

Meeting is subject to the provisions of the Nevada Open Meeting Law – NRS 241.020

*****MEETING MINUTES*****

Name of Organization: Nevada State Apprenticeship Council; Governor's Office of Workforce Innovation for a New Nevada (OWINN)

Date and Time of Meeting: February 14, 2019 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: Nevada State Business Center, Nevada Room 4th Floor, Suite 400
3300 W. Sahara Ave.
Las Vegas, NV 89102

Division of Insurance, Suite 103
1818 E. College Parkway,
Carson City, NV 89706

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

Council Members Present: Nanette Quitt, Chair; Bob Potts, Vice Chair; Michelle Sanchez-Bickley, Jo Cato, Linda Montgomery, Louis Loupias, Jason Lamberth, Dr. Ricardo Villalobos, Kristine Nelson, Thomas Jensen, Crystal Slaughter, Madison Burnett, Dr. J Kyle Dalpe

Others Present: Manny Lamarre (OWINN); Joan Finlay, (OWINN); Janice John, (DETR Rehabilitation Division); William Stanley, (Southern Nevada Building Trades Union); Al DeVita, (Laborer's Training Fund for Northern Nevada); Archie Walden, (Laborer's International Union of North America Local #872); Jack Gray, (MW ADC); Alan Darney, (Northern Nevada electrical JATC); Randy Canale, (UA Local 350); Douglas Howell, (USDOL, OA); Jeremy Pickett, (Workforce Connections); Cheryl Olson, (TMCC/NSHE); Stephanie Haskins, (United Electrical); Josh Morrow, (Sheet Metal Apprenticeship)

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

I. CALL TO ORDER AND WELCOME
Nanette Quitt, Chair

Chair Quitt called the meeting to order at **9:00 a.m.** She welcomed Nevada State Apprenticeship Council Members and members of the public. She noted that Erin Hasty is no longer serving in her role at OWINN and thanked her for her service.

II. ROLL CALL - CONFIRMATION OF A QUORUM
Manny Lamarre, Executive Director, OWINN

Manny Lamarre called roll and informed the Chair that a quorum was present.

III. VERIFICATION OF PUBLIC POSTING
Manny Lamarre, Executive Director, OWINN

Manny Lamarre affirmed that the notice and agenda for this February 14, 2019, Nevada State Apprenticeship Council Meeting was posted according to Nevada's Open Meeting Law pursuant to NRS. 241.020.

IV. PUBLIC COMMENT(S)
(Public Comment will be taken regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Chair of the State Apprenticeship Council will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Council's jurisdiction or advisory power.)

William Stanley was present, representing the Southern Nevada Building Trades Union and the Southern Nevada Apprenticeship Program. He presented a white paper listing the concerns of the Southern Nevada Building Trades regarding apprenticeship in the State of Nevada. Nevada Bill AB68 was introduced on November 20, 2018 and is very concerning to the Southern Nevada Building Trades. In 2017, the Southern Nevada Building Trades and many stakeholders came to the table to work with the Governor's Office to address a 2010 letter from the Department of Labor which insinuated the State Apprenticeship Council was out of compliance with the Department of Labor Regulations, specifically CFR2929 and CFR2930. They worked with the Governor's Office to correct all issues outlined in 2010. Last week, OWINN's Director testified regarding a subsequent 2017 letter received by the Governor's Office from the Department of Labor Office of Apprenticeship. The letter outlined further deficiencies that the Department of Labor believed that this state apprenticeship council was deficient in. Most alarming is that the issues to be discussed at today's meeting have been ongoing for over 30 years. This Committee has never had the 2017 letter shared with it. In addition, the bill draft that will change the Committee's regulatory authority in Nevada was never vetted or shared with the Committee.

Chair Quitt invited further public comments.

Randy Canale introduced himself as Training Coordinator for the Plumbers and Pipefitters Local 350 and President of the Northern Nevada Apprenticeship Coordinators Association. He expressed concern regarding a compliance issue. They took steps to come into compliance with nearly all of the requirements under CFR2929. He surmised that the federal government is failing to accept the regulations as currently

Page | 2

written, because of the state's provision to accept reciprocal agreements. Several other states have not received approval by the Office of Apprenticeship and Department of Labor but still operate state apprenticeship programs. The individual programs do need to reach out and individually certify with the Office of Apprenticeship.

