

NEVADA STATE APPRENTICESHIP COUNCIL
February 16, 2010
Quarterly Meeting

LOCATIONS: **Las Vegas** **555 East Washington Ave, Suite 555**
 Reno **401 South Carson Street, Room 3137**

Members Present: Kevin Christensen Chairman, Public Member
 Clara Andriola Employer Member
 Dana Wiggins Employer Member
 Rebecca Massingill Employer Member
 Dan Rose Employee Member
 Gregory Smith Employee Member

Legal Counsel: Kimberly Arguello Deputy Attorney General

Administrative Staff: Keith Sakelhide Deputy Labor Commissioner
 Lleta Brown Apprenticeship Training Representative
 Malia Ervin Administrative Assistant

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

Meeting began at 9:15 a.m.

Roll call was taken to ensure a quorum was present. gm, rm, dw cl, dr kc

ITEM 1 APPOINTMENT OF NEW COUNCIL EMPLOYEE MEMBER

Mr. Rose was seated.

ITEM 2 – APPROVAL OF DECEMBER 21, 2009 MEETING MINUTES

Ms. Brown corrected page 10. She said 2010 should be 2011.

Mr. Wiggins motioned to approve.

Mr. Rose seconded.

ITEM 3 – CONSENT ITEMS/CHANGES TO STANDARDS: A) ELEVATORS LOCAL 18 JATC B) NO. SHEET METAL WORKERS LOCAL 26 JATC C) SO. SHEET METAL WORKERS LOCAL 88 JATC D) NEVADA ROOFERS JATC

Ms. Andriola motioned to approve.

Mr. Wiggins seconded.

(M/S/C TO APPROVE MSC TO APPROVE) ELEVATORS LOCAL 18 JATC B) NO. SHEET METAL WORKERS LOCAL 26 JATC C) SO. SHEET METAL WORKERS LOCAL 88 JATC D) NEVADA ROOFERS JATC)

ITEM 4 – LOCAL 669 JATC REVISION OF STANDARDS

Charles Ketner, Renee Gerni, Attorney for Local 669, was present to answer questions regarding this revision of standards.

Mr. Ketner highlighted the changes.

Ch. Christensen said there is potential for decimation issues with the program requiring an honorable discharge for military personnel. He said veterans have direct entry, and to deny a veteran who may have been discharged because of their sexual orientation.

Ms. Gerni said asked of a suggestion on the use of that.

Ch. Christensen suggested they include information to reflect that it will be subject to the Affirmative Action plan.

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

Ms. Andriola asked that the program be consistent with the words experience and learning throughout the body of the standards.

Mr. Ketner agreed to correct that throughout the body of the standards.

Mr. Smith said on page 2 committee should be subcommittee.

Mr. Ketner said subcommittee would probably make it better for clarification.

Ch. Christensen asked if the Nevada committee can take action or does it have to go to the national committee.

Mr. Ketner said subcommittee has the authority.

Ms. Gerni said the sub is part of the larger committee. The national committee would have to approve all activities.

Ch. Christensen said the state committee has to have the authority to take all appropriate actions.

Phil Campbell, Training Specialist with the United Association Training Department, said the subcommittee makes the decision, and reports to the national. It is rare that the national would overturn the decision. He said there are national JATC throughout the state of Nevada.

Ch. Christensen asked is the decision of the local is final.

Mr. Campbell commented that there should e some type of leeway for this type of program. He said this is a unique structure that has been in Nevada for at least 20 years.

Ms. Gerni said they have been operating successfully without any complaints from apprentices. She understood that this was different.

Ch. Christensen asked who signs the apprentice forms. He said those items should be handled locally.

Mr. Rose asked if the national has ever overturned a local decision.

Mr. Ketner said it hasn't happened to his knowledge.

Ms. Andriola asked for the AG legal interpretation.

Ms. Arguello said NAC 610.035 says the definition is defined as a local committee.

Ms. Gerni said she could not commit that the local has the authority to make final decisions.

