey** stated that the program has agreed to make the revision.

Ricardo Villalobos referred to page 2, which outlines expectations regarding high school diploma or GED prior to completion of the program and asked what the success rate has been in terms of this requirement. **Harry Mowrey** stated to his knowledge, there have been no apprenticeships denied a completion certified due to failure to meet the requirement. **Interim Chair Quitt** noted that the language included is “high school diploma or GED equivalency,” and added that most of the current language is “high school equivalency.” She asked whether the program would be willing to change their language and **Harry Mowrey** concurred. **Crystal Van Dyke** commented that she would like to see the minimum requirement back to one year in accordance with NAC standards. **Louis Loupias** agreed, commenting that once programs begin to deviate, the door is open to make additional changes.

Interim Chair Quitt asked for the ratio of journeymen to apprentices. **Harry Mowrey** said the ratio is one to two journey workers or fraction of. For up to two journey workers, there is one apprentice. If another journey worker is added, they would be allowed two apprentices. In order to add another apprentice there would have to be five journeymen.

Louis Loupias made a motion to accept Item X-4 with the changes indicated by Council. Jo Cato seconded. The motion carried.

XI. CONSENT ITEMS

- a. Southern Nevada Teamsters Convention Training
Discussion and possible action regarding an increase in the minimum wage paid to apprentices training to be Tradeshow Specialist (Decorator), apprentices

J. Kyle Dalpe made a motion to accept Consent Item XI-A with the changes indicated by Council. Bob Potts seconded. The motion carried. Crystal Van Dyke abstained

- b. I.A.B.S.O.R.I.W. Local 118 Ironworkers JATC
Discussion and possible action regarding an increase in the minimum wage paid to apprentices training to be Structural Ironworker and Reinforcing Ironworker apprentices
- c. Plumbing-Heating-Cooling Contractors of NV, JATC
Discussion and possible action regarding an increase in the minimum wage paid to apprentices training to be Plumbing apprentices
- d. Northern Nevada Electrical Training Center
Discussion and possible action regarding an increase in the minimum wage paid to apprentices training to be Telecommunications & Systems Installer apprentices
- e. Northern Nevada Electrical Training Center
Discussion and possible action regarding an increase in the minimum wage paid to apprentices training to be Inside Wireman apprentices
- f. Northern Nevada Electrical Training Center
Discussion and possible action regarding an increase in the minimum wage paid to apprentices training to be Residential Wireman apprentices
- g. Heat & Frost Local #135 JATC
Discussion and possible action regarding an increase in the minimum wage paid to apprentices training to be Insulator apprentices
- h. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada Local 350
Discussion and possible action regarding an increase in the minimum wage paid to apprentices training to be Plumber/Pipefitter apprentices

Lance Semenکو asked whether the increases are because rates have increased during collective bargaining. **Erin Hasty** stated she did not know if that is the reason for the increase. One is for the minimum construction wage for PHCC.

Interim Chair Quitt invited members of the programs to come forward to discuss the revision of Form 5910. **Ethel Savoda (phonetic) (Plumbing-Heating-Cooling Contractors of NV, JATC)**, stated that the change is intended to make them compliant with the minimum construction wage notice that was received. **Allen Darney (phonetic) (Northern Nevada Electrical Training Center)** stated that in terms of Items D, E and F, the changes were due to increases in the collective bargaining agreements. **Richard Johnson (Heat & Frost Local \$135 JATC)**, stated that the change reflects an increase via the collective bargaining agreement. **Randy Canali (phonetic) (Local 350)**, stated that the change is as a result of collective bargaining increases.

Lance Semenکو made a motion to accept Consent Item XI-B through XI-H with the changes indicated by Council. Crystal Van Dyke seconded. The motion carried.

