

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, August 6th, 2020 at 9:00 A.M.

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

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

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

**Council Members Present:** Chair, Archie Walden, Thomas Pfundstein, Mike Kennedy, Randy Canale, Jeremy Newman, Madison Burnett, Stacey Bostwick, Craig Statucki, Dr. Ricardo Villalobos

**Council Members Absent** None

**Others Present:** Richard J. Williams, State Apprenticeship Director; David Gardner, Attorney General's Office; Craig von Collenberg, NSHE, Andres Feijoo, OWINN, Joan Finlay, OWINN, Douglas Howell, U S. Department of Labor

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

**1. CALL TO ORDER & WELCOME**

*Chair or Vice-Chair*

**Chair Walden** called the meeting to order at **9:00 a.m.** He welcomed Nevada State Apprenticeship Council Members and members of the public. Chair Walden read Due to the current state of emergency in Nevada, and as allowed in Governor Sisolak's Directive 006, there will be **No** physical meeting place for this meeting. Board Members and members of the public may only participate via telephone.

**2. ROLL CALL - CONFIRMATION OF A QUORUM**

*Richard J. Williams, State Apprenticeship Director*

**Mr. Williams** He then called roll and informed the Chair that a quorum was present.

**3. VERIFICATION OF PUBLIC POSTING**

*Richard J. Williams, State Apprenticeship Director*

**Mr. Williams** affirmed that the notice and agenda for this August 6, 2020, Nevada State Apprenticeship Council Meeting was posted according to Nevada's Open Meeting Law pursuant to NRS. 241.020.

#### 4. 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.)

**Chair Walden** calls for Public Comment and or Emails to the OWINN office. He first asked if there were any comments from the Public that were listening on the phone,

**Comments** were made by **Mr. Schuyler Williams, III**, - Yes, this is Schuyler Williams, if I may address the Council if that is appropriate. My name is Schuyler Williams, I am an apprentice with the JATC local 357, I would like to say to Item number 6, that all I want to do is go back to school. And I just want to be a member of 357. That is in my only goal is to redeem myself. After losing my brother, the union, the IBEW was his and only goal. And after I lost him, I lost a little bit of myself and I digressed and finally, I found out that the only way that I could get myself together, as far as mentally, was to seek outside help. I couldn't do it by myself. And what I did was I went and got professional help, to get myself together. And I am there, and I'll move on is to be back into the JATC and to complete my apprenticeship program and to become a local 357 brother.

**Mr. Richard J. Williams**, Director of State Apprenticeship noted for the record that He was not related to Mr. Schuyler Williams, III.

**Chair Walden** asked Richard J. Williams if there were any emails received.

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

**Mr. Williams** affirmed there were none

**Chair Walden** closed the public comment.

#### 5. APPROVAL OF JULY 16, 2020 MINUTES (*Information/Discussion; For Possible Action*)

**Chair Walden** called for approval of the previous meeting minutes. Randy Canale, corrected the motion "Begin Process to Update and Change of the NAC 610 (Item VIII on pg. 4)

**Madison Burnett made a motion to approve the July 16, 2020, minutes as amended. Thomas Pfundstein seconded. The motion carried.**

#### 6. APPRENTICE APPEAL (*Information/Discussion, For Possible Action*) *Appeal of Dismissal – Williams vs. Electrical JATC of Southern Nevada Local 357*

**Mr. Doug Ziegenhagen, Assistant Training Director of the Electrical JATC of Southern Nevada.** Thank you. In regards to item number 6 on this appeal, Mr. Schuyler Williams, I would like to just present a short summation of the timeline that has been presented to all members on

this committee today. Throughout Mr. Williams' apprenticeship time here, Mr. Schuyler was an apprentice here at IBEW Local 357, there was a large number of misdats and absences regarding medical issues and various disciplinary problems that we've had. Throughout that course of time, we had over no less than 32 communications that were confirmed back and forth with the apprentice regarding certain issues. Schuyler's removal from the program was, unfortunately, due, again, to lack of communications. Our committee was more than benevolent in their timeframes of extending their committee sessions, to allow Mr. Williams to appear or present documentation. All of those requests were items that Mr. Williams has performed in the past on behalf of the JATC for his purposes. And at the point of release, we had not seen Schuyler or had any active communication with Schuyler over the course of four months. It was at that time when we had that committee session that our, they decided to release Schuyler from his apprenticeship.