Ms. Andriola said the program is great but she the Council is responsible to uphold the statutes and regulations.

Mr. Smith said journey worker on 5910 is in incorrect.

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

Mr. Ketner will change to 387.

Ms. Smith asked for the committee's quorum.

Mr. Ketner said one and one.

Mr. Smith asked if there was a local coordinator.

Ch. Christensen said the committees make up needs to be listed in the standards.

Ms. Andriola asked if the apprentice had an issue would they only be able to speak to a local instructor. She said the instructors may not be able to resolve the issues of the apprentice.

Mr. Rose said there was no contact information for the complaint procedure.

Mr. Ketner said he would include the information on page 9.

Mr. Smith said the program not having a local coordinator or person to get guidance from that is not one either the union or the employer side only.

Mr. Ketner said he does fill the role as the director.

Mr. Campbell said the instructor does fill that role of the coordinator here in Nevada. He said the structure is different, the instructors acts as proctor for the program. He said this work in smaller locals. The instructor has more duties than an instructor normally has.

Ms. Andriola commends the program to use alternative learning. She said the legal aspect requires that instructor to take on more duties. She said there could be unintended consequences.

Ms. Massingill asked who orientate the new apprentices.

Mr. Rose said there are some smaller programs that have an instructor that fills the roles of the coordinator when needed. He didn't see it as a stretch from what has been done in other areas.

Mr. Campbell said the apprentice could also go to the international if there is a problem. The international had the authority to overturn decisions.

Ch. Christensen said the council has put themselves in the place of the apprentices. He said there needs to be a point person who can give the apprentice guidance.

Mr. Ketner said that person is him.

Mr. Gerni asked for a motion to table to the foot of the calendar.

Mr. Wiggins motioned to approve

Ms. Andriola seconded.

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

(M/S/C TO TABLE LOCAL 669 JATC REVISION OF STANDARDS)

ITEM 5 – SO. NV HEAT AND FROST INSULATORS

Jon Yunker, Apprentice Coordinator, presented his changes into the record. He said the international changed the name for insurance purposes. He outlined the changes made in the standards.

The selection procedure was missing in the body of the standards that the Council had received.

Mr. Wiggins motioned to table.

Mr. Rose seconded.

(M/S/C TO TABLE SO. HEAT AND FROST INSULATORS REVISION OF STANDARDS)

Five minute break

ITEM 4 LOCAL 669 JATC REVISION OF STANDARDS CONT.

Ms. Gerni asked to table this item from the day's agenda. She said there would be clear clarification regarding the duties of the local and national committee. As well as other on the parts of the revised standards that needs clarification.

Ms. Andriola said the local committee should have more than a one to one committee.

Mr. Wiggins motion to table.

Ms. Andriola seconded

(M/S/C TO TABLE LOCAL 669 JATC'S REVISION OF STANDARDS)

ITEM 6 – BRUCE PHILLIPS VS. SO. ELECTRICAL JATC APPEAL

Mr. Phillips said he moved recently and didn't have notes. He said he was canceled from the program. There were several factors that have lead up to that. He is sorry for the issues and he is asking to be reinstated into the apprenticeship program. He was terminated from his last two employers. The last one was for attendance violations. He was also terminated from Fisk Electric. At Fisk Electric he suffered from a personality conflict with his foreman. He said the work environment was difficult. He said it was attitudes. He asked for help and mentioned to the assistant director of the Electrical JATC and others out on the project. He asked for a transfer and was denied. He ended up being terminated and that came in the form of an unsigned termination slip. He said at that time, work was still pretty good. He had to see the committee and was placed on pre-termination probation. He did not file a grievance even though others had told him to do so. He went in front of the committee and they told him of their decision to place him on pre-termination probation. He said the next time there was an incident, he was late and then terminated from the employer and the apprenticeship. He said he maintained good grades and was the top grade student in his class. He's a quick learner who wants to

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

be an electrician. He had been trying to get into the program since 2005. And he was out of work and the apprenticeship in June 2009. He asked to be placed back into the program.