V. APPROVAL OF MINUTES

Chair Quitt called for approval of the previous meeting minutes. The chair noted that she was not an interim chair at the last meeting and requested that the minutes be revised to reflect this.

Bob Potts made a motion to approve the minutes as amended. Linda Montgomery seconded. The motion carried.

VI. MINIMUM CONSTRUCTION WAGE

Manny Lamarre addressed the topic as consistent with NAC 610.490. In accordance with this Section, the State Apprenticeship Council will determine whether to adjust the minimum reasonable wage for apprentices in the construction industry who work on projects other than public works at the first regularly scheduled meeting after February 1st of each year. The computation does include an increase, going from \$13.48 to \$14.00 per hour.

Chair Quitt called for questions or comments. Hearing none, she called for a motion.

Madison Burnett made a motion to approve the apprentice minimum for construction from \$13.48 to \$14.00 per hour. Louis Loupias seconded.

Discussion:

Chair Quitt requested that Mr. Lamarre notify all affected programs of the change no later than March 1, 2019. **Manny Lamarre** confirmed that he has a draft memo prepared.

The motion carried.

VII. SERVICES FOR APPRENTICES WITH DISABILITIES THROUGH NEVADA'S VOCATIONAL REHABILITATION PROGRAM

Janice John, DETR, provided a review of programs and services available for individuals with disabilities. The State agency provides services solely to individuals with disabilities. Participants must have a disability that has been diagnosed by a professional, must be seeking employment and legally able to work. The program assists both adults and youth. Eight counselors in the State work exclusively with high school students. They have a caseload of 800 students. Services provided include transportation, assessments, vocational counseling, training, college skills, tools, and assistive technology. The apprenticeship program is a good fit for these individuals, due to the ongoing mentoring and training that occurs. Accommodations

for such employees may include: Providing instructions, breaking teachable parts into smaller components and introducing helpful software.

Madison Burnett asked for information regarding connecting apprentices with the program. **Janice John** provided her contact information. They operate statewide with 13 locations.

VIII. REVISION OF PROGRAMS

1. Discussion and possible action regarding the revision of standards for existing program of: Southern Nevada Teamsters Convention Training Trust

Crystal Slaughter noted that she would have to abstain from any potential voting. **Manny Lamarre** stated that several programs had reached out regarding revisions they wanted to make. They submitted their provisions. In turn OWINN provided feedback. The program has met all the requirements, as reflected in their revisions.

Chair Quitt invited questions. There were none. She requested that **Crystal Slaughter** briefly address the changes. **Crystal Slaughter** referenced and provided explanation for the redlined changes.

Chair Quitt stated her understanding that under procedures, Item No. 7, the providing of Social Security numbers is optional. She asked if it is a program requirement or simply a template historically used which no longer requires the information. **Crystal Slaughter** confirmed that it is a historically used template. **Chair Quitt** suggested adding language that providing a Social Security number is optional.

Kristine Nelson referred to the requirement to add a graduation date, noting that those who obtain an equivalency do not have a graduation date and suggested that the verbiage be modified to reflect graduation/issuance date.

Vice Chair Potts asked if Form 5910 could be changed from Standard Industrial Classification (SIC). **Chair Quitt** said she has reviewed a draft of a template introductory form from the OWINN Office. She hopes that in the future, there will be a revised introductory form that can be completed by programs rather than the Form 5910. The OWINN Office does not own Form 5910 and is likely not permitted to change it.

Madison Burnett made a motion to approve the revision of standards as amended. Dr. J. Kyle Dalpe seconded. The motion carried. Crystal Slaughter abstained.

2. Discussion and possible action regarding the revision of standards for existing program of: Laborer's Training Fund for Northern Nevada

Chair Quitt requested that Mr. Lamarre provide information regarding the agenda item. **Manny Lamarre** stated that the program reached out to make revisions. The items have been reviewed and the program has met all the requirements.

Al DeVita, Training Director, Laborer's Training Fund for Northern Nevada stated that the changes reflect a general cleanup and updates based on changes in federal regulations.

Kristine Nelson suggested adding a list of acronyms.

Madison Burnett commented on the lack of definition for the acronym BAT.

Chair Quitt requested addition of a reference to NRS 610 to the first paragraph on page 19.

Louis Loupias inquired about the change in apprenticeship ratio.

Chair Quitt commented that the program has an apprenticeship training committee with regular oversight.