**Chair Walden** asked if the council had any questions for Local 357. Hearing none, **Chair Walden** asked if Mr. Schuyler Williams was present at the last meeting session to present his case. **Mr. Ziegenhagen** confirmed Mr. Schuyler Williams was not present.

**Chair Walden** then called upon Mr. Schuyler Williams, III to present his case.

Comments made by **Mr. Schuyler Williams, III** My name is Schuyler Francis Williams, III. Okay, first things first, the reason I was unable to appear before that meeting was, as I stated previously, I was in a voluntary inpatient rehab facility. I had--I'm not trying to make any excuses by any means, but I lost my brother and he was a member of Local 357. And I dealt with that horribly. So when I finally figured out that I was unable to take care of that situation on my own, it's very humbling and very hard for a proud man to have to say, "you know what, I need professional help", which is what I did. And I checked myself into a rehab facility, which documents will show that from December 1<sup>st</sup> and I was released in May, or I was allowed to leave. And that is the reason that I was unable to present myself in front of the Board. I'm a third-generation wireman, so is my brother. This is our bloodline. I lost my one and only brother. All I want to do is go back to school. I don't want to lose the only brothers on this planet that I have left. The Union, the brotherhood, the IBEW is all about solidity and being one. And I just hope that we can--I'm sorry, this is very difficult for me. I'm very nervous, I've never--all I want to do is go back to school. That's all I want to do. Anyways I guess that's all I got to say.

**Chair Walden** called for questions from councilmembers for Mr. Williams.

**Mr. Pfundstein** questioned Mr. Williams regarding his current participation in rehab and if he has completed it. To which **Mr. Williams** replied he continues to go to the group three times a week for rehabilitation so we can talk about grief and he sees a psychiatrist once a week. He's been sober for 9 months.

**Chair Walden** called for any other questions from councilmembers.

**Mr. Canale** responded stating that review of **Mr. Williams'** case should be based on the Training Facility following their rules, regulations, and procedures in coming to their decision, leaving out emotion when deciding whether proper protocol was followed. Adding that **Mr. Williams** would have an opportunity to reapply when the apprentice programs open up.

**Chair Walden** called for additional councilmembers regarding this appeal.

**Mr. Pfundstein** requested to go to a closed session to further the discussion. **Mr. Gardner, deputy attorney general** shared a closed session could not be done because it is not on the agenda, but the discussion could be had with everyone on the call. **Mr. Pfundstein** went on to share his personal family experience with addiction and his opinion that **Mr. Williams** should be allowed to stay in the apprenticeship program.

**Chair Walden** reminded the councilmembers they need either to uphold the decision or reverse the decision of what Local 357 has proposed and recused himself from the vote unless he was the tiebreaker. **Chair Walden** then asked for additional comments. **Mr. Burnett** said he will also abstain because it is his program. **Mr. Gardner** reminded the council that under NAC 610.462, JATC would need to be allowed to respond to the apprentice's claims.

**Ms. Bostwick** clarified with **Mr. Ziegenhagen** that **Mr. Williams** could reapply and reenter the apprenticeship.

**Chair Walden** asked if there were additional comments. Hearing none, he allowed **Mr. Ziegenhagen** the opportunity to respond.

**Mr. Ziegenhagen** confirmed that the Training Program did act with merit in making their decision to terminate **Mr. Williams'** participation in the apprenticeship program.

**Chair Walden** thanked **Mr. Ziegenhagen** for his comments and called for additional comments from the Board. Hearing none, he called for a motion to uphold Local 357 dismissal of **Mr. Williams**.