Questions for Mr. Phillips.

Ms. Andriola asked what the reason was for his pre-termination probation.

Mr. Phillips said that was based on a situation with his foreman. The foreman snatched a tool out of his hand.

Ms. Andriola asked how many times he was late at the second company.

Mr. Phillips said he was late twice.

Ms. Andriola asked if he called in.

Mr. Phillips said once, but he overslept the second time and he called in late.

Ms. Andriola asked if he had read the policies and procedures.

Mr. Phillips said he had not.

Ms. Andriola asked if there was an orientation where he was given policies and procedures.

Mr. Phillips said yeas.

Mr. Rose asked Mr. Phillips if pre-termination probation was explained to him.

Mr. Phillips said yes he was.

Mr. Ros4e asked who Craig Duke.

Mr. Phillips said Mr. Duke was a foreman.

Mr. Rose said there were reports that Mr. Duke had received other complaints about Mr. Phillips quality of work and attitude.

Madison Burnett, training director, said on June 17, 2009 he was placed on six months pre-term probation. There was full instruction of what could happen. He was absent or tardy on several occasions. He was canceled from the JATC. He was given his appeal rights and he did appeal. There minutes submitted to the council.

Ms. Andriola said there was written instructions on pre-termination probation.

Mr. Burnett said they do.

Ms. Andriola asked if there is signed understanding of the policies and procedures.

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

Mr. Burnett said yes.

Mr. Wiggins asked who the assistant directors spoke to when they investigated the complaints.

Mr. Bunger said he spoke with foreman, steward and foremen that Mr. Phillips had been assigned to. He said the actual termination was investigated by Mr. Jerry white. He said he had spoke to rick Goldsworthy a foreman and journeymen, steward and business agent at that time.

Mr. Wiggins asked if the program counsels the apprentices when there is a problem.

Mr. Burnett said yes. He said he has personally spoken to Mr. Phillips three or four times. He said Mr. White also counseled Mr. Phillips.

Ms Andriola asked if there was an opportunity for the apprentice to reapply to the program.

Mr. Burnett said he could.

Mr. Phillips read a letter into the record. He said his entire crew was switching foremen periodically.

Mr. Bunger said he is very thorough when he investigates. He did not mean to imply he was transferred for being a problem.

Ms. Massingill motioned to uphold the decision of the termination. The apprentice was placed on pre-termination with subsequent violations.

Mr. Rose seconded.

(M/S/C TO DENY THE APPEAL OF BRUCE PHILLIPS AND UPHOLD THE DECISION OF THE JATC)

ITEM 7 KERN REVELS VS. SO. PLASTERERS & CEMENT MASONS JATC

Mr. Wiggins recused himself on this matter.

Mr. Revels was sworn in. He said he was registered in 2005 or 2006. He said he graduated out of the program in 2007. He was told that he still needed OJT hours in to journey out. At first everything was going great. The person that was dispatching went straight down the list for job referrals. After that person retired, the job referral procedure was changed. They started sending people out based on their percentage in the program. He read a letter into the records. He said he believed that he was discriminated against because he was always laid off first even as an apprentice.

Ch. Christensen asked if he had filed a complaint with the equal rights commission or EEOC.

Mr. Revels said he had not on that matter, but there was a different matter that he did make a complaint on.

Ch. Christensen asked why he was terminated.

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

Mr. Revels said he was terminated based on a test he failed three times.

Ch. Christensen asked if anyone else had to take that test.

Mr. Revels said he was required to with the others that were in the program. He said everyone else in his class was not required to. He said he was left out of work for six or seven months at a time.

Ch. Christensen asked again, if he had made any complaints for EEO.

Mr. Revels said he did not. He said he would go out sporadically, but none of his jobs were permanent.

Ch. Christensen asked Mr. Kerns if he wanted to council to grant him journeyman status.

Mr. Revels said yes, he did believe they should.

Ch. Christensen asked if he had 144 hours of classroom training.

Mr. Revels said he believe he did.

