

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: Thursday, February 13th, 2020 at 9:00 A.M.

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

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

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

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

Council Members Present: Chair, Archie Walden, Thomas Pfundstein, Mike Kennedy, Randy Canale, Jeremy Newman, Madison Burnett, Stacy Bostwick, Felicia Gonzales, Caleb Cage

Council Members Absent: Dr. Ricardo Villalobos

Others Present: Richard J. Williams, State Apprenticeship Director; David Gardner, Attorney General's Office; Andres Feijoo, OWINN, Joan Finlay, OWINN, Louis Loupias, Southern Nevada Operating Engineers Apprenticeship Program; Bill Stanley, Southern Nevada Building Trades Union; Warren Hardy, Associated Builders & Contractors of Nevada; Brian Reeder, Nevada Contractors Association; James Andresen Valley Electric Association of Pahrump, Timothy Dunlap, Valley Electric Association of Pahrump; Dr. J Kyle Dalpe, Western Nevada College; Ken Maxwell, Alamo Power District; Tim Megan (phonetic) Stationary Engineers Local 39 JATC; Susan Ross, College of Southern Nevada; Cheryl Olson, Nevada System of Higher Education (TMCC); Kara Arenas, ABC Nevada; Warren Hardy, Associated Builders, and Contractors of Nevada; Douglas Howell, U.S. Department of Labor, Office of Apprenticeship; Matt Cecil, Holland & Hart; Shawn McDonald; Brian Prather, Northern Nevada Operating Engineers Apprenticeship program.

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

I. CALL TO ORDER & WELCOME
Chair or Vice-Chair

Chair Walden called the meeting to order at **9:00 a.m.** He welcomed Nevada State Apprenticeship Council Members and members of the public.

II. PLEDGE OF ALLEGIANCE
Chair or Vice-Chair

Chair Walden led attendees in the pledge of allegiance.

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

Mr. Williams introduced the new Chair, Archie Walden, appointed on February 1, 2020. He thanked Nanette Quitt for her service. He then called roll and informed the Chair that a quorum was present.

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

Mr. Williams affirmed that the notice and agenda for this February 13, 2020, Nevada State Apprenticeship Council Meeting was posted according to Nevada's Open Meeting Law pursuant to NRS. 241.020.

V. PUBLIC COMMENT

(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. The second public comment agenda items provide an opportunity for public comment on any matter within the Council's jurisdiction or advisory power.)

Louis Loupias, Southern Nevada Operating Engineers Apprenticeship Program, introduced himself as the coordinator of its Southern Nevada Division. The Program was established in 1968, graduating approximately 6,000 apprentices with a graduation rate of 60 percent. He urged the Council to keep their parallel program and quality as with the Operating Engineers.

Bill Stanley, Southern Nevada Building Trades Union, provided comments in support of the promises to apprentices. Graduates are recognized not just in Nevada, but nationwide in terms of developing some of the best construction personnel anywhere. In working through the process of looking at new programs, the Council should ensure that the programs coming forward actually meet the requirements of the apprenticeship.

Warren Hardy, Associated Builders & Contractors of Nevada, congratulated Chair Walden on his position. He thanked Council, OWINN, the Department of Labor, and all of those

implementing the vigorous process of getting programs approved at the last meeting. The Associated Builders & Contractors have an existential belief that all should be treated equally in terms of the review and approval process. The Associated Builders & Contractors' standards have been approved and followed and their programs approved. They are anxious to move forward. He questioned why they are even here today, i.e., whether they must once again defend their program and standards.

Richard Dailey, members of the public, noted the recent apprenticeship changes in Nevada. Apprenticeship used to be under the Labor Commissioner's Office with the Council as an advisory body. The Labor Commissioner was able to override Council decisions. This is no longer the case. Many of the previously approved programs have changed. The process was then shifted to being under OWINN with an expanded board for two years, before being changed again. They are now back to a seven-person board as the regulatory body. He agreed with previous comments that each program should be equal, not less than. Mr. Dailey's submitted comments identify several elements that are not quite up to standard or statute. The Council has a responsibility to read all comments and make decisions as to the regulatory body. The Executive Director does his job with the Council's advice and consent. He encouraged the Council to follow the standards.

Brian Reeder, Nevada Contractors Association, voiced support for the ABC Apprentice programs and urged Council's continued support for the programs approved at the last meeting. With billions of dollars of projects on the horizon, the workforce is needed in Nevada.

Brian Prather, Operating Engineers Apprenticeship Program, commented that when presented to Council, all materials should be subject to scrutiny. Their application has a lot of holes and does not define a number of areas. This body should feel free to direct and make any corrections. The Program does not have a place of operation, does not have the equipment, and does not define funding sources. Running heavy equipment apprenticeship is very expensive and requires significant resources. The Program does not have properly trained instructors for whom they can provide verifying documentation.

David Gardner, Attorney General's Office, cited the items for corrective action and addressed a concern at the last meeting that the agenda was not in compliance with the open meeting law. This was reviewed by himself as well as the Attorney General's Open Boards and Government Division to identify problems. While no issue was found and out of an abundance of caution, they recommended that the Council review them to ensure that there were no issues regarding open meeting law compliance.

VI. APPROVAL OF NOVEMBER 2019 MINUTES

Chair or Vice-Chair

Chair Walden called for comments to the minutes. There were none.

Jeremy Newman made a motion to approve the November 2019 minutes. Randy Canale seconded. The motion carried.

VII. APPROVAL OF DECEMBER 2019 MINUTES

Chair or Vice-Chair

Chair Walden called for comments to the minutes. **Mr. Hardy** commented that the minutes included a phonetic spelling of the Council. **Mr. Williams** invited him to provide the correct spelling subsequent to the meeting. An additional correction was made; the minutes referred to Bob McKenzie of the Building & Construction Trade and were corrected to list him as Paul McKenzie.

Jeremy Newman made a motion to approve the December 2019 minutes as amended. Thomas Pfundstein seconded. The motion carried.

VIII. CHANGE OF NOVEMBER 2020 MEETING DATE (*Information/Discussion; For Possible Action*)

Discussion and possible action to change the November 2020 meeting date of the Council from November 12th to November 19th,
Richard J. Williams, State Apprenticeship Director

Mr. Williams stated that the November 12th date is no longer available and November 19th was recommended as the alternate. **Mr. Canale** noted that he will be out of town that week, attending the International Foundation Conference. **Chair Walden** invited Mr. Canale to join via teleconference, if feasible.

Jeremy Newman made a motion to change the November meeting date from the 12th to the 19th. Mike Kennedy seconded. The motion carried.

IX. MINIMUM CONSTRUCTION WAGE (*Information/Discussion; For Possible Action*)

Discussion and possible action on reviewing the minimum construction wage for apprentices in the construction industry who work on projects other than public works per NAC 610.490.

Richard J. Williams, State Apprenticeship Director

Mr. Williams stated that OWINN, with the assistance of the Labor Commissioner's Office, recommends that the Nevada minimum construction wage be raised from \$14.00 to \$14.38 for projects other than public works on the formula mandated in the statute.

Chair Walden called for comments. There were none. **Chair Walden** called for a motion.

Jeremy Newman made a motion to raise the minimum construction wage to \$14.38. Thomas Pfundstein seconded. The motion carried.

Chair proposed that items XIV, XV, and XVI be moved up on the agenda. One of the members is on a conference call and the issue of time is significant.

Jeremy Newman made a motion to move items XIV, XV, and XVI up on the agenda. Randy Canale seconded. The motion carried.

X. REVIEW REGISTRATION OF PROGRAM AND ASSOCIATED OCCUPATIONS PER NAC 610.365 (*Information/Discussion; For Possible Action*)

Discussion and possible action on the deregistration of an apprenticeship program and its occupations, per NAC 610.365, that has not indentured an apprentice within the immediately preceding year.

