

DRAFT

LOCATIONS:

Henderson
Reno

2310 Corporate Circle, Suite 200
9670 Gateway Drive, Suite 100

Members Present:

Kevin Christensen
Clara Andriola
Dana Wiggins
Rebecca Massingill
Dan Gouker
Gregory Smith

Chairman, Public Member
Employer Member
Employer Member
Employer Member
Employee Member
Employee Member

Legal Counsel:

Dianna Hegeduis

Deputy Attorney General

Administrative Staff:

Lleta Brown

Apprenticeship Training Representative

NEVADA STATE APPRENTICESHIP COUNCIL
June 29, 2009
Quarterly Meeting

Roll call was taken to ensure a quorum.

Mr. Wiggins motioned to table items 13 and 19.

Mr. Smith seconded the motion.

(M/S/C TO TABLE ITEMS 13 AND 19)

ITEM 1 – APPROVAL OF MARCH 13, 2009 MEETING MINUTES

Mr. Smith motioned to approve the minutes.

Mr. Gouker seconded the motion.

M/S/C TO APPROVE THE OF MARCH 13, 2009 MEETING MINUTES

ITEM 2 - CONSENT ITEMS A) LOCAL 669 JATC WAGE INCREASE, B) ELEVATORS LOCAL 18 JATC WAGE INCREASE, C) OPERATING ENGINEERS LOCAL 12 – GENERAL MACHINIST WAGE INCREASE, D) OPERATING ENGINEERS LOCAL 12 – SURVEYOR WAGE INCREASE, E) OPERATING ENGINEERS LOCAL 12 – DRILL RIG OPERATOR WAGE INCREASE, F) OPERATING ENGINEERS LOCAL 12 – DRILL RIG OPERATOR GENERAL CONSTRUCTION INSPECTOR, G) OPERATING ENGINEERS LOCAL 12 – DRILL RIG OPERATOR HEAVY DUTY REPAIRMAN WAGE INCREASE, H) OPERATING ENGINEERS LOCAL 12 – EQUIPMENT OEPERATOR

Ms. Andriola said that Item 2B has errors and missing information.

Ms Brown said that program was in the process of revising their standards. She asked this item be tables for the August meeting.

Mr. Gouker motioned to table item 2B.

Ms. Andriola seconded the motion.

(M/S/C TO TABLE ITEM 2B)

Ms. Andriola stated that Item 2c through 2h was missing the instructor information.

Mr. Loupias stated that in the past this had been accepted by the Council.

Ms. Massingill stated that she was also concerned that the information needs to be added.

Ms. Brown asked if the Council to approve pending the instructors list.

Ms. Andriola motioned to table 2C through 2H.

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Ms. Massingill seconded the motion.

(M/S/C MOTIONED ABLE 2C THROUGH 2H)

Ms. Andriola motioned to approve item 2B.

Mr. Smith seconded.

(M/S/C TO APPROVE ITEM 2B)

ITEM 3 CANCELLATION OF PROGRAM A) LAS VEGAS PAIUTE TRIBE – NV001010002
B) BUY THE HOURS KIDS CAMP – NV 003050005 C) CHILDREN'S WORLD (GREEN VALLEY)
– NV 003040011 D) CHILDREN'S WORLD (BUFFALO) – NV003030010 E) CHILDREN'S
WORLD (MCCARRAN) – NV002060004 F) CHILDREN'S WORLD LEARNING CENTER –
NV002020017 G) DUCK DUCK GOOSE – NV004010021 H) HANDPRINTS LEARNING CENTER
– NV003050008 I) LA PETITE ACADEMY (PECOS) – NV003050009 J) LA PETITE ACADEMY
(SUMMERLIN) – NV003040009 K) LITTLE PARADISE – NV 003070007 L) SUNSHINE AND
RAINBOWS – NV003060008 M) ALL ABOUT KIDS – NV002060012 N) ALPHABET SOUP –
NV002040009 O) BEGINNINGS CHILDCARE – NV002060002 P) BLUE KANGAROO
LEARNING CENTER – NV