

The 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: May 28, 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: Grant Sawyer Building
555 E Washington Avenue
Human Resource Conference Room 1st floor, Suite 1400
Las Vegas, NV 89101

Nevada State Library, Archives and Public Records
100 N Stewart Street (Board Room),
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: Nanette Quitt, Chair; Bob Potts, Vice Chair; Linda Montgomery, Louis Loupias, Jason Lamberth, Dr. Ricardo Villalobos, Kristine Nelson, Madison Burnett,

Council Members Absent: Michelle Sanchez-Bickley, Thomas Jensen, Jo Cato, Crystal Slaughter, Dr. J. Kyle Dalpe

Others Present: Craig Von Collenberg, Governor's Office of Workforce Innovation (OWINN); Joan Finlay, (OWINN), Andres Feijoo (OWINN); Isla Young (OWINN); Janice John, (DETR Rehabilitation Division), William Stanley, (Southern Nevada Building Trades Union); Al DeVita, (Laborer's Training Fund for Northern Nevada); Susan Ross, (CSN Apprenticeship), Jordan K. Krahuebuhl, (PHCC of Nevada); Marvin Gebers, (Local 797, JATC); Carrie Henderson (Local 525 JATC); Leann Tasler, (Local 525, JATC); Steven Corbett, (Workforce SNV); Tom Nielson, (Local 162, JATC); Evelyn Pacheco, (NVWIT); Michelle Nash, (CPE SAA); Scott Sylvia, (Local 433/416 App); Ms. Jessica Atkinson, (JATC); Victor Corner, (Local 416 App); Amanda Rooth, (JATC of Southern Nevada); Jack Gray, (MW ADC); Alan Darney, (Northern Nevada Electrical JATC); Randy Canale, (UA Local 350).

(*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.

- II. ROLL CALL - CONFIRMATION OF A QUORUM
Craig Von Collenberg, Executive Director, OWINN

Craig Von Collenberg called the roll and informed the Chair that a quorum was present.

- III. VERIFICATION OF PUBLIC POSTING
Craig Von Collenberg, Executive Director, OWINN

Craig Von Collenberg affirmed that the notice and agenda for this May 28, 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.)

Chair Quitt invited public comment but there was none.

- V. APPROVAL OF MINUTES

Chair Quitt called for approval of the previous meeting minutes. **Louis Loupias** stated that at the last Council meeting he had requested that the Clark County School District's Training section be listed on the agenda, but they were not.

Bob Potts made a motion to approve the February 14, 2019 minutes as amended. Madison Burnett seconded. The motion carried.

- VI. OWINN EXECUTIVE DIRECTOR INTRODUCTION

Chair Quitt introduced **Mr. Craig von Collenberg**, noting that he is passionate about workforce development and dedicated to the design and implementation of programs that lead to skills and employment. He is a product of apprenticeship program, having completed a five-year apprenticeship through Sheet Metal of Southern Nevada, and eventually became an instructor for

the Sheet Metal Training Center, and obtained a Bachelor of Arts in Labor Education and eventually in child counseling. **Mr. von Collenberg** took a role as the Director of Apprenticeship Studies at the College of Southern Nevada, working directly with students as an advisor and counselor, helped design and implement innovative training systems and improve existing programs to provide degree pathways for apprenticeship students. Because of his long history with apprenticeships and knowledge of workforce development, he was recently appointed by the Governor as the Executive Director of OWINN. **Chair Quitt** welcomed **Mr. von Collenberg**.

Mr. von Collenberg thanked the Chair and the Council for being welcome and understanding and shared his commitment to work towards the best in the programs in Nevada. He said he is open to new and innovative ideas and opportunities that prepare people for lifelong careers and opportunities. He added that he is always available to any Council Members.

VII. SAC MEMBER REPORTS

Ricardo Villalobos congratulated **Mr. von Collenberg**, noting he was an asset to the College of Southern Nevada, in developing apprenticeship programs and will be an asset to the Council. He introduced **Mr. von Collenberg's** replacement at the College of Southern Nevada Apprenticeship Programs, **Ms. Susan Ross**.