Sponsor: WNC Child Development Center

Chair Walden stated that as per NAC 610.365, the WNC Child Development Center has not indentured an apprentice within the immediately preceding year, and therefore, the program is up for possible deregistration. He invited a representative to address the Council. **Dr. J Kyle Dalpe, Western Nevada College**, stated that in being new at the institution, he was surprised to see this item on the agenda. The College is currently rebuilding the program. If they decide to proceed, they will bring it back after deactivation. **Chair Walden** asked for an explanation of events over the past year and why the program did not indenture an apprentice. **Dr. Dalpe** stated that all of their education programs, which include early childhood education, have not been staffed with a full-time faculty member. They are currently in a search to fill the position. **Mr. Williams** stated that OWINN staff has made two calls, one letter, and one email to the last contact information they have for the program and have received no responses. The program was approved in 2007. There have been no apprentices indentured since the original approval and there are no records of apprentices currently in the program. **Chair Walden** asked about the reasoning for continuing the program in light of those statistics. **Dr. Dalpe** stated that in the interest of cleaning up paperwork, on both sides, he was not present today to request that it not be deactivated.

Jeremy Newman made a motion to deregister the program. Thomas Pfundstein seconded. The motion carried.

XI. REVIEW REGISTRATION OF PROGRAM AND ASSOCIATED OCCUPATIONS PER NAC 610.365 (*Information/Discussion; For Possible Action*)

Discussion and possible action on the deregistration of an apprenticeship program and its occupations, per NAC 610.365, that has not indentured an apprentice within the immediately preceding year.

Sponsor: Alamo Power District #3

Chair Walden stated that as per NAC 610.365, the Alamo Power District #3 has not indentured an apprentice within the immediately preceding year, and therefore, the program is up for possible deregistration. He invited a representative to address the Council. **Ken Maxwell, Alamo Power District**, read a statement of explanation into the record. They have one registered apprentice at this time, who has completed all required instruction hours and OJT hours and awaits his journey test next month. Alamo Power District has a small staff of only five employees and development is slow in the communities serviced. Mr. Maxwell has been in contact with OWINN and working with them to assist one another in moving forward. He requested that they are allowed to continue the program for one year and return to the Council for approval of new standards at that time. This will allow the current apprentice to complete his training. **Mr. Canale** asked whether Mr. Williams had comments. **Mr. Williams** confirmed that there has been a conversation with Mr. Maxwell and it is appropriate for the Council to allow the program to continue for 12 months and review the status before they take action.

Jeremy Newman made a motion to table action for 12 months. Thomas Pfundstein seconded. The motion carried.

**XII. REVIEW REGISTRATION OF PROGRAM AND ASSOCIATED OCCUPATIONS
PER NAC 610.365 (*Information/Discussion; For Possible Action*)**

Discussion and possible action on the deregistration of an apprenticeship program and its occupations, per NAC 610.365, that has not indentured an apprentice within the immediately preceding year.

Sponsor: Stationary Engineers Local 39 JATC

Chair Walden stated that as per NAC 610.365, Stationary Engineers Local 39 JATC has not indentured an apprentice within the immediately preceding year, and therefore, the program is up for possible deregistration. He invited a representative to address the Council. **Tim Megan, Stationary Engineers Local 39 JATC**, stated that they have had a total of eight apprentices since 1982. Tests are given every two years and applications are open for two weeks two hours a day. The only two employers to participate have been Grand Sierra Resort and Circus Circus. There is currently not an active apprentice. The last person dispatched to the Grand Sierra refused the offer of employment because their wages were higher than the wages to be offered by the program. Local 39 JATC came before the Council in 2015 to revise its standards. The eight apprentices have all been enrolled in the TMCC program. Since that time, Local 39 JATC has also developed a lot of internal curriculum, including 15 online training classes. The international unit has invested \$200 million in a Texas training center. Local 39 JATC is offering free airfare to and from, shuttle service, and meals. He requested an extension of a year or more to provide them a chance to administer the test again.

Mr. Kennedy asked if the wage scale is negotiated between TMCC and the GSR. **Mr. Megan** confirmed that they are directly out of the CBAs. The GSR just signed a new deal that lasts through 2023. They also have just seated a new chief engineer. There are discussions at that level to encourage the hiring of an apprentice. The wages shown do not include the benefits package.

Mr. Williams stated that he and OWINN staff spoke with Mr. Megan about their program. He recommends that the Council continue a 12-month extension followed by a status report.

Jeremy Newman made a motion to table action for 12 months. Thomas Pfundstein seconded.

Discussion:

Mr. Canale noted that it has been 14 years since the last apprentice was registered and ten years since the last completion. This goes beyond what NRS and NACs recommend for a program before being deregistered. **Mr. Megan** said the program is thriving outside of Nevada, with 300 apprentices in the State of California. Testing will occur in the local area in May.

Mr. Kennedy asked about their presence in Southern Nevada. **Mr. Megan** stated that they are in Mono County. **Chair Walden** stated that he understands the concerns regarding the stagnation of the program. However, there is nothing that dictates that deregistration must occur. He cited language in NAC 610.365 to illustrate the point. He recommended that the program be put on probation for 12 months and allow them an opportunity to get the program back on track.

There was a tie vote. Chair Walden lodged the tie-breaking vote in favor of the motion. The motion carried.

XIII. FOR POSSIBLE CORRECTIVE ACTION

NEW OCCUPATION (*Information/Discussion; For Possible Action*)

Discussion and possible action on the program sponsor's request to add occupation(s) within its previously approved program.

Sponsor: Titanium Metal Corporation (Timet) and United Steelworkers Local 4856

Occupation: Crane Mechanic (Existing Occupation Title: Construction Equipment Mechanic) (Time-Based)

Susan Ross, College of Southern Nevada, was present to represent the apprenticeship for Titanium Metals Corporation. Due to a scheduling conflict, the representative from TIMET and United Steelworkers Local 4856 is not available. At the last Council meeting in December, this position was tabled, due to a question about the O*NET SOC. Mr. Walden's suggestion at the time was to review the O*NET code for crane mechanic. This was done. The O*NET code should no longer be 493031 but should be 493042 with a Rapids Code 0336. This has been submitted for approval. **Mr. Canale** addressed the section, Adjusting Differences and Complaint Procedure, and said that it does not include language that anyone removed from the program had a right to appeal to the State Apprenticeship Council. **Chair Walden** stated that only the occupation is up for review. They cannot delve into the standards, as they have already been approved. **Mr. Canale** respectfully disagreed, citing to and quoting from NAC 610.240, which he argued states that anytime a trade is brought before the Council, they have a right to review the standards. He reaffirmed his question to the applicant. **Mr. Gardner** said this is not correct. The agenda refers solely to new occupations. Standards are not included. If they discuss standards, this will be a violation of the Open Meeting Law. **Mr. Canale** said it would be a violation of The Open Meeting

Law if they discuss the occupations without going over the standards. **Mr. Gardner** identified the Open Meeting Law as being found in NRS 241, not 610 or NAC 610. NRS 241 discusses that a clear and complete standard is what is allowed to be discussed and includes nothing outside of this scope. **Mr. Canale** stated that he is in complete disagreeing with the statement. **Chair Walden** said that while he understands the concerns, however, based upon the advice of legal counsel, he will follow counsel's suggestion. He asked for clarification on what items Mr. Canale wishes to amend. **Mr. Gardner** clarified that per the Open Meeting Law requirements, that question itself cannot be answered or discussed. **Mr. Kennedy** noted the impasse and questioned whether this item should be tabled pending further clarification. **Mr. Canale** stated that they may need to have a meeting to establish the rules. At this point, there seems to be a serious question as to the proper interpretation of the law.

Mr. Kennedy made a motion to table action until they have clarity. Randy Canale seconded.

Discussion:

Chair Walden stated that the standards were already approved in November of 2019. There were no issues with the standards at the time. There was an issue with the occupation itself. **Mr. Canale** stated that this is about precedence in terms of whether or not the Council may discuss the body of standards when a program brings up a new trade or occupation. He noted the presence of attorneys in the audience and suggested a period of public comment. **Chair Walden** said he was not in agreement, as Mr. Gardner is present and specializes in Open Meeting Law. **Mr. Canale** stated that there has been a motion and second with a vote pending. **Chair Walden** commented that the item was not open for motion. It was open for discussion and that there was no motion placed on the table by the Chair.

Chair Walden made a motion to approve the occupation with the amendment to the O*NET code as recommended. Felicia Gonzales seconded.