XII. UPDATE ON U.S. DEPARTMENT OF LABOR INDUSTRY RECOGNIZED APPRENTICESHIP

Patricia Garcia (U.S. Department of Labor and Office of Apprenticeship) provided an overview of industry recognized apprenticeship programs. On July 27th, the Employment and Training Administration issued Training and Employment Notice 10-318 (to be referred to as “The 10” going forward), creating industry recognized apprenticeship programs to expand opportunity in the United States. The 10 incorporates and builds upon recommendations from the Task Force on Apprenticeship Expansion, which submitted its report to the President on May 10, 2018. The notice carries out a directive from an Executive Order by providing information from prospective certifiers on what they need to do to qualify to be determined as a third party certifier of Industry Recognized Apprenticeship Programs (IRAPs). The notice is interim guidance to help organizations that want to become certifiers to begin planning, building partnerships and structure to form the basis of a successful application to the U.S. Department of Labor. Later this year, the Department will move toward a regulatory process to put all the procedures in place.

The overview included: Background on IRAPs, requirements for IRAPs, responsibilities of IRAPs, who can become a certifier, what the process is to become a certifier and how long the regulatory process is expected to take. One factor that drove the executive order and recommendations from the task force were as a result of rapid change in the American economy in sectors such as information technology, healthcare, advanced manufacturing and financial services. Great opportunity exists, but currently 6.5 million job opportunities are unfilled for lack of a skilled workforce. Registered apprenticeships are expanding, but not at a pace adequate to address the challenges. IRAPs will provide another option for industries, especially those that have not used apprenticeships extensively to adopt apprenticeship models that align with their needs. Organizations in their applications to DOL to become certifiers will have to demonstrate policies and procedures to identify high quality programs.

IRAPs are high quality apprenticeship programs that include a paid work component and an educational or instructional component. They may be developed or delivered by trade associations, companies, nonprofit organizations, educational institutions, unions and joint labor management organizations. An IRAP will be certified as a high quality program by a third party certifier that has received a favorable determination from the DOL. The certifier must ensure that the IRAP adheres to the following quality components:

- Must be a paid work component: IRAPs must pay apprentices at least the applicable federal, state or local minimum wage. They are not required to have progressive wages currently required for registered apprenticeship, however this could be included in the IRAP.
- Work-based learning: IRAPs must have a structured work-based learning component, similar to a registered apprenticeship. There are no minimum time requirements.
- Mentoring and appropriate supervision are required: The current guidance has no related ratio requirements to be established.
- Instructional component: This must be part of the IRAP. IRAPs must result in some sort of portable industry-recognized credential that relates to the actual skills apprentices must learn to do their jobs.
- Safety and welfare: IRAPs must include provisions to protect apprentices’ safety and welfare and protection against discrimination.

Certifiers will be responsible for making sure the requirements are met and will be responsible for oversight. Certifiers may be:

- Industry associations
- Employer groups
- Labor management organizations
- Educational institutions
- Consortia of groups

In order to qualify as a certifier, the prospective certifier must meet the following objectives:

- Demonstrate ability in setting sector standards, ability to develop consensus-based standards
- Have support and input from others in the sector
- Be able to identify credentials that are industry recognized, competency-based and nationally portable
- Have clear policies and procedures to certify IRAPs, including detailed, understandable processes for equitable treatment of programs
- Make data publicly available, including contact information on IRAPs that have been certified as well as other metrics such as completions and average pre and post program earnings
- Decisions on plans for an IRAP are to be based on objective criteria which does not benefit one population over another

The certification process includes:

- An organization will submit an application to the DOL outlining qualifications
- DOL will issue a favorable determination to organization approved as certifiers
- A determination will be good for five years
- If an organization receives a negative determination, they may not appeal the decision, however they can reapply

It may take several months for the regulatory process to proceed. An application package must be developed. Additional public comment will be sought prior to publishing final rules. Regulations are expected to include guidelines to certifiers in terms of ensuring quality standards in IRAPs, retaining existing registered apprenticeships and streamlining the registration process for IRAPs. IRAPs are meant to be used in sectors where a registered apprenticeship does not have a high concentration. There will be no IRAPs in the construction industry or military. Apprenticeship programs through the Workforce Innovation and Opportunities Act are automatically eligible to be on the eligible training list. This does not extend to IRAPs.

Bob Potts asked when the program will be operational. **Patricia Garcia** said there is no firm timeline, because the Apprenticeship Task Force established last year recommended that regulations be drafted to govern the IRAPs. This process is expected to take several months. The notice issued interim guidelines to interested organizations.