Ch. Christensen asked Mr. Revels if he had his total amount of on the job training.

Ms. Massingill asked if he was aware of other individuals who were not required to test.

Mr. Revels said yes.

Ms. Andriola said clarified that Mr. Revels fellow classmates had all graduated.

Mr. Revels said at the union hall he was the only person from his original class that was still there. He said the test was enforced in 2009.

Ms. Andriola asked if he had been given written policies and procedures.

Mr. Revels said he did get it, but he didn't read it.

Mr. Rose asked if Mr. Revels had prior experience.

Mr. Revels said he did.

Mr. Gebers and others were sworn in. He said there three weeks of classroom

Mr. Rose said there was letters in the packet that indicated that the level that he was credited at.

Ch. Christensen asked if he believed that was too high.

Mr. Gebers, coordinator stated that jack beck, Raymond Abita, Scott Wichaehl. Mr. Gebers gave a brief statement of Mr. Revels' history.

Mr. Smith motioned to overturn the appeal and complete him a journeyman.

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

Ms. Massingill seconded the motion.

Roll call vote: Mr. Smith Aye, Ms. Massingill Aye, Mr. Rose Aye, Ms. Andriola Aye

The Council clarified that their decision was based on his original indenture back in 2007.

(M/S/C TO OVERTURN THE DECISION OF SO. PLASTERERS & CEMENT MASONS JATC AND COMPLETE KERN REVELS AS AN JOURNEYMAN)

ITEM 8 – ANDREW JONES VS. NO. PLUMBERS JATC

Ms. Brown stated that she had not received certified mail receipt back from the post office.

Ms. Andriola motioned to table. Notice must be resent by both certified and regular mail.

(ITEM 9 LLOYD MOORE VS. TEAMSTERS TRAINING APPEAL)

Mr. Moore said he had an accident and was ordered to take a drug test. He said he waited to take a test. The person administering the drug test told him he could not drink his water. He said he stepped outside to call Ms. Allen and was advised to return inside. He said when he returned he had been informed that he had refused to take the drug test. He said that he enjoyed his job. He didn't recall any disciplinary actions; he didn't understand the severity of his actions. He had family issues that also affected him. He said he made a major mistake.

Ms. Massingill asked how long he was out of the trailer.

Mr. Moore said ten minutes.

Ms. Massingill asked if it was just long enough to make the phone call.

Mr. Moore answered yes.

Ms. Allen said she did get a call from Mr. Moore. She asked him if he had advised anyone that he was stepping out. She said she advised that him that his actions would be considered a refusal. She said there was a letter inside the packet in regards to his conduct with the safety person.

Ch. Christensen asked what was the program's position.

Ms. Allen said he violated policies. Once someone refuses a drug test, they are not employable in the entire industry. She said the union steward advised the program that he had received a telephone call about his grandparent. He was advised at that time, that he could not leave.

Ch. Christensen asked about his job performance on the job.

Ms. Allen said he had a few incidents, but mostly he had good evaluations.

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

Mr. Moore said the steward took a long time to respond when he was waiting to take his drug test.

Ms. Allen said the union steward said he was in the office and that's when he walked out.

Ms. Andriola asked if Mr. Moore was waiting two hours.

Mr. Moore said he there for about an hour and a half.

Ms. Andriola asked if he was allowed to ever give a sample.

Mr. Moore said no.

Ms. Andriola motioned to uphold the appeal of Mr. Moore on the basis that the information provided does not define a true failure of a drug test and he be reinstated into the program.

Mr. Wiggins seconded the motion to reinstate Mr. Moore back into the program.

Ms. Massingill said if the Collective Bargaining agreement stated that Mr. Moore could not be placed back to work, what good reinstating him would be.

Mr. Wiggins answered that if the Council reinstated him, it was the committee's obligation to represent the apprentice.