Chair Quitt reminded SAC Members to respond timely to emails and calendar requests for meetings and workshops from OWINN.

VIII. LEGISLATIVE UPDATE

Craig von Collenberg stated that yesterday he had submitted Assembly Bill 68 to the Assembly Committee on Commerce and Labor, and the original text of the bill was highly controversial and a sweeping overhaul of the apprenticeship system statewide in Nevada. He added that the amendment that the Governor's Office presented was significantly scaled back while trying to help with compliance issues for the past several years, with the language clarifying equal opportunity and anti-discrimination compliance in 29 CFR 30 were approved by the Department of Labor in 2008, which creates the State Apprenticeship Council, and the language would be changed to, "The following members recommended by the Executive Director of Workforce Innovation and appointed by the Governor" which clarifies that that language helps with compliance issues, showing that the State Apprenticeship agency is identified as OWINN and it is the Director recommending to the Governor with the Governor appointing.

The make-up of the Committee would be: two members representing management and labor who have or have had a defined role or job in a jointly administered apprenticeship program; two members from Northern Nevada, one representing management and one representing labor, who have or have had a defined role or job in a jointly administered apprenticeship program; two members, one representing management and one representing labor, who have or have had a

defined role or job in a statewide jointly administered apprenticeship program; and one member who is a representative of the general public. All members of the Council may vote on any matter presented to them, except for the Chair, or in his absence, the Vice Chair, whose vote is limited to breaking a tie vote of the members.

Mr. von Collenberg stated this would be a recommended structure with equal members from labor and management, and one member of the public and the Chair being a tiebreaker vote. He added that NRS 610-070 would be changed to “The Executive Director of the Office of Workforce Innovation and the Office of the Governor shall select from the membership of the Council, a Chair and Vice Chair who shall hold office for two years,” and number five is changed to “A quorum may exercise any power or authority conferred on the Council. A quorum consists of the Chair, or in his absence, the Vice Chair plus four members.” **Mr. von Collenberg** stated that would be the bulk of changes, other than changes to be in compliance with 2930 which further defines the protected roles.

Louis Loupias asked if the regulatory and advisory role of the Council would still be the same, and **Mr. von Collenberg** stated that remained the same, with OWINN being the ultimate authority for an apprenticeship, but the regulatory authority would be given to the Council.

Bob Potts ascertained that the amendment was posted on the Legislative Council News website, and **Mr. von Collenberg** stated it was and had been presented yesterday.

Upon **Chair Quitt's** request, **Mr. von Collenberg** agreed to send out a copy of the revised wording to Council Members, along with a summary of comments.

Chair Quitt stated that based upon last meeting's discussion, a designated workshop had been set, but had been postponed from the beginning of May (due to changes at OWINN staff and appointment of new Director), and she appreciated **Mr. Von Collenberg's** understanding of the need for approving the Apprenticeship Programs standards and rules and the regulatory body. **Madam Chair** requested that OWINN keep the Council in mind to inform them of any meetings or legislative hearings that they might attend, to which **Mr. Von Collenberg** agreed. She also requested that the Council convene for a special workshop/meeting following the close of the Legislative Session that would end in about a week (to be conducted before the Council's next scheduled meeting) in order to discuss the impacts of that legislative session.

IX. REVISION OF PROGRAMS

1. Discussion and possible action regarding the approval of the addition of Appendix A2 for the existing program of Revision of Mechanics Program.

Jessica Atkinson noted that on November 1, 2018, an entire program was submitted to the Council. She introduced **Mike Venturino**, Union IBEW Business Rep for all programs, **Eric Mothershead**,

Represented the Mechanic Program, and **Chris Hires**, Represented the Fitter Program; **Bryce Twichell**, Represented the SCADA and Mechanic Program.