Jason Lamberth asked the program to provide the number of participants. **Al DeVita** stated that there are approximately 60 apprentices and 1,200 journeymen.

Dr. J Kyle Dalpe made a motion to approve the revision of standards as amended. Louis Loupias seconded. The motion carried.

3. Discussion and possible action regarding the revision of standards for existing program of:
Laborer's International Union of North America Local #872

Manny Lamarre stated that the program reached out to make revisions. The items have been reviewed and the program has met all the requirements.

Archie Walden, Training Director for Laborer's International Union of North America Local #872, stated that the program is submitting revisions regarding work processes and related instructions and other sections where typographical changes were made.

Madison Burnett and other Council Members identified several grammatical and consistency issues to be addressed.

Chair Quitt asked for confirmation of the requirement of a birth certificate. **Archie Walden** clarified that it could be a birth certificate or passport, as long as two forms of valid ID are provided. It was requested that the program state in its documentation that applicants may provide appropriate documentation to prove that they are legally able to work in the United States. **Archie Walden** agreed to the request. He clarified that there is no requirement regarding the country of origin on the birth certificate. **Louis Loupias** stated that apprenticeship programs do not require an I-9, because they are not the person's employer. A photo

ID is required upon acceptance into the program. **Chair Quitt** thanked him for the clarification. She requested the addition of a reference to NRS 610 as with the previous revision of standards.

Michelle Sanchez-Bickley made a motion to approve the revision of standards as amended. Jo Cato seconded. The motion carried.

4. Discussion and possible action regarding the revision of standards for an existing program of Nevada Brick, Tile, Marble & Stone Joint Apprenticeship & Training Committee
 - A. Appendix A – Bricklayer
 - B. Appendix A – Marble Finisher
 - C. Appendix A – Marble Setter
 - D. Appendix A – Mosaic Worker
 - E. Appendix A – Pointer, Cleaner, Caulker
 - F. Appendix A – Bricklayer, Firebrick and Refractory
 - G. Appendix A – Stone Mason
 - H. Appendix A – Terrazo Finisher
 - I. Appendix A – Terrazo Worker
 - J. Appendix A – Tile Finisher
 - K. Appendix A – Tile Setter

Manny Lamarre stated that the program reached out to make revisions. The items have been reviewed and the program has met all the requirements. Jack Gray, MW ADC Apprenticeship Director, was present to answer questions.

Madison Burnett commented that in looking at 5910, the earning and hourly rate percentage does not match. **Chair Quitt** agreed, noting that for several programs, the minimum wage for the 5910 form and top-out wage is not the same as the wages outlined in Appendix A. Examples were cited. **Jack Gray**, MW ADC, stated this will be reviewed and corrected.

Louis Loupias made a motion to approve the revision of standards as amended. Madison Burnett seconded. The motion carried.

IX. LEGISLATIVE UPDATE

Manny Lamarre stated that 29 CFR and 30 were approved by the Department of Labor in 2008. After 2008, the Department of Labor gave states two years to become compliant. In 2010 the Department of Labor sent the first letter of noncompliance. Conversations on compliance continued in the ensuing years, as recorded in the minutes. Another letter was directed to Governor Sandoval in 2017. On February 9, 2017 at the Assembly of Ways and Means, the Chief of Staff addressed the letter at the meeting. The Governor worked with stakeholders to come to an agreement on compliance. The result was Senate Bill 516.

The Department of Labor continued to follow up after OWINN was created. Section 29.13(b)(9) specifically stated that any state may submit modifications in legislation, policies and or operational

Page | 6

procedures planned or anticipated by the state apprenticeship agency at the time of application or subsequently to the Office of Apprenticeship for review and concurrence prior to implementation.

After Nevada stakeholders agreed, they were required to submit all legislation, regulations or policies to the Department of Labor for approval. In 2018, the Department of Labor provided a list of comments/requested changes. An important point of reference for their comments is 29.13(a)(2), which states: SAC, even as a regulatory body, operates at the discretion of the State Apprenticeship Agency. The statutes address government to government relationships and because SAC is a voluntary body, they are limited in terms of what they are authorized to do. **Manny Lamarre** reviewed the list of comments provided by the Department of Labor. Under 29.14(h)(1), if SAC ignores guidance from the Department of Labor, the agency must provide all standards, agreements, records, files, and any EEO documents.