**Chair Walden** called for a motion regarding the appeal of the dismissal in the case of "Schuyler Williams vs. Electrical JATC of Southern Nevada Local 357". **Randy Canale made a motion to uphold the Program's decision to dismiss the Apprentice based on their rules and regulations for the dismissal of Schuyler William's approval. Mike Kennedy seconded, Thomas Pfundstein opposed, and Madison Burnett, Abstain. The motion carried.**

7. *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: Electrical JATC of Southern Nevada Local 357*

**Chair Walden** brought up the next item, revision of the apprenticeship program standards.

**Mr. Williams** stated the OWINN staff has reviewed the documents submitted and submit them for the Council's consideration.

**Chair Walden** called for a representative from Local 357.

**Mr. Ziegenhagen** reviewed the changes in the standards for review. **Chair Walden** called for questions from councilmembers for **Mr. Ziegenhagen**. **Mr. Canale** clarified the language in the trust documents amendments to meet the registered standards regarding block votes. **Chair Walden** clarified DOL standards, federal standards, and NAC 610.870, and to comply, an amendment to two years would be the requirement. **Mr. Newman** clarified the proposed amendments to the Electrical Training Alliance. **Mr. Ziegenhagen** mention he will amend and provide an updated copy of the NV Administrator Code and the Nevada Revised Standards to the ETA.

**Chair Walden** called for any other questions from the Council. Hearing none, called for a motion to approve the revised program standards for Electrical JATC Southern Nevada based on the amendment on page 19 section 9A, and page 40 section 8G.

**Chair Walden** called for approval **Jeremy Newman made a motion to approve the Program Standards with Changes mention above and of the NAC 610. Randy Canale, seconded. No opposed, Madison Burnett, Abstain, the motion carried.**

8. *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.*

**Kevin Christiansen** appearing on behalf of Southern Nevada Operating and Maintenance Engineers JATC Local 501, present I believe, as well, are Tom Irvin and Stephanie Remoser from the program, to field any questions that you may have. You probably have before you the standards and the three attachments for the work processes and relayed instruction, the affirmative action plan, and the selection procedures. I will just briefly summarize the 11 areas that have been changed. The first one is just some changes in the Onet codes. The second change is an update to certain definitions, JATC disability, ethnicity, gender identity and expression, genetic information, major life activities, physical or mental impairment, sexual orientation. We've inserted OWINN. We also have inserted age and religion into the nondiscrimination clauses. We've updated the definition of or at least the area dealing with GED to include an HFE. We've updated the application process to make sure that the applicants are receiving EEO notification and that they're familiar with their complaint procedure should they have any objection. We also included an updated pledge and EEO outreach provision. We've included changes to the appeal rights, to the registration agency. We've also included some federal statutory references, including an update concerning OSHA and it's enabling statutes. We've added some nondiscrimination and anti-harassment provisions and included some reporting and training provisions that describe those obligations. We have also included a more expansive description of the records to be maintained by the JATC. We also included a deregistration notice update and then generally we've updated the work processes to include a kitchen and building maintenance. We have included an affirmative action plan incorporating disability provisions and an annual review. And then finally, attachment C is the selection procedure which does have the reference to the HSE, some nondiscrimination procedure updates, some uniform guidelines for selection, and some ADA and EEOC references. We are happy to entertain any questions. We would request your approval of the revised standards.

**Mr. Williams** stated for the record - OWINN has received and reviewed these documents and submit them for the Council's consideration.

**Chair Walden** called for any discussion from the Council. **Mr. Canale** clarified the inclusion of adding physical and drug testing at the discretion of the employer. Also, the submission of work analysis and goals, and timetable of their current situation with the EEOC documents.

**Chair Walden** called for any other discussion on Local 501 JATC's revision of their standards. Hearing none, called for a motion to approve the standards as revised with amendments to section 5 and with the introduction of their EEOC standards.