Discussion:

Mr. Canale commented that voting on the motion without discussing the standards is a violation of the open meeting law. **Mr. Kennedy** said he had a motion on the floor to table until the Council gains clarity on this issue, yet they continue without getting any clarity. **Chair Walden** stated that the motion was to approve the occupation as amended with the O*NET code. He did not open a motion to table the item itself. **Mr. Canale** stated that the roll call vote on the motion did not include options for abstention. **Mr. Canale** noted his abstention. **Mr. Kennedy** abstained until the Council has clarity on the issue. **Mr. Gardner** clarified that abstentions are typically for conflicts of interest. **Mr. Kennedy** referred to an earlier discussion regarding Mr. Canale's question as to why the standards cannot be discussed and why the question cannot be answered. **Mr. Gardner** said that the Open Meeting Law and Supreme Court precedence both clearly state that they can only discuss what is on the agenda. The agenda clearly says the discussion refers to the new occupation and not the standards. Any discussion of the standards, which are not on the agenda, would be a violation of the Open Meeting Law under NRS 241 as well as Supreme Court

precedence. He added that he handles Open Meeting Law issues for the Attorney General's Office and write responses to Open Meeting Law complaints.

Mr. Kennedy asked if there is a section in the NRS that states the Council must view each new occupation as a whole (standards and occupation). **Mr. Gardner** stated he does not believe there is such a requirement. **Chair Walden** commented that at the December 2019 meeting, they had the same impasse. Working within the parameters available, the programs were approved, based on the fact that the Council could not go back into the standards. Approval was based on the merits of the program itself.

Chair Walden asked Mr. Canale if, after the last meeting, he had discussions with the Attorney General's Office in terms of the Open Meeting Laws relating to this subject. **Mr. Canale** said he did not do so, however, he understands that several others did. **Chair Walden** concurred, noting that he came back three times to gain resolution and understanding. Originally, he understood that once the Council opens a book of standards, they are open to review each time. However, clarification was provided that based on the changes in the law in 2018, once the standards are presented (after having been approved), those standards are not up for review again, if they are not on the agenda. The agenda item includes a review of an occupation, not a standard. He suggested the possibility of approving the occupation with a caveat to review the standards within 12 months. **Mr. Canale** stated his issue with the program is very minimal. He believes they have a right to have the program and that they have made the majority of changes asked for. It is not a matter of being against the program, but of creating a precedent. He referred to NRS 610.095, additional duties of the State Apprenticeship Council, which states they are to register and approve or reject proposed programs and standards for apprenticeship. It says nothing about approving or rejecting occupations. **Chair Walden** acknowledged the correctness of the citation. He asked Mr. Canale if he believed moving forward would set a precedent that cannot be remedied or alternatively, he would agree to have the program reviewed within a satisfactory time frame. **Mr. Canale** said his concern is that this issue will come up several times during additional items at this meeting. **Chair Walden** invited other comments. **Mr. Kennedy** posed the option of tabling the item for clarity. **Mr. Newman** questioned whether the discussion is as to an incorrect agenda or a violation of the Open Meeting Law. **Mr. Canale** said it is for clarification of the Open Meeting Law. The NRS standards provide no statements regarding "new occupation." Besides, no occupation can be presented to the Council without entire standards available for review in conjunction with the new occupation.

Chair Walden stated that during this meeting, the Council reviewed Sierra Pacific Power Company's occupation. The standards were not reviewed and the item was voted on by all members as a yea. **Mr. Canale** clarified that he did review the standards, however, he found nothing inconsistent or incorrect that would require him to address it. **Mr. Newman** clarified that he abstained from that vote. **Chair Walden** asked if Mr. Canale's issue is that OWINN is not listed on the adjusting differences. **Mr. Canale** said they have gone beyond this question. According to the current controversy, they do not even know if they can discuss this topic. **Mr. Gardner** said that the Council is allowed to discuss this, as long as they abide by the agenda information, including the requirements of NRS 241, Open Meeting Law. **Mr. Kennedy** asked for clarification that the position is that the Council may discuss the standards. **Mr. Gardner**

stated that as the standards on not listed on the item, they are not allowed to be discussed. Council Members may only discuss the new occupation.

Chair Walden asked if it would be advisable to have the standards listed on the agenda whenever there is a new occupation. **Mr. Gardner** affirmed that if the Council would like to have the standards included on the agenda when a new occupation comes up, they are free to do so. **Chair Walden** asked Mr. Canale if he would be amenable to reviewing the occupations listed under the current discussion requirements, along with a motion that in the future, standards be introduced whenever a new occupation is listed on the agenda. **Mr. Canale** stated that he appreciates the effort, however, he feels the Council cannot move forward without clarification on what is before them currently. **Chair Walden** asked whether Mr. Canale is dead set against approving the occupations, even with the caveat that the standards be reviewed in six months. **Mr. Canale** said if it is allowed to continue, the Council will be in violation of the Open Meeting Law and that he cannot in good conscience proceed. **Chair Walden** expressed appreciation for Mr. Canale's integrity.

Andres Feijoo, OWINN, offered a previous example of the process, to provide context. In February of 2019, TMCC put forth a new program. Their standards were approved and a few months later they added three occupations. This was approved by the Council. **Mr. Canale** noted that there were other Council Members at the time and just because it was done in the past does not mean it was correct.

Ms. Ross noted that in November, five of the six positions were approved. This one had not been submitted correctly, which necessitated coming back for approval of the crane mechanic. At the last meeting, there was a discrepancy with the O*NET number, which has been corrected. She asked whether the process of having the five positions approved set a precedent for the sixth position, which should have been part of the initial group. **Chair Walden** said his response was no, based on the parameters set regarding looking at the occupation as opposed to the standards.

Mr. Canale commented that for this program and this set of standards only, it has come to his attention that the question on the standards regarding OWINN being the final approval was covered in the last meeting. Based on this fact, to move on with this program, he does not see any issue with the main body of the standards. This may allow the Council to move forward with the approval of this item at this time. **Chair Walden** confirmed that this issue was addressed at the last meeting, as he stated earlier. It was also him who required the change from the last meeting. **Mr. Canale** clarified that in his view, he is reviewing the entire program. He does not have questions regarding the main body of standards. **Chair Walden** called for a motion.

Jeremy Newman made a motion to approve the occupation. Thomas Pfundstein seconded. The motion carried.

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

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

Sponsor: Valley Electric Association Inc.

Mr. Newman abstained from participation on items XIV, XV, and XVI.

James Andresen and **Timothy Dunlap** from Valley Electric Association of Pahrump and **Jeremy Newman**, IBEW Local 396, were present to discuss the item. **Mr. Andresen** provided a history and general overview of Valley Electric. They currently have three programs registered, including Lineman Substation and Metering with current programs registered since 2007. There are currently four lineman apprentices, one ready to start the program and one in a pre-apprentice program. There is one metering apprentice and one substation apprentice. Training is a classroom and on the job. After each step, the apprenticeship committee reviews each apprentice and recommends advancement or further training before advancement. At the end of each year, each apprentice goes through an oral review before the apprenticeship committee. This allows the apprenticeship committee to gauge the apprentice's progress as well as assist the committee in areas of training that need improvement.

Mr. Andresen addressed changes to the standards. Under the structure of the apprenticeship and training committee Section A, they would like the ratio of committee members changed to two management and four representing employees. Under Section B, they seek to change the term of office on the committee from one to two years.

Chair Walden referred to Page 2 in Appendix A and asked for clarification that it is a construction application, paragraph 3, a ratio of apprentices to journey workers. **Mr. Andresen** clarified that the requested changes are just in the apprenticeship portion.

Chair Walden referenced page 11, Section 20, adjusting differences, complaint procedures, which has Valley Electric listed as the sponsor as well as the place that apprentices send their complaints to. He inquired as to whether they would willing to add OWINN to the column. **Mr. Andresen** stated that they would agree to this request.

Mr. Canale pointed out that under page 1, responsibilities of the ATC, it says, "Notify within 40 days of registration of that agency of any new apprentices to be registered, completions or cancellations." Under NRS 610.140 and 610.160, notice must be given within ten days. He requested that everywhere this time requirement is listed in the standards, that it be revised to 10 days. **Mr. Andresen** stated that they would be agreeable to make the revisions.

Mr. Canale referred to page 5, under Section 4, qualifications for an apprenticeship. It appears that these are qualifications for the pool. Under E says, "Others, as deemed appropriate and required by the employer." By amended code 610.820, any requirements, whether they be a test or otherwise, must be stated in detail. They must also state what the passing scores are. The term, "others," is open-ended.