Consequences of deregistration include:

- Veterans using GI Bill as an apprentice are no longer able to, as it is not a recognized program
- Apprenticeship programs are no longer automatically available to be on ETPL
- Contractors and subcontractors paying apprentices below the prevailing wage could no longer do so since they are not a recognized apprentice of the United States Department of Labor
- Federal system supersedes the State because apprenticeship is a federal function, so any new programs would register directly with the federal government

Jason Lamberth asked if any state agencies have had their federal recognition withdrawn. **Manny Lamarre** said that he is not aware of any thus far. California has a \$200 to \$300 million separate system, essentially taking the federal government out of the equation. However, they are now working to come into compliance in order to compete for federal funding. **Louis Loupias** commented that the Operating Engineers function in California. The agency has no issues being independent from the Department of Labor, as most of their projects are state funded.

In response to a question from Jason Lamberth, **Manny Lamarre** stated that AB68 was sponsored by the Governor's Office.

Vice Chair Potts inquired as to the funding total Nevada receives from the federal government. **Manny Lamarre** said that they receive \$3.299 million WIOA funding, a federal occupational licensure grant for \$144,000, and a federal expansion grant of \$633,000. Discussion ensued regarding the importance of compliance to maintain federal funding.

Jason Lamberth stated that he will not support AB68 as written. He asked Mr. Lamarre to provide all the referenced letters and documents from this agenda item to councilmembers. **Vice Chair Potts** requested that Mr. Lamarre forward any forthcoming responses from the Department of Labor to the recent request.

Chair Quitt commented that OWINN does have an obligation to attempt to address federal compliance issues. In her tenure with this Council and the previous Council, the issue of noncompliance has existed for years. The Council serves as the subject matter expert to OWINN. She requested that Mr. Lamarre

keep Councilmembers informed of any future hearings in which they may be able to participate, as well as providing members with any relevant correspondence.

X. OWINN REPORTS

Chair Quitt referred to a written report by former Director Hasty, which was provided to members. Ms. Hasty provided an overview in November 2018. It covered work performed during the summer and early fall regarding compliance. **Manny Lamarre** stated that 21 notices were sent to programs which had no records of having an apprentice in two years or more. Thirteen have not responded, four requested their programs be deregistered, two confirmed they did not have an apprentice in two years, but wanted to keep their program active. One had no registrations since 2010 and another had none since 2008. Two indicated they do have registered apprentices.

Thirty-three notices were sent out to programs requesting verification of information, with 13 responses. Twenty programs had no record or review. After corresponding with all programs, 12 indicated they have reviewed and are provided the requested documents to support their review date and findings. A total of 26 show no records of being reviewed but have active apprenticeships. Two programs have not responded. New programs are considered to be on probation and required to be reviewed within two years of program start date. Twenty-six programs had not had their standards updated in five years or more. Thirteen programs had not updated in ten years or more and three programs have not updated in 20 years or more. One program had no standards on file. One program asked to be deregistered.

Recommendations include:

- Deregister the program, which requested to do so
- Send notices to programs who have not registered an apprentice in two years or more advising that they will be deregistered June 1, 2019, unless they appear at the next Council meeting to receive an exception
- Agendize requests for exceptions at the next quarterly Council meeting.
- RA to work with program sponsors on updating program standards

In response to a question from Bob Potts, Mr. Lamarre stated there are 81 total state programs, This information is in the Registered Apprenticeship Partners Information Data Systems (RAPIDS).

Michelle Sanchez-Bickley made a motion to approve the recommendations. Dr. Ricardo Villalobo seconded. The motion carried.

Chair Quitt requested that this is included as a recurring agenda item.

XI. SAC MEMBERS AND OWINN'S UPDATES

Louis Loupias reported on an apprentice summit with the Clark County School District. He requested that a training section is implemented in any projects which include taxpayer funding. He also requested it is agendized at the next Council meeting. He commented that California's Council meetings last two to three days. The SAC meetings feel pressured in terms of going through agenda items at a swift pace.

Mr. Lamarre stated that they catalogued all apprenticeship programs on the [website lifeworksnv.org](http://www.lifeworksnv.org) by industry, where students, young adults, families, communities, and educators can find information about the apprenticeship programs. Members are welcome to submit additional information on their organizations. The Second Annual Workforce Summit will be held on March 15th. The annual report was recently published.