Eric Mothershead stated that the revisions would be getting rid of firefighting, update electrical systems, and incorporate some other changes.

Chris Hires stated that the Pipefitter Program would be switched from a time-based program to an item program as there are different levels of apprenticeships in the program. He added that a six-month test is already in place to test competencies for two years. The IT contingent is included, and journey level persons could finish in as little as 30 months if they performed well on tests.

To **Madison Burnett's** question about the form 5910 showing percentages of wages (required), **Ms. Atkinson** responded that the percentages would be made to match the dollar amounts.

Louis Loupias noted that for consistency, and under NAC 610.314, any time a program represents revision of standards from new standards, the program guidelines shall be provided to the Council for revision, and not simply an excerpt. He added that the submission of program standards was incomplete according to that statute. **David Gardner**, the Counsel, agreed with that interpretation. **Louis Loupias** stated that he would like the Council to be consistent in this going forward. He added that selection procedures, equal opportunities, and affirmative action were not included.

Chair Quitt stated that the standards need to be provided. **Mr. von Collenberg** stated that the full packet is available for Mr. Loupias to review at this meeting, and noted that in the future, each section will be included when there is a change. It had not been provided this time since those had previously been reviewed and approved by the Council.

Louis Loupias stated that there had been three or four other programs who submitted standards in entirety the last meeting, and he would like to see consistency going forward. He did not need to review the full program guidelines at this time.

Chair Quitt stated that the standards were made at the last meeting, and affirmed that those changes were completed. Collective bargaining agreement was added to the definitions, as well as issues of members in good standing (as defined by the Apprenticeship Training Council) were incorporated.

Linda Montgomery asked if the Council moved forward to a vote on this item, might it be in violation of NAC 610.314, and **David Gardner** stated that based on the Chair's affirmation, the statute was satisfied.

Chair Quitt asked if the local JATC had approved the proposed revisions, and Ms. Atkinson stated they had.

Louis Loupias stated that for past practice, the JATC program submitted a signature page at the

time of standards submission. **Mr. von Collenberg** stated that he would be happy to provide that.

Chair Quitt stated that JATC had provided the signature page for Council in the past in November of 2018, and going forward, consistency in how the packets were organized was also an issue. **Mr. Loupias** agreed with that assessment.

Madison Burnett made a motion to accept the updates to the 5910 percentages for Item IX-A Maintenance Mechanic. Jason Lamberth seconded. The motion carried.

1. Discussion and possible action regarding the approval of the addition of appendix A3 for the existing program of Revision to SCADA Technician Program.

Jessica Atkinson stated the next appendices were for the SCADA Technician and noted that the program was also approved in a prior meeting, and the intent today was to add the apprentice position (in contact with OWINN to get the appropriate forms), and requiring that to be at a 42-month graduation possibility rather than 48-month. **Mr. Bryce Twichell** stated that it also required passing distribution rate to certification. He added that since the program was developed some areas were modified (hours were a little heavy), in order to focus more on networking for EO systems. In addition, outdated communication systems information was revised, and training through TMCC class, programming classes, and TLC's would be provided

In response to a question about the classroom hours of 1250, with updates on pages 83, **Mr. Twichell** stated that some flexibility was reflected in the change.

Mr. von Collenberg asked if the language should be inserted into the record, and **Jessica Atkinson** stated that items IX.2 and IX.3 would both have that same issue.

Kristine Nelson stated that the revision of the 5910 form to state 1,291 hours would be appropriate and **Chair Quitt** agreed.

Bob Potts made a motion to accept the revision of programs IX-B SCADA Technician to approve revision as presented. Madison Burnett seconded. The motion carried.

2. Discussion and possible action regarding the approval of the addition of Appendix A4, for the existing program of: Revision of Pipefitter Program

Jessica Atkinson stated that Appendix A4 was a conformance rewrite, which was reviewed in a prior meeting, and the 5910 form would be updated.

Kristine Nelson made a motion to accept Item IX-C with the correction to the form 5910. Linda Montgomery seconded. The motion carried.