Mr. Dunlap stated that as part of the Apprenticeship Committee for Valley Electric, they should be able to remove, “others,” as what they have written for education/qualification are the determining criteria. If they come up with a testing program and scores, they would move to add that it in at a later date.

Mr. Kennedy sought clarification that Subsection E under Section 4 would be removed completely. **Mr. Dunlap** confirmed this understanding that they will strike the subsection.

Chair Walden asked Mr. Canale to clarify his comment on page 1, Item K, the notification within 45 days of the registration agency of all new apprentices. The statement was that there are 10 days and two locations in NRS that state this. **Mr. Canale** identified them as NRS 610.140 and 610.160. **Chair Walden** stated his understanding that the 10-day regulation is at the point of the Council and the Director in terms of approval, but not submission. **Mr. Canale** said he would stand to be corrected, as this terminology is correct and would be 10 days after approval.

Randy Canale made a motion to approve the standards as amended.

Discussion:

Chair Walden identified another possible correction. Under NAC 16.225 under management, such a committee must be composed of an equal number of representatives of management and labor and any public representative whom they develop. The standards on page 2A state that the committee shall be composed of representation from management as follows: four members representing employees and two members representing management. **Mr. Andresen** said they agree to strike the change and leave the original ratio of three.

Mr. Canale withdrew his motion. **Chair Walden** called for a new motion.

Randy Canale made a motion to approve the standards as amended. Thomas Pfundstein seconded. The motion carried.

- XV. REVISION OF CURRENT OCCUPATIONS (*Information/Discussion; For Possible Action*)
Discussion and possible action on the program sponsor’s revisions to its previously approved occupations.

Sponsor: Valley Electric Association Inc.

Occupation 1: Meter Technician (Existing Occupation Title: Electric Meter Repairer)
(Time-Based)

Mr. Newman abstained from participation on this item.

Mr. Andresen reviewed the proposed changes. Appendix A, Page 2, Number 3, the ratio would change to one journey worker to one apprentice. In addition, they updated their 5910 form.

Mr. Canale posed a question as to page 7. Under the Utah Valley State College training, it says monthly and the total number of hours states 8. He asked how the numbers were derived. **Mr. Andresen** stated training is once per month on an 8-hour training session. The spring and winter semesters run for four months. In response to a question from **Chair Walden**, **Mr. Andresen** confirmed that this is a shop program, as opposed to construction application.

Chair Walden called for a motion.

Thomas Pfundstein made a motion to approve the program as presented. Randy Canale seconded. The motion carried.

Occupation 2: Power Line Technician (Existing Occupation Title: Line Maintainer)
(Time- Based)

Mr. Andresen reviewed the proposed changes. Line maintainer changes include Appendix A, page 2, number 3, changing apprentice ratio to one journey worker to one apprentice. On page 9, the change is from related instructional training from the Northwest Lineman College to the California-Nevada JAT apprentice-related technical training. They also updated Form 5910.

Mr. Canale addressed page 9, related technical instruction. The language refers to a minimum average of 144 hours of apprenticeship hours, which does not match with the NRS statute, which states that it a strict requirement and not an average. **Chair Walden** said this is also stated on page 2. **Mr. Andresen** said they were willing to remove the language referring to the average. **Chair Walden** asked whether it is a construction application or a shop application. **Mr. Newman** clarified that it would be construction and maintenance. **Chair Walden** asked about the potential for fieldwork. **Mr. Andresen** confirmed that fieldwork will occur. **Chair Walden** said keeping with NAC standards on fieldwork, being a construction application, the minimum is NAC 610.438 as a one-to-one ratio on the first journeyman to apprentice ratio and then a one to three thereafter. He quoted the section from the Code. **Mr. Andresen** said they can amend the standards back to the older version, which complies with the code.

Mr. Canale once again addressed the issue of apprenticeship hours. Page 10 indicates that classroom hours for year four are only 60 hours. The Council still has the authority to approve the plan, however, he is interested in knowing if other Council Members have comments. **Mr. Williams** referred to pages 9 and 10, noting that training is front-loaded on years 1, 2, and 3 with 60 hours in year four. Years 1, 2, and 3 are well above the 144-hour requirement. This is the reason for using the word “average.” **Mr. Kennedy** said that if averaged out, it equals out to more class hours than required.

With no additional questions pending, **Chair Walden** called for a motion.

Thomas Pfundstein made a motion to approve the program as amended. Chair Walden seconded. The motion carried.

Occupation 3: Substation Technician (Existing Occupation Title: Substation Operator)
(Time-Based)

Mr. Andresen reviewed changes to Appendix A, page 2, number 3. The intent is to change the apprenticeship ratio to one journey worker to one apprentice. They have also updated the 5910 form. **Mr. Pfundstein** asked about the shop's manpower. **Mr. Andresen** said they have two journeymen and one apprentice. **Mr. Canale** referenced page 7 of Appendix A and asked whether the verified total is 174 minimum hours. **Mr. Andresen** stated that the annual total for 174 is actually the hours above for the offsite relay testing, monthly safety meetings, Utah Valley State College and Utah Valley State College Home Study Course. In response to a question from **Chair Walden**, **Mr. Andresen** confirmed that each year, the apprentices will visit each of the locations to do their training. **Chair Walden** asked if there is a stipulation for hours to be written into the program in terms of how long each class is, as opposed to the yearly average. **Mr. Andresen** affirmed that the annual total is 174.

Felicia Gonzales stated that the 8-hour monthly training would equate to 96 hours in that line item. **Mr. Andresen** acknowledged that the amount should be 96. In response to a question from **Chair Walden**, **Mr. Andresen** stated that the hours vary in the classes. **Chair Walden** asked Ms. Gonzales for clarification on her comment. **Ms. Gonzales** stated that the total should be 262 hours. **Mr. Newman** clarified that it is a spring and fall class, where they attend only eight months per year and the total is 64 hours per, rather than 96. **Mr. Andresen** confirmed **Chair Walden's** clarifying question that this would be at the Utah Valley State College training monthly. **Chair Walden** asked about the change in annual class time. **Mr. Dunlap** stated that with the 64 months of the year, it brings the total to 230 hours per year.

There being no additional questions, **Chair Walden** called for a motion.

Randy Canale made a motion to approve the program as amended. Thomas Pfundstein seconded. The motion carried.

XVI. FOR POSSIBLE CORRECTIVE ACTION NEW OCCUPATION

(Information/Discussion; For Possible Action)

Discussion and possible action on the program sponsor's request to add occupation(s) within its previously approved program.

Sponsor: Sierra Pacific Power Company dba NV Energy

Occupation: Utility Fleet Mechanic (Existing Occupation Title: Transit Bus Technician)
(Competency-Based)

Mr. Newman abstained from participation on this item.

Ryan Peterson, NV Energy, was present to represent the program. They are requesting a new program since the previous program has been canceled and the company has not had active apprentices for quite some time. The program will provide full-time regular status employment with the company as a represented employee of IBEW Local 1245 while also permitting the full-

time employee to attend school part-time on the clock. **Mr. Peterson** provided an overview of the program, which includes training by skilled journeymen in the shop as well as hands-on classroom training at the TMCC Center. This is the first time NV Energy will embed an Associate's Degree in the apprenticeship program. In response to a question from **Chair Walden**, **Mr. Peterson** confirmed that this is not a construction application.

Mr. Kennedy asked whether apprentices are required to go out in the field. **Mr. Peterson** said they will be at TMCC or in the shop at work. There are road calls, where they work in the field to support line crews. **Mr. Kennedy** asked for Chair Walden's opinion that fieldwork would be construction. **Chair Walden** stated that in his view, once an apprentice leaves the shop area, anything they would do in the field would be a construction application. **Mr. Peterson** stated they will not be constructing anything. They will be teaching them to fix equipment. **Chair Walden** opined that this would be considered the mechanic activity as opposed to construction. NAC 610.438 specifies the difference between a construction application and what is required with the ratio as opposed to other occupations. Apprentices will work with either or a journeyman or an instructor in the field. They will be paid on the clock during this training. **Chair Walden** asked whether the program would be willing to add to its standards the condition that apprentices will always be supervised by either one of the instructors or a qualified journeyman. **Mr. Peterson** confirmed that they are amenable to that adjustment.