XII. PUBLIC COMMENT

Alan Darney, Northern Nevada Electrical JATC Training Director, stated that the California Council has similar concerns to Nevada. California has more registered apprentices than any other state, however, they are not as dependent on federal funding.

Randy Canale stated that their program has always been successful in Nevada. The federal government has always presented a target for which the program has worked to be in compliance. He has commended OWINN's efforts to comply with all of the legislation. He suggested that the purported "sky falling" results of being out of compliance will not occur, as they have not occurred in California. The program would simply have to register additionally with the Office of Apprenticeship for federal recognition.

Bill Stanley stated that the building trades north and south likely have the largest vested interest in an apprenticeship in the State of Nevada. Of the 4,867 apprentices currently registered, 4,144 are enrolled in jointly administered and funded apprenticeship programs, meaning that they receive no money from OWINN or the Department of Labor to run programs. In 2017, they had staff at Carson City to meet with the Governor's staff to ensure that the regulations drafted in 2017 met everyone's standards. The notion that there was insufficient time for the Council, OWINN, and stakeholders to have input on the bill is not true. Now they are facing a bill that does not have consensus. He consulted with former Chair Kevin Christiansen, who indicated there is no reason that the State Apprenticeship Council cannot function as an agency.

XIII. ADJOURNMENT (Information/Discussion)

The meeting of the State Apprenticeship Council was adjourned

NOTE (1): Persons with disabilities who require special accommodations or assistance at the meeting should notify Joan Finlay, OWINN, between the hours of 8:00 a.m. through 5:00 p.m., in writing at 555 East Washington Ave, Ste. 4900; or call (702) 486- 8080 on or before the close of business, Friday, February 8, 2019.

NOTE (2): Agenda items may be taken out of order, combined for consideration by the public body, and/or pulled or removed from the agenda at any time. The Chair may continue this meeting from day-to-day. Pursuant to NRS 241.020, no action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

NOTE (3): All comments will be limited to 3 minutes per speaker. Comment based on viewpoint may not be restricted. No action may be taken upon a matter raised under the public comment period unless the matter itself has been specifically included on an agenda as an action item. Prior to the commencement and conclusion of a contested case or quasi-judicial

proceeding that may affect the due process of individuals, the Board may refuse to consider public comment. See NRS 233b.126

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

NOTE (5): Supporting public material provided to members for this meeting is posted on OWINN's website at OWINN.NV.GOV/ and may be requested from the Governor's Office of Workforce Innovation (OWINN) at 555 E. Washington Avenue, Ste. 4900, Las Vegas, Nevada 89101 or by calling Joan Finlay at 702-486-8080.

NOTE (6): NOTICE OF THIS MEETING WAS FAXED, E-MAILED, OR HAND DELIVERED FOR POSTING TO THE FOLLOWING LOCATIONS: on or before 9:00 a.m. on the third working day before the meeting: DETR, 2800 E. St. Louis, Las Vegas, NV; DETR, 500 East Third St., Carson City, NV; DETR, 1325 Corporate Blvd., Reno NV; NEVADA JOBCONNECT, 3405 S. Maryland Parkway, Las Vegas, NV; NEVADA JOBCONNECT, 4500 E.Sunset Road, Henderson, NV; NEVADA JOBCONNECT, 2827 N. Las Vegas Blvd., North Las Vegas, NV; NEVADA JOBCONNECT, 1929 N. Carson St., Carson City, NV; NEVADA JOBCONNECT, 172 Sixth St., Elko, NV; NEVADA JOBCONNECT, 480 Campton St., Ely, NV; NEVADA JOBCONNECT, 121 Industrial Way, Fallon, NV; NEVADA JOBCONNECT, 475 W. Haskell, #1, Winnemucca, NV; NEVADA JOBCONNECT, 4001 S. Virginia St., Suite G, Reno, NV; NEVADA JOBCONNECT, 2281 Pyramid Way, Sparks, NV; CAPITOL BUILDING, 101 N. Carson Street, Carson City, NV 89701; GRANT SAWYER OFFICE BUILDING, 555 E. Washington Ave., Las Vegas, NV; LEGISLATIVE BUILDING, 401 S. Carson St., Carson City, NV; NEVADAWORKS 6490 S. McCarran Blvd., Building A, Unit 1., Reno, NV; WORKFORCE CONNECTIONS, 6330 W. Charleston Blvd., Las Vegas, NV. This agenda was also posted on the internet through OWINN's website at: OWINN.NV.GOV.