**Chair Walden** called for approval **Randy Canale made a motion to approve the revision of standards as revised with amendments to section 5 with the introduction of their EEOC standards. Madison Burnett seconded. Thomas Pfundstein opposed, the motion carried.**

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

**Mr. Richard Williams, Nevada State Apprenticeship Director.** I have some positive news to share with everyone, which is needed in these trying times. So, first, I would like to share some facts, since our regularly scheduled council meeting on May 7<sup>th</sup>, 2020. Since our last meeting, we have done 520 apprentice verifications. And we have done 310 journeyman completion certificates. This is a positive sign our economy is employing apprentices and they are succeeding, and I would like to chime in with, special congratulations to all the new journeymen. We are all proud of you and we all wish you a successful career. Next, I like to talk about an update on our emergency policy for in-person instruction. On July 16<sup>th</sup>, the Council approved the emergency policy for in-person instruction. We have sent that notice out to all the programs. It is also posted on our website, along with the form to fill out. The OWINN/Apprenticeship office has been getting positive feedback on this.

We have received plenty of forms completed and returned to us, I am happy to report that. Many of the programs are taking that to heart and they are looking, reevaluating the program and I hope that helps all the programs out in these trying times. This is a good sign.

Here is the update on the statistics of Nevada registered apprentices and programs as of July 31, 2020. Currently, there are 65 registered programs in the state of Nevada. We have 6,160 current active apprentices. Here is a break down:

- ✓ male 5,903
- ✓ female 257.

By Ethnic group

- ✓ 2,569 Hispanic
- ✓ 549 non-Hispanic
- ✓ 3,042 ethnicity (Information not provided)

#### By Nationality

- ✓ 482 black
- ✓ 141 American Indian or Alaska native
- ✓ 131 Asian
- ✓ 155 Hawaiian/Pacific Islander
- ✓ 3,767 white
- ✓ 1,484 (Information not provided)

#### By Veterans

- ✓ 450 total veterans
- ✓ 39 non-veterans
- ✓ 5,671 (Information not provided)

#### By Age

- ✓ 4,866, under age 34
- ✓ 1294 – 35 and over

I like the number 34 and under because that just tells me and everybody on this Council that we are proud to have a younger generation coming up through the ranks in the apprenticeship world. The outlook is really good for Nevada's workforce. I like to see that these numbers stay high. This would be a positive sign. This concludes my report.

#### *10. U.S. DEPARTMENT OF LABOR REPORT Douglas Howell, U.S. Department of Labor*

**Mr. Howell, Councils of Apprenticeship, region VI, multi-state navigator.** I just got three things I want to discuss. We talked about the affirmative action plans and EEOC earlier today, some of the programs. Effective of January 18, 2017, the selection processes were modified to make it easier for programs to have selection processes where before they used to go through one of the four rigorous selection procedures. Now, it is up to them, their programs to decide how to select their apprentices, as long as they stay away from any type of discrimination. And on January 18<sup>th</sup>, 2019, (unintelligible) any programs with five or more apprentices would have to put in a selection process and affirmative action plan. We had a two-year waiver. That two year is now over. So all programs have two years--when they register a program, still has the two years, but any program currently in effect now with five or more apprentices need to adopt the new affirmative action plan where disability is now monitored and they need to use the self-identifier form when selecting apprentices. We are looking at a percentage goal of 7% with disabilities. There has to be a self-identifier when these apprentices are into the systems.

The next thing I want to talk about is National Apprenticeship Week. We are still looking to try to have National Apprenticeship Week. Most likely, everything will be virtually, so if there are any things you guys can plan, any projects, or any type of outreach for National Apprenticeship Week, I don't have the week date yet, but they're looking at the second week of November. Once that's confirmed, I'll have that out to you guy, but if you could start looking at it now and see if there's anything we can do to help promote apprenticeship during that time, it would be great.