Chair Walden called for a motion.

Thomas Pfundstein made a motion to approve the program as amended. Randy Canale seconded. The motion carried.

XVII. FOR POSSIBLE CORRECTIVE ACTION NEW OCCUPATION

(Information/Discussion; For Possible Action)

Discussion and possible action on the program sponsor's request to add occupation(s) within its previously approved program.

Sponsor: Nevada System of Higher Education dba Truckee Meadows Community College

Occupation: CNC Set-Up Programmer Milling and Turning (Competency-Based)

Cheryl Olson, Nevada System of Higher Education (TMCC) was present to discuss the occupation. The program is a two-year, competency-based program, which includes 360 hours of related technical instruction, provided by TMCC. The program includes 4,000 hours of on-the-job training. Included in the application is a competency matrix that will be utilized to determine competency and completion of the apprenticeship program. **Mr. Canale** asked whether employers are associated with the apprenticeship program. **Ms. Olson** stated there is one employer. **Mr. Gardner** stated that the standards are not on the agenda. Only the occupation is on the agenda. **Mr. Canale** stated that this discussion leads back to his previous objections as already noted.

Chair Walden asked which section of the Open Meeting Law would apply to the violation question. **Mr. Canale** said it is according to NRS 610.095.1, that the Council does not just review occupations, but also standards. NAC 610.240 Number 1 and 2 stated that the program may have one body of standards overall, however, each time they include a new trade or occupation, the standards must be submitted with the new trade or occupation. **Chair Walden** acknowledged that it does stipulate that the standards will be submitted for multi-craft standards, however, it does not state that they are up for review. **Mr. Canale** said that under 610.240 Number 2, it states separate standards for each affected trade will be incorporated into the master standards. How can there be a separate trade accepted without its separate standards being submitted as well? If it is agendized as a new occupation, which is not covered in NRS 610 or NAC 610, the issue remains that it is still agendized incorrectly.

Mr. Williams reviewed stats for TMCC. The program was originally approved in February of 2018. They have indentured 721 apprentices since the start date, the last one being last month. The standards were last updated in February of 2018 with a current active membership of 150.

Chair Walden referenced NRS 610.095 and opined that no precedent is set in approving the program based on the occupation with a previously approved standard. It stipulates that Council may approve programs, suspend, terminate, cancel or place conditions upon any approved program or place an approved program on probation for any violation. His recommendation would be to place a condition on the program, if there is an issue with the standards; for example, that they are under review in three to six months. Moving forward, Council may employ a requirement that new occupations must be presented and approved at the same time as the accompanying standards.

Mr. Kennedy asked why the standards and the occupation were not submitted together before today's discussion. **Chair Walden** stated that to his knowledge when he submitted standards for review or revision, the entire standard was open for review. In 2018, under the first OWINN administration, the requirements were to be changed so that if a revision was submitted, that was the only issue up for review. In this case, if the standards had already been approved, the addition proposed is the only item open for review. Moving forward, he recommends that the standards are up for review whenever a new occupation or revision is submitted. **Mr. Williams** is not opposed to this recommendation going forward.

Jeremy Newman made a motion that going forward, occupations and standards must be presented for review and revision by the Council at the same time. Thomas Pfundstein seconded.

Mr. Canale agreed with the motion but also questioned whether this is allowable, as they are currently in the midst of a separate agenda item. Mr. Gardner stated that while it would have had to have been moved to a different section of the agenda, the motion itself is allowable. **Mr. Newman** withdrew his motion for reconsideration at a later time. **Mr. Pfundstein** removed his second.

Chair Walden requested that OWINN start requiring that standards be submitted, along with new occupations or during revisions review. **Mr. Williams** stated that they are willing to do so.

Mr. Canale posed a question to Mr. Gardner: When a program currently in existence brings before Council a new occupation (a change in the current standards), would this be considered a revision? **Mr. Gardner** stated his understanding that standards and occupations are separate. A change to the occupations, addition or deletion would not affect the standards and not be considered revisions. **Mr. Canale** questioned where in the NRS or NAC it states that a program may bring an occupation before the Council without standards. **Mr. Gardner** stated that it would be within the general powers of the Council. There is no requirement in NRS or NAC that requires them to be brought together. **Chair Walden** opined that the change was simply made to streamline the process of approving programs.

Chair Walden asked Mr. Kennedy and/or Mr. Canale if they would be willing to approve the occupation with a three-month review of the policies as well as moving forward to require standards and occupations to be submitted at the same time. **Mr. Canale** posed the question as to whether there is agreement that this would be setting a precedent in terms of accepting a program without reviewing the standards. **Mr. Kennedy** questioned whether this should be tabled until such time that clear answers are available. **Chair Walden** stated that moving forward with the proposed stipulations, he does not see what the issue is. Under the new law/rule, the occupation is a viable candidate for review. **Mr. Canale** said his understanding that the only law or regulation is that which is contained in the statute. He asked Mr. Gardner to identify the definition of occupation in the NRS or NAC statutes. **Mr. Gardner** stated that NAC 610.365 specifically mentions that occupations and programs are separate. There is nothing stating that they must be brought together. There is no requirement under law for them to be brought together.

Mr. Kennedy commented that during the last meeting, it was stated that the Council is not reviewing the standards and the occupation as a package and that they can only vote on what was agendaized. If there was no rule against presenting the entire package, he is unsure why that was not the process today. **Chair Walden** said this was because the standards had been approved previously, so the programs were merely submitting a new occupation on top of previously approved standards. This is allowable under current regulations. In response to a question from **Mr. Kennedy**, **Chair Walden** stated his belief that the standards were approved by a different Council. **Mr. Kennedy** stated that this is a new Council working off of past precedent. **Chair Walden** concurred, noting that past precedent was that all standards and occupations were submitted simultaneously and open for review.

Mr. Canale stated he still is unsure about Mr. Gardner's earlier comments regarding occupations being listed in the standard. NRS 610.365 refers to cancellations, where if an occupation within a standard is not bringing in apprentices, that occupation can be removed without bringing up the entire standards. However, nowhere in the standards does it say that an occupation may be brought before the Council for approval as a standalone. He suggested the possibility of tabling this item until the next meeting.

Discussion continued between Mr. Canale and Mr. Gardner in terms of the statutes governing the issue of the Council's power and purview. **Mr. Gardner** stated that occupations are within the purview of the Council (610.090, 610.095). Council, at its discretion, can look at occupations. There is nothing permitting them from looking just at occupations and no requirement that they do

occupations and standards. Reviewing just occupations would not be a violation of the open meeting law or any other law. The NRS never lists every possible contingency. Boards would not be able to operate if every single item they were voting on had to be approved and had to have a specific language. One example is the earlier vote at this meeting, where the Council voted to allow a program that has not indentured an apprentice for over a year. No language specifically states that this extension can happen. However, this is within the power of the Council, as part of their jurisdiction and duties. **Mr. Canale** stated that as a Council Member he does not agree that they should be voting on an agenda item that only lists occupation.

Mr. Canale made a motion to table the item until which time that the program is prepared to submit its standards with the occupation. Mike Kennedy seconded. The motion carried.

Council took a brief recess.

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

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

Sponsor: Associated Builders and Contractors (ABC) Nevada Chapter Northern and Southern Apprenticeship Trust Fund

Kara Arenas, ABC Nevada, Warren Hardy, Associated Builders and Contractors of Nevada, Douglas Howell, U.S. Department of Labor, Office of Apprenticeship, and Matt Cecil, Holland & Hart, were present to discuss the item. **Ms. Arenas** provided an overview of the program, policies, procedures, and benefits as well as changes made to the body of the standards. ABC Nevada has registered apprenticeship programs for the last 30 years. All programs (standards) are the same for all trades and locations in the State. All apprentices work for ABC Nevada employer sponsors. The sponsors pay all training costs for all apprentices, including health insurance and college education. Students pay for books and tools. Minimum qualifications include: Must be 18 years or old, possess a high school diploma or GED and have a birth certificate. The apprenticeship committee is composed of half field representatives and half management representatives. The composition is as follows: Eight members. Four members will represent employers and four members will represent employees. The committee is composed of apprenticeship sponsor companies to represent the membership of the association selected by his or her fellow employees to represent the apprentices. Meeting quorums shall consist of at least two members representing the employer and two members representing the employees. The maximum amount of OJT hours is 1,000. Related instruction will require a minimum of 144 classroom hours. Students will attend OSHA 30 classes as well as specific certification courses.