X. APPRENTICESHIP APPEAL AND DISMISSAL OF KYLE SZYDLO VS. JATC OF SOUTHERN NEVADA

Mr. von Collenberg stated that the appellant was not present, and **Chair Quitt** noted that per statute, the Council may proceed without the appellant present. **Mr. von Collenberg** noted there was a record of attempted phone calls, emails, and a certified letter with no response from the appellant.

Madison Burnett stated he was Training Director for the program so he was abstaining. **Chair Quitt** recommended moving forward based on the work that JATC had put into the case. She called for discussion from the Council and there was none. **Chair Quitt** stated that per statute NAC-610, Council could not dismiss or order reinstatement of an apprentice unless the Council determined that the dismissal was arbitrary, capricious or based on erroneous conclusions of law. The hearing would proceed based on the statute's order, despite the absence of the appellant. **Chair Quitt** noted that the JATC had taken action and notified the appellant of that action from a meeting of October 24, 2018, as per the minutes, when Mr. Szydlo had appeared before the Committee to address training non-compliance with company policy. Mr. Szydlo did appear before the Committee for violation of substance abuse policy, and the motion was seconded and carried, after which Madison Burnett had explained to the appellant his rights.

Chair Quitt asked if there was any objection to dismissal, and since the apprentice was not present, the JATC was allowed to respond to the issue.

Amanda Rooth, the Administrative Assistant with the Electrical JATC of Southern Nevada, stated that Mr. Szydlo's timeline had been provided and contacts and appearances, as well as verification of the Committee's decisions. She stated that the appeal hearing transcripts from December 19, 2018, were also provided, including the appeal form (Exhibit A) and Mr. Szydlo's student history (Exhibit B), and the statement from Baker Electric regarding the on-site accident that occurred on October 9, 2018. Included were Mr. Szydlo's evaluations, and JATC's drug and alcohol misuse policies, disciplinary procedures, related instruction, and work process evaluations, and Mr. Szydlo's verification of receipt of policies. On October 9, 2018, Mr. Szydlo had multiple incidents while driving a rough train forklift, which caused damage to the forklift and the material being hauled, at which point, Baker Electric requested Mr. Szydlo take a drug test, which he refused, resulting in termination of the appellant's employment for the electrical JATC of Southern Nevada, for not adhering to policy.

Referring to the JATC drug and alcohol use and misuse policy, under Section 2, page 7, No. 21, refusal to test is considered the same as a positive result, and in the same policy, Section 2, page 4, subsection J, Consequence of Positive Test, states that the JATC will direct the apprentices and employer to terminate the apprentice's employment, immediately for violation of Committee policy, and before the apprentice could return to work, the apprentice must return to the Committee for their agreement. The policy also states that the Electrical JATC of Southern Nevada must maintain a healthy, safe, productive, and educational working environment, with each apprentice

required to do the same. Violations will result in action up to and including termination of their agreement. Because of Mr. Szydlo's own admission of drug use to the JATC, the JATC was asking the Council to uphold the previous decision to terminate his apprenticeship for violation of the Electrical JATC of Nevada's substance abuse policy.

Chair Quitt stated that the apprentice could offer a rebuttal to Ms. Rooth's comments, but since Mr. Szydlo was not present, that step was not necessary, per the DAG, **David Gardner**. **Ms. Rooth** had no further closing statements. **Chair Quitt** opened the floor for questions from the Council.

Upon **Jason Lamberth's** question, **Mr. von Collenberg** stated that the letter stating an intent to appeal was received from the apprentice on January 24, 2019. **Chair Quitt** confirmed that on April 25, 2017, the apprentice acknowledged receipt of the JATC's drug misuse and abuse policy, and **Ms. Rooth** stated that was true, and that other apprentices would be treated similarly in a refusal to take a drug test. Chair Quitt called for any further discussion, and hearing none, entertained a motion.