The last thing I want to talk about is the state of the DOL. As you know that we are all on this virtual type lifestyle during this pandemic. A lot of us and our staff are all working through telework. There are a few of us that go to the office every once in a while, but the majority of the DOL is teleworking, there has been a lot of changes in staffing, we do have two new APRs who were hired in California. They're out of San Diego and we have one up in Sacramento. For our region, that's the only new staff we have. We do have two new deputy directors in our national office. As of right now, that is the only position that was filled in the Department of Labor. I am here still representing Arizona, Nevada, Washington, Oregon, Hawaii, and Guam. If you need anything, I'm here for you as your DOL representative. Please feel free to answer any questions, you might have.

**Chair Walden** called for questions from councilmembers for Mr. Howell. There were no questions.

**11. FUTURE AGENDA ITEMS**

*Richard J. Williams, State Apprenticeship Director*

**Mr. Williams** comment we added this item on the agenda for the Council. This is just a catchall agenda item. If there is something that popped up in today's meeting or any future meetings, this would be the place where we could insert that for something to be agendized at a future date.

**Chair Walden** asked Is there any discussion under future agenda items? No comments were made.

**12. PUBLIC COMMENTS**

(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.)

**Chair Walden** called for second Public Comments and or Emails to the OWINN office. He again asked if there were any comments from the Public that were listening on the phone.

**Comment was made - Mr. Schuyler Williams, III** Thank you very much. In regards to what Mr. Z. said on my date that I returned to the office, I was granted a three-day leave from the inpatient voluntary treatment that I did go to, and to come back and turn in some documentation to the JATC. And also, I was told, and I had digital recordings of every commentation and every class that I have attended at the JATC, not only for homework purposes but every meeting that I've had with Doug and Madison, this is what they were saying, I'm not trying to be rude here, but against my attorney's advice, I didn't turn any of this information in, because I thought there is no way that the Board is going to throw me under the bus, there's no way this is going to happen when I count, 20 guys that have been given a pass because of drug violations. I said you know what, I lost my brother and I was not able to go to school. That is why I didn't go to school. I had a pretty solid reason. I told him, you know what, don't worry about it. They're not going to do that to me. Well, I respect your decision. I am not trying to be rude, but I went against his advice and I wish I wouldn't have. I understand that I can reapply and start again as the fourth year. Going back to school was my goal. I have

the hours. I am just going to organize in and take the test. Thank you.

**Chair Walden** then asked Mr. Richard J. Williams if any emails were received.

(Public Comment emails sent to [ajfejoo@gov.nv.gov](mailto:ajfejoo@gov.nv.gov) will be read by the State Apprenticeship Director)

**Mr. Williams** affirmed there were none

**Chair Walden** closed the second public comment.

### 13. ADJOURNMENT

*Chair Walden*

**Chair Walden adjourned the meeting.**

**NOTE (1):** Persons with disabilities who require special accommodations or assistance at the meeting should call (702) 486-8080 on or before the close of business, Friday, July 31, 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.

**NOTE (3):** All public comments need to be emailed to [ajfejoo@gov.nv.gov](mailto:ajfejoo@gov.nv.gov). Comments based on viewpoint may not be restricted. Pursuant to NRS 241.020, no action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken. Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process of individuals, the Board may refuse to consider public comment. See NRS 233b.126

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

**NOTE (5):** Supporting public material provided to members for this meeting may be requested from the Governor's Office of Workforce Innovation (OWINN) by calling Joan Finlay at 702-486-8080.

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

**1.** The requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended.

**2.** If a public body holds a meeting by means of teleconference or videoconference and a physical location where members of the public can attend is not provided, the public body must provide a means for the public to provide public comment and post that means on the public notice agenda posted in accordance with NRS 241.020. Public comment options may include, without limitation, telephonic, or email comments.

**3.** The requirements to contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada are suspended. Public bodies must still comply with the requirements in NRS 241.020(4)(b) and NRS 241.020(4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.

**4.** The requirement contained in NRS 241.020(3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.

**5.** If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

**6.** A public body that holds a meeting pursuant to this Executive Order must ensure that any party entitled to or required to appear before it shall be able to do so through remote means and fully able to participate in the agenda items that pertain to them.

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

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