The curriculum for all programs is through NCCR. Classes are one night per week for four hours. Students are entered into a national registry and receive certificates and transcripts every year of completion through NCCR. NCCR modules consist of a multiple choice test and hands-on performance exam. Classroom training will be held at ABC facilities north and south and labs

will be performed in their designated area based on the specific trade. Instructors are NCCR certified. To be certified, they must have a journey worker level and above, be vetted by the apprenticeship committee and attend a mandatory instructor training course. The probationary period for all programs will be 25 percent of a specific OJT program duration. Apprentices will receive raises each time they hit 1,000 OJT hours. The private wage is based on the yearly wage determination survey. ABC will continue to follow all state laws in regard to the prevailing wage. All students are covered under the ABC health insurance plan for the duration of the program. The majority of apprentices are on the health insurance for two years after graduation. All students will receive five credits per semester with Western Nevada College. There are Associates Degree pathways for all the trades. They are currently finalizing the Bachelor's Pathway with Western Nevada College. In terms of outreach, ABC attends all high school and college job fairs and any other recruiting opportunities. ABC is an approved OJT program and students are able to utilize their GI Bill.

Chair Walden referred to page 17, item 15, ratio of apprentices to journeypersons and asked whether they have a set ratio of apprentices to journeymen in the field. **Ms. Arenas** confirmed that they are set and will be under each occupation.

Mr. Pfundstein asked about the methods of monitoring and testing. **Ms. Arenas** stated that open enrollment requires an application, basic math test, in-person interview. Scores are evaluated before being placed on the eligibility list.

Mr. Canale referenced the definition on page 4 as to apprenticeship trust and asked how payments are made and guaranteed to be paid to the trust. **Ms. Arenas** said the employers involved in the association are vetted before they are allowed to utilize the apprentices. They must sign an employer acceptance agreement. The trustees are fiduciarily responsible for each trust. The trustees are above the committee, as far as the association is concerned. **Mr. Canale** asked who has the final say in monitoring the apprenticeship program. **Ms. Arenas** stated that the committee manages the apprenticeship program. Anything financial falls under the trust. **Mr. Canale** asked how the employee members are elected by their trades. **Ms. Arenas** stated that there are employer orientations each year. If there is an opening on the council, this is when the vote of peers would be taken. New trades will be added going forward during separate meetings. There are term limits and this is discussed during employer orientations. **Mr. Hardy** stated that attendance is not mandated, however, there has been good participation. There has never been a complaint or concern submitted on the process thus far.

Mr. Canale referenced the committee duties, which requires that the standards be reviewed periodically to ensure they are consistent with state standards and changes in the industry. He asked about the last time the standards were brought up for revision. **Ms. Arenas** stated that they were reviewed in 2013. **Mr. Canale** questioned whether the committee has been doing its job, as the NRS statute states that standards must be reviewed every five years. **Ms. Arenas** clarified that the standards were last brought before this Council in 2013. In terms of the committee's review of standards, this occurs every year. **Mr. Canale** said that NAC 610.310 requires that the standards be brought before the Council every five years. **Chair Walden** said that according to NAC 610.310 Part 5, the Council will at least once every five years review the standards for an

apprenticeship program that is registered with the Council. This issue was addressed over the last two meetings. It was stated that the Council was a little behind schedule on reviewing programs. The catch-up process is proceeding. **Mr. Canale** said this does not prevent the committee from submitting the standards on their own, without having to be approached by the Director of Apprenticeship or this Council. **Chair Walden** reiterated that the process of catching up with reviews is in process and compliance will be verified moving forward. **Mr. Howell** stated that he spoke with Ms. Arenas in December of 2018 regarding the addition of the occupations. At that time, he recommended that they hold off the revision until these occupations were in place. This is why they were not presented by the five-year mark.

Mr. Pfundstein asked whether a credit is offered to applicants who present with background experience in the craft. **Ms. Arenas** stated that on the D3 ranking form, they receive 30 points max for their math score, 30 points for the interview and 0-30, depending on years in the trade. Prior education experience garners extra points as well. If the student is hired with the contractor and there is an issue with performance, the contractors can release them. The apprentice may be brought back before the committee and asked to be moved back to a lower step.

Mr. Canale asked who dispatches out-of-work apprentices. **Ms. Arenas** stated that she does so when they are available. **Mr. Canale** asked about the procedures for someone who is laid off. **Ms. Arenas** said the contractors notify her within 24 hours on a release form. The students contact her within 24 hours to be added to the placement list. In the last three years, she does not recall an apprentice being off for more than three days before being dispatched to their next interview. They do not accept new applications if there are apprentices sitting at home.

Mr. Canale asked if the apprenticeship qualifications listed are required to be in the eligibility pool. **Ms. Arenas** affirmed this understanding, adding that anyone applying for an apprenticeship program is added to the eligibility list, as long as they follow through with the interview. **Mr. Canale** asked if the math exam is pass/fail. **Ms. Arenas** stated that there is a ranking scale going back to the D3 form. The max is a total of 30. Just because someone fails the math test does not mean they will never qualify. Individuals who follow through with the entire process remain on the eligibility list for two years. They are encouraged to reapply and increase their score. **Mr. Canale** cited NRS 610.825, which states that any standard for qualification for admission to a pool, which includes a score and aptitude, must meet the listed requirements. **Mr. Howell** stated that under minimum qualifications, an aptitude test can be used, as long as it is not used as a base of determination. It does not have to be validated or used as a means to keep the apprentice from moving forward. It is listed as a minimum qualification to show that a test is being taken. **Chair Walden** said that in most standards, there is an application process, assessment exam, and oral interview. Between the three, the score is the deciding factor. If they do not do particularly well on the assessment exam, the application and oral interview may be the deciding factor. **Ms. Arenas** confirmed the understanding. **Mr. Canale** commented that oral interviews are allowed, but an oral interview may not be used as a standard for qualification for admission into a pool. **Ms. Arenas** stated that if they do not attend their interview, they are disqualified from being added to the eligibility list. **Chair Walden** said he believes the three items are required for an apprentice standard. If any of the three are missed, they are automatically disqualified from the program. **Mr. Canale** cited to the apprentice qualifications Section A, which states the qualified

applicants not selected shall be placed on a waiting list for a maximum of two years. They are eligible and encourage to reapply. NAC 610.870.1 requires this to say a minimum of two years and he asked if they would be willing to change this. **Ms. Arenas** confirmed that they would be amenable to this change. **Mr. Cecil** stated that it requires they be placed on a list for at least two years. The standards which state that they should be put on the list for a maximum of two years does meet the standard. **Mr. Canale** said using the word "maximum" means that the time frame could be less. **Mr. Cecil** agreed that they could remove the word "maximum."

Mr. Canale referred to page 12 of the standards, under Section 4, the responsibility of apprentices to regularly attend and satisfactorily complete the required related instruction, as provided. He asked if all this instruction is done in a classroom, where such details can be verified. **Ms. Arenas** affirmed that this is correct. All instruction is in the classroom and there are currently no computer-based programs. **Mr. Canale** asked how the related technical instruction ties into this in terms of RTI hours required before a raise. **Ms. Arenas** stated that the two are not tied. If the students receive their next 1000 hours, they are given a raise. **Mr. Hardy** added that it is not required that they are tied. Any two violations of any kind require a conversation between the student and Ms. Arenas. Three violations in a year require them to go before the apprenticeship committee. In response to a question from **Chair Walden**, **Ms. Arenas** confirmed that students are required to complete a minimum of 144 class hours per year. **Mr. Kennedy** sought clarification that the school hours and working hours are not tied to their raises. **Ms. Arenas** said that for every 1000 on the job training hours, they are given an increase in their wage.