Louis Loupias made a motion to uphold the Electrical JATC's previous decision. Jason Lamberth seconded, with Madison Burnett abstaining. The motion carried.

XI. OWINN APPRENTICESHIP PROGRAM AND COMPLIANCE REVIEW

Craig von Collenberg stated that approximately 17 program letters have been written and will be sent out this week. He added that the programs had not registered an apprentice in two years (as discussed in a previous meeting), and the JATC will bring a report of responses or lack thereof to the August Council Meeting. He added that programs who had asked to voluntarily be de-registered would be addressed and reported to Council. He noted that the lack of a Director to this point had caused a delay on this task.

Chair Quitt asked if the timeline was being pushed out. **Mr. von Collenberg** stated that the programs that are to be de-registered will be addressed before August, and other compliance reviews mentioned will be reviewed, with the two-year inactive ones needing to come before Council in August. The 17 letters will go out giving those programs 30 days to respond, and then come before Council for possible involuntary de-registration. **Chair Quitt** stated that several programs are coming up that need auditing before the end of their two-year probation period. Those processes will be completed by August 31, 2019, rather than June (due to lack of a Director at OWINN until recently).

Jason Lamberth made a motion to approve OWINN Director's request to extend compliance follow-up to August 31, 2019, and Council to hear possible de-registrations at the August 2019 meeting. Bob Potts seconded. The motion carried.

XII. OWINN EXECUTIVE DIRECTOR REPORT (Information/Discussion)

New Executive Director of OWINN, **Craig von Collenberg** provided the following highlights:

- State Apprenticeship Report:
 - Current active apprentices 5,072
 - The current number of registered programs 81
 - Total number of male apprentices 4,786
 - Total number of female apprentices 261
 - By ethnic group: Hispanics: 1724, non-Hispanic: 2,691, Not provided: 632, Veteran: 443, non-Veteran: 25; by age: 16-24: 1,679; 25-34: 2,249; and apprentices aged 35 and over: 1,144
- Currently working on several grants, the State Apprenticeship Expansion Grant being the largest, youth navigator also assists with the youth programs; are in the process of trying to get a Nevada System of Higher Education Apprenticeship Navigator for the college system
- Employer Engagement Specialist
- Sub-grant from Nevada Department of Education (New Skills for Youth) – in process of going to RFP for an app that would tie in: will be a site to post openings also
- Occupational Licensing Grant (policy around occupational licensing and its effectiveness)
- WIO Governor Reserve
- Managing boards and councils:
 - State Apprenticeship Council
 - Governor's Workforce Development Board
 - Industry Sector Councils (aerospace, defense, construction, healthcare, information & technology, manufacturing logistics, mining & materials, natural resources, tourist, gaming & entertainment)
- OWINN was originally set up to assist other entities and then step back once they are in place – so will be seeing more of the support of what's working and then assisting in maintaining and some creative new systems as needed

Craig von Collenberg said that many people have lost the American dream and it is his vision to create the pathways back to that possibility.

Kristine Nelson said for future meetings, a statistics report as part of the packet would be appreciated. **Mr. von Collenberg** undertook to provide it.

Bob Potts asked if it was a requirement that apprentices supply information such as race and gender. **Mr. von Collenberg** stated that it is not required. **Mr. Potts** asked if there is any way to require those statistics in order to meet diversity compliance requirements. **Mr. von Collenberg** understood the importance of the question and noted that is on the radar, so more conversations will follow. **Mr. Potts** offered his assistance.

XIII. SECOND 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.)

Chair Quitt invited public comment but there was none.

XIV. ADJOURNMENT (Information/Discussion)

The meeting of the Apprenticeship Council was adjourned.

NOTE (1): Persons with disabilities who require special accommodations or assistance at the meeting should notify Joan Finlay, OWINN, between the hours of 8:00 a.m. through 5:00 p.m., in writing at 555 East Washington Ave, Ste. 4900; or call (702) 486- 8080 on or before the close of business, Thursday, May 23, 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.