Roll call vote: Ms. Massingill Aye, Ms. Andriola Aye, Mr. Wiggins Aye, Mr. Rose Nay

(M/S/C TO REINSTATE LLOYD MOORE BACK INTO THE TEAMSTERS TRAINING PROGRAM)

ITEM 10 RYAN TAYLOR VS. TEAMSTERES TRAINING APPEAL

Ryan Taylor, said he is a know diabetic. He had been hospitalized on three different occasions. He was out of touch because of his illness. He was unable to afford medications and that was the problem with his continuing to be sick.

Ch. Christensen asked if the program was aware of his condition prior to his being canceled from the program.

Mr. Taylor said they did. He now has government medical card that will keep him with the medications that he needs to survive. He said he was a great worker, who provided excellent customer service.

Mr. Wiggins asked how long he was out of touch.

Mr. Taylor said he was out from June 5, 2009 to September 20, 2009.

Mr. Wiggins said why he never called the program.

Mr. Taylor said he was sick and couldn't. He thought someone from his family had contacted the program. He said the program had email and phone number for his aunt.

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

Mr. Rose asked if he was coherent after being released from the hospital.

Mr. Taylor said yes he was somewhat. He just wanted a second chance.

Ms. Allen said the program had made several attempts to contact Mr. Taylor. He was canceled because he did not appear at the committee meeting. She said he came into the office and changed his program on the same day that the information had gone out to the administrator to send him his citation letter. She said she did not know at that time that he had changed his address. He had been informed at that time of the day of his meeting with the Committee. She said at one point he had stated that he had been incarcerated also.

Mr. Taylor said he was incarcerated on one occasion.

Ms. Allen said he contacted the program on September 3rd to find out the date and time of the hearing. She said she informed him then and he did not appear. He then called again on September 14th at 10, stating that she had told him that she had told him the wrong date. He had changed his address again. She advised him of the of his appeal rights at that time. She said he never provided any documentation from the hospital to the committee.

Mr. Taylor said he had the information but the committee didn't ask to see any of it.

Mr. Rose motioned to deny the appeal. The JATC made every reasonable to contact him.

Mr. Wiggins seconded the motion.

(M/S/C TO DENY THE APPEAL OF RYAN TAYLOR)

ITEM 11 – REPORT OF STAFF

Ms. Brown reported that 177 registered programs. There were 8,506 registered apprentices, 60% are minority and 10% are female.

ITEM 12 – REPORT OF FEDERAL OFFICE OF APPRENTICESHIP

Ms. Henry reported that there was announcement of a renewable energy grant that went to the DETR for \$6 million. There was also a grant for high growth and training and Nevada was awarded for the Nevada Cancer Institute. Since the last meeting the UA has added a new accredited technical training institution for the direct entry. The national burglar and fire alarm association submitted a name change. The International Union for Operating Engineers has had their national guideline standards approved. She reported that 29 CFR 5 clearly states that the apprentice wages are to be expressed in percentages in the new standards.

ITEM 13 – REPORT OF DEPUTY ATTORNEY GENERAL

Ms. Arguello said she had no report.

NEVADA STATE APPRENTICESHIP COUNCIL

February 16, 2010

Quarterly Meeting

ITEM 14 – REPORT OF SECRETARY DIRECTOR

Mr. Tanchek reported at the time of the meeting the recommendation of the Governor was to maintain the status quo of his office, with the office in Carson City closing an unfilled position. He said he had three appeals on his desk at the time. Two were related to the Roofer's apprenticeship program and the last was apprentice appeal.

Ch. Christensen asked Mr. Tanchek what was the next step in the minimum wage for apprenticeship.

Mr. Tanchek said he recommended that a hearing still be set for the next agenda to allow for testimony. The Council could decide at that time.

ITEM 15 – PUBLIC COMMENT

Mr. Campbell said he was honored to have served on the Council for the past 10 years. He thanked the Council for the time they spent together. He also thanked the Commissioner for his appointment.

Ch. Christensen thanked Mr. Campbell for his service on the Council on behalf of the Council.

ITEM 16 - ADJOURNMENT

(M/S/C TO ADJOURN)