Mr. Canale referred to page 19 Section 17, Adjudication of Differences and Receiving Complaints. Section B states that the Apprenticeship Committee will have full authority to supervise the enforcement of the standards and that its decision will be final and binding on the employer and apprentice, except as described in the section and regulation. He asked for clarification that this is just referring to the right to appeal. **Ms. Arenas** confirmed this understanding. **Mr. Canale** referred to Attachment 1, Recruitment and Selection Procedure, Section 8, notice to applicants and asked for clarification on the following statement: "Applicants who meet the minimum qualifications of the application process shall be ranked objectively and the highest-ranking applicants shall be given priority and referral for interviews with employers," and Number 9, "Applicants who complete the above-outlined process will then be indentured with the registration agency." He questioned who is choosing the apprentices, the committee or the employers. **Ms. Arenas** stated that the committee makes the decision, based on the eligibility list. If the contractor needs 30 apprentices, the top 30 are taken from the eligibility list. Once the 30 are referred to the employer, the employer has a say as to whether they wish to hire them. She is willing to clarify the wording and provided additional clarification on the process.

Mr. Newman asked for clarification that the applicant is actually indentured when they go to their first job and are employed as a contractor. **Ms. Arenas** explained that they go through the application process and then are placed on the eligibility list. At that time, occasionally, there will be two free agents. The free agents are given a list of the contractors and the association before they go to their orientation. Once they go to the orientation, if they are still not hired, they would be dispatched out to the next company on the placement list. They are indentured whether there is a contractor or not. **Chair Walden** commented that this provides clarification on the confusion.

The standard seems to indicate they do not become apprentices until they are sent to a contractor for hire. **Mr. Hardy** thanked the Council for the clarification and stated that they will make adjustments to the language. **Mr. Canale** commented that it would be helpful to reverse the order of Sections 8 and 9 and rewrite the language. Currently, it states that ranking applicants would be given priority in referral for interviews and not until after they do the interview with the employer would they be brought in. **Ms. Arenas** quoted what she would like to utilize as the revised verbiage for Section 8: “Notice to applicants. Applicants who meet the minimum qualifications of the application process shall be ranked objectively.” The following sentence would be removed: “The highest ranking applicant shall be given priority and referral for interviews with employers.” **Mr. Williams** stated that he would work with ABC on the language after the meeting.

Mr. Canale asked about information on the programs, how they are run, how apprentices are brought in, how many have turned out, et cetera. **Mr. Williams** stated that the ABC South Program was originally approved in 1991. They have indentured 1,736 apprentices. The last indentured apprentice was in January of 2020. They have graduated 478. Current active apprentices total of 177. For ABC North, the program was approved in 1995. They have indentured 1,038 apprentices. The last indentured apprentice was in January of 2020. They have graduated 335. Current active apprentices total 157. **Mr. Canale** asked whether the turnout ratio is at a minimum of 50 percent, as the statute requires. **Mr. Cecil** stated that in looking at the figures for that amount of years, the yearly ratio is difficult to determine, as it would need to be figured on a year by year basis and not as an overall total. **Mr. Howell** said the program has maintained the 50 percent average throughout its existence. **Mr. Canale** asked if apprentices are being turned out from each of the programs on an annual basis, according to the statute. He also asked when the last time was that an electrician apprentice was turned out in the North. **Ms. Arenas** said that at the last graduations in June, there were 43 graduates in Reno and 44 in Las Vegas. All occupations had some graduates included.

Mr. Newman referenced apprentice qualification number 9, which requires dependable transportation to the employer’s place of business or Jobsite. He questioned how this is considered a qualification. **Mr. Howell** said this is a standard qualification and refers to reasonable accommodations, including vehicle, bus or bicycle. It is included as a requirement so that an apprentice does not claim to not have a way to get to work.

Mr. Kennedy referred to the qualifications, which require: “Able to work from ladders and climb scaffolds, poles, and towers, able to crawl and work in confined spaces.” If they have no experience with this type of work, he questioned as to how these untaught skills can be considered as qualifications. **Mr. Cecil** said they are not required to perform these well, however they must possess the physical ability to perform such tasks. **Mr. Kennedy** asked how the hours are reported from the employer to the committee. **Ms. Arenas** stated that the OJT forms are filled out monthly and submitted to the office by the 5th. It is the student’s responsibility to fill out the form and have it verified. The employer does report every month in terms of the hours worked by each apprentice. This is tied to the hour banking system for health insurance.

Mr. Canale referenced Section 3, page 10 under qualifications, about the math exam and point system. The point system and basis should be listed in the standards. **Mr. Hardy** stated that they would be amenable to account for this and make the necessary adjustments. **Chair Walden**

recommended that it list how many points they get for each of the following: Application, assessment exam, interview. **Ms. Arenas** said she could include the D3 ranking form as an attachment.

Chair Walden invited a motion on the approval of the standards.

Chair Walden made a motion to approve the program standards as amended. Thomas Pfundstein seconded. The motion carried.

XIX. FOR POSSIBLE CORRECTIVE ACTION NEW OCCUPATIONS
(*Information/Discussion; For Possible Action*)

Discussion and possible action on the program sponsor's request to add occupation(s) within its previously approved program.

Sponsor: Associated Builders and Contractors (ABC) Nevada Chapter Northern and Southern Apprenticeship Trust Fund.

Occupation 1. Operating Engineer North (Time-Based)

Occupation 2. Operating Engineer South (Time-Based)

Ms. Arenas, Mr. Howell, Mr. Cecil, and Mr. Hardy were present to discuss the item. **Ms. Arenas** requested that since the programs for north and south are identical, they are combined for discussion purposes. She addressed requests made at the December meeting. She provided four addresses for training facilities for ABC Nevada:

- 5070 Arville Street
- 240 South Rock Boulevard
- 4845 Judson Avenue
- 4820 Lemonche (phonetic)

These locations will be used for classroom exposure as well as hands-on. Per the request of Councilmember Burnett, a list of instructor experience was read into the record. Also per Mr. Burnett's previous request, she began to read a list of contractors and years in business. **Mr. Hardy** asked whether this could be provided in writing, rather than reading into the record. **Mr. Williams** agreed that this would be appropriate. **Mr. Hardy** commented that listing such items has never been required of a program in the past. **Ms. Arenas** stated that they currently have six indentured apprentices for the operator program. **Mr. Canale** asked for a list of locations split between north and south. **Ms. Arenas** said that 240 South Rock Boulevard is for the north and the remaining three are south. **Mr. Hardy** added that per statute, they are permitted up to two years to finalize these items.

Mr. Canale commented that for the operating engineer, there is no site as of yet to obtain the OJT training. In the south, if they are working at a pit, they must have MSHA training to place apprentices at the site. **Ms. Arenas** stated that for the students indentured, classes will begin in August. The contractors involved in the association for the operators will be working together to

have the equipment delivered to the pits where the students will be doing hands-on. Currently, in the north, there are no registered apprentices. **Mr. Hardy** commented that many of these steps are being expedited by the organizers, due to the requirements of SB 207. Any expectation that the programs will be on par with programs that have been in existence for a long time, is unfair.

Mr. Canale cited to a letter in the Council packets from an aggrieved party. He asked about the possibility of allowing them to speak to determine if their questions have been answered. **Mr. Hardy** stated that that would not be an agenda item. The practice of the Council is to have a three-minute open public testimony at the beginning and end. He is unaware of an opposing program being given an opportunity to scrutinize another program. **Chair Walden** stated that in the past, opposing programs were given the opportunity to speak. The presenting program would then have the opportunity for a closing presentation. He offered representatives from any parallel program the opportunity to speak.