Interim Chair Quitt commented that Nevada's construction industry will not be affected by the regulation. The state is clearly progressive. The OWINN office has reached out to non-construction industries. In the short time the Council has been convened, there have been registered apprenticeship programs in healthcare, cybersecurity and press technician. The State Apprenticeship Council in Nevada serves as the governing body. She wants to make sure the programs have robust compliance oversight programs in place. In essence, the Council is the third party certifier for Nevada. It is concerning that the proposed programs will have no requirements in terms of ratios for workers to apprentices and no clear mechanism to apply to be a third party certifier. **Patricia Garcia** stated that the IRAP language and training employment notice does not take away what the Nevada State Apprenticeship Council has done and will continue to do. The IRAP certificate of completion will be another version of a state apprenticeship completion certificate. One of the areas that will be looked at in terms of regulations will be to streamline the registration process for IRAPs that choose the registered apprenticeship route. It possible that a program could be both registered with the state as well as certified by a third party certifier.

Interim Chair Quitt commented that programs such as cybersecurity and healthcare will face more burdensome processes for determining which body to be governed by and whether they need to do so twice. She encouraged Ms. Garcia to look at the State of Nevada as an example of best practices with the Apprenticeship Council and the significant outreach to non-construction fields. Introducing new avenues and requirements will create more confusion, rather than a more streamlined approach to registration. **Patricia Garcia** stated that as long as Nevada continues to demonstrate the value and rigor of the processes, they will continue to thrive. The IRAP is intended to be an option in other industries.

In response to a question from Interim Chair Quitt, **Patricia Garcia** said she was unaware of a fee to be collected from the IRAP process. She invited members to send their questions and concerns to apprenticeship@dol.gov.

Ricardo Villalobos expressed concern that the emphasis will be on quantity of apprenticeship programs that will compromise the quality of the programs and standards. With other certifying entities, there may be no consistency in terms of standards, expectations and requirements. **Bob Potts** stated that he shares the concerns. He requested that the OWINN office keep the Council up to speed on how this process evolves. **Ricardo Villalobos** suggested that SAC submit a unified letter to apprenticeship@dol.gov. **Interim Chair Quitt** agreed, however she noted that this agenda item is not for action. **David Gardner** confirmed that this could be included under Agenda Item XIII to be agendized.

XIII. SECRETARY REPORT/NATIONAL APPRENTICESHIP WEEK/FUTURE AGENDA ITEMS

Council reaffirmed that a unified letter to apprenticeship@dol.gov would be addressed as a future agenda item.

Erin Hasty provided active apprentice summary stats. There are currently 4,716 apprentices. Of these, 93 percent are male and 7 percent female. A total of 34 percent are Hispanic, non-Hispanic is 52 percent and not provided is 13 percent. By race, 8 percent are African-American, 2.5 percent

are American Indian/Alaskan Native, 2 percent Asian, 2 percent Hawaiian/Pacific Islander, 3 percent not provided. There are 8 percent veteran. By age group, 16 to 24 is 31 percent, 25 to 34 is 44 percent and 35 and older is 24 percent.

National Apprenticeship Week is November 12th through the 18th. The next Council meeting is November 6th. If anyone on Council would like to host a field trip to their organizations, this would be greatly appreciated. **Interim Chair Quitt** welcomed distribution of a calendar of events as early as possible.

For future agenda items, **Interim Chair Quitt** requested an update on Agenda Item XII, Report of Audit and Compliance. Another requested item is discussion of National Apprenticeship Week activities. **Kris Nelson** requested a discussion on Form 5910.

Ricardo Villalobos said he was interested in learning about what is required at U.S. DOL level and the state level in terms of apprenticeship programs. He would like a discussion regarding expectation for standards the Council would like to see. **Manny Lamarre** supports this idea, noting that OWINN is happy to engage and facilitate a workshop or meeting to take a deep dive into this.

XIV. PUBLIC COMMENT

Randy Canali commented that the proposed IRAPs raise great concern in terms of quality, validity and credentialing. He thanked Interim Chair Quitt and Ricardo Villalobos for the comments they made during that discussion.

XV. ADJOURNMENT (Information/Discussion)

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, Monday, August 6th, 2018.

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 gov.nv.gov/OWINN/ 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 gov.nv.gov/OWINN/.