Shawn McDonald, the attorney, was present to represent the Southern Nevada Operator Engineers Local 12 Journeymen and Apprentice Training Committee, covering Southern Nevada. He referred Council and ABC representatives to NAC 610.355, which expressly provides the opportunity for existing registered programs to provide comment on potentially parallel programs. Southern Nevada Operator Engineers JATC has concerns with the standards put forth, as they do not appropriately provide for safeguards in the election of the employee or apprentice representatives. Because the qualifications of instructors are not spelled out in the standards, such standards remain deficient under NRS 610.120.2 and 610.144.3 (i) through (n), which set out obligations that the applicant be able to show sufficient evidence of appropriate qualifications. Although there are four supposed training facilities, the standards will remain silent on this. Governing law requires that the programs expressly provide for the facilities for their training. The new program should meet the minimum standards required by law. There are concerns that the wages set forth in the standards do not expressly comply with the mandates of SB 207 of the last legislative session, as they do not guarantee the appropriate prevailing wage for apprentice workers who will be working on horizontal construction. This would include work that would normally be within the scope of an operating engineer apprentice. Without conforming language in the standards, there is a potential for a violation of the provisions. There is no indication that the curriculum has received appropriate approval or review, as has been done in the past with standards. In the past, when a curriculum is set forth as part of the standards, there has been a review by the Nevada Department of Education. There is no indication that the standards have been approved in such a fashion. There are concerns regarding the apprentice to journeyman ratios set forth in the standards for the new occupations. The standards do not appear to match the requirements set out in regulation, which states that in the construction industry, programs are to use a Jobsite 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. Rather, the standards state that the ratio is to be no greater than the ratio approved for the employer as to the entire workforce. If the program employs a workforce of an equal number of apprentices and journeymen, then under the standards as put forward, the program would be able to avoid the Jobsite-specific requirements under Nevada law for the apprentice and journeyman ratios. The standards should be conformed to meet the requirement and until they do, they are not in compliance with the standards under the law.

Chair Walden invited speakers from the North. **Brian Prather, Northern Nevada Operating Engineers Apprenticeship**, expressed concern that the students are not held responsible for their training and that if they do not complete their training, they get deregistered and go straight to becoming a journeyman for the contractor. As such, their graduation rates will be extremely low. Giving them a program in Northern Nevada without training facilities and allowing them to indenture apprentices into a program without facilities is hazardous and irresponsible.

Mr. Cecil pointed out that most of the comments made relate to the standards, which were just approved and not related to the program or the current process on the agenda. ABC will pay a prevailing wage when it is a prevailing wage job. The set rate is not prevailing wage, nor is it required to be. Curriculum review was previously a requirement but is no longer. The program is on probation for two years. Complaints can be addressed during that time. In terms of deregistered apprentices becoming journeymen, the reality is that if an apprentice is deregistered, the program cannot control what the contractor does in terms of hiring. There is a training facility in Reno, however, there is not yet an indentured apprentice. In terms of the ratio, having a poor ratio is a safety issue and they are not looking to put anyone in harm's way. They will utilize whatever safety ratio is required by this committee with respect to the field. **Mr. Hardy** commented that any contractor or employer in the program who actively sought to have an apprentice not fulfill his classroom obligations would place themselves in serious jeopardy in terms of being an employer in the program. **Chair Walden** commented that the Council's obligation is to oversee the apprenticeship programs, not the contractors themselves. **Mr. Newman** stated that precautions should be taken to prevent students who have not completed their apprenticeships from becoming journeymen for any of the contractors. **Mr. Howell** addressed instructors, noting that according to CFR 29.5 Subsection B (4), an apprentice instructor must either meet the State Department of Education requirements for a vocational-technical instructor or be a subject matter expert. The rule also clarifies that subject matter experts are individuals who are recognized within the industry as having expertise in the specific occupation. A journey worker can be considered a subject matter expert and therefore, may be an appropriate instructor for related instruction.

Mr. Canale referred to part 2 of the CFR, which states, "Have training in teaching techniques and adult learning styles, which may occur before or after an apprenticeship instructor has started to provide..." He acknowledges that the program is providing education for its instructors, however, he would like to ensure that it is not just that they are a journey worker that automatically certifies them as an instructor. They must have training in teaching techniques and adult learning styles. He asked the program representative if they would be willing to say that until such time as they have established a training center for the operating engineer program, as required by the statute, they will not take apprentices for whom a training site is not yet available. **Mr. Harding** asked whether everyone is held to this standard or whether programs have been approved without the stipulation. The program representatives have already stated that they do have a training facility in Northern Nevada. **Chair Walden** cited NRS 610.144 Section I, provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices and safety on-the-job and related instruction. In his opinion, the term provisions mean in the process of facilitation. **Mr. Harding** invited Council Members to tour the facility. **Mr. Canale** commented that there is no room at the Rock Boulevard location to conduct operating engineer

equipment hands-on training. He asks that until they procure a site for the operating engineers' program, they will not take any apprentices. **Mr. Harding** stated that this acceptable as long as it is a requirement for all programs and not specific to ABC. **Mr. Cecil** added that at this time, there are indentured students who do not start until August. They are in the process of working out additional training sites. The proposed stipulation seems onerous and not necessarily required. There is nothing to prevent the program from using a training facility in the south for a student from the north. **Chair Walden** stated his opinion that in looking at the word, "provisions," implies that they are in the process and if so needed, they could bring students to the south.

Chair Walden called for additional questions or comments. There were none. He then called for a motion to approve Occupations 1 and 2.

Chair Walden made a motion to approve Occupations 1 and 2. Jeremy Newman seconded. The motion carried.

Mr. Hardy said the only change to the additional programs is the Council's request to change the ratio to 1.3, which has been done. Other than that, there are no changes. He understands that some action is required, but he asked whether they must go through the whole process again or vote on the changes as a group. **Mr. Gardner** stated that to comply with the Open Meeting Law, because there was a concern that it could have been based on a violation, a new presentation is required.

- Occupation 3. Carpenter North (Time-Based)
- Occupation 4. Carpenter South (Time-Based)

Ms. Arenas stated that the programs are four years with 8,000 hours OJT, 576 hours in the classroom. The probationary period is 2,000 hours. The change in ratio is from 1 to 1 and 3 to 1 thereafter.

Chair Walden invited questions from the Council. **Mr. Canale** asked whether there were members from similar programs who wished to speak. **Chair Walden** said he intended to do so, however, he was allowing Council Members to pose their questions first. With no questions forthcoming, **Chair Walden** invited similar programs to speak. There were no programs that wished to speak.

Chair Walden made a motion to approve Occupations 3 and 4. Jeremy Newman seconded. The motion carried.

- Occupation 5. Sheet Metal Worker (Time-Based)

Ms. Arenas stated that this program in the north mirrors the Vegas apprenticeship program. It is currently a four-year program with 8,000 OJT training hours, 576 classroom instruction hours, a probation period of 2,000 and agreement to change the ratio from 1 to 1 and 3 to 1 thereafter.

Chair Walden invited questions from Council Members. There were no comments. **Chair Walden** invited similar programs to speak. There were no programs that wished to speak.

Chair Walden made a motion to approve Occupation 5. Jeremy Newman seconded. The motion carried.

Occupation 6. Telecommunications Technician North (Time-Based)

Occupation 7. Telecommunications Technician South (Time-Based)

Ms. Arenas stated that this is a three-year program with 6,000 OJT hours, 432 hours of classroom instruction. The probationary period will be 1,500 and agreed to change the ratio from 1 to 1 and 3 to 1 thereafter.

Chair Walden invited questions from Council Members. There were no comments. **Chair Walden** invited similar programs to speak. There were no programs that wished to speak. **Chair Walden** called for a motion.

Jeremy Newman made a motion to approve Occupation 5. Thomas Pfundstein seconded. The motion carried.

XX. STATE APPRENTICESHIP DIRECTOR REPORT
Richard J. Williams, State Apprenticeship Director

Mr. Williams thanked Chair Walden for his service on the Council. Mr. Williams provided some updates from the last meeting. Currently, there are 6,168 active apprentices in the State of Nevada in over 60 programs with 135 apprentices completing their programs since the last meeting. OWINN staff has completed 1,482 verifications for contractors and awarding bodies. There are over 60 programs in Nevada that need to be reviewed. There is a plan in place to accomplish this. Program reviews will be set up in March. They have been working with the Department of Labor on the proper procedures. They have targeted ten programs in most need of reviews.

XXI. PUBLIC COMMENT

(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. The second public comment agenda item provides an opportunity for public comment on any matter within the Council's jurisdiction or advisory power.)

Louis Loupias thanked the Chairman for doing a fantastic job. This has been the longest Council meeting he has ever attended in 23 years. Having served on the Council he cannot recall when the policy was changed to where if there was a new occupation, the standards were not submitted at the same time. During this meeting, three hours were spent debating the Open Meeting Law and the statutes. He commended the Council for making the motion that any program submitted to the Council shall have its standards also open for review.

XXII: ADJOURNMENT
Chair or Vice-Chair

The meeting was adjourned at 2:43 p.m.

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, February 10, 2020.

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 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) 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 <http://owinn.nv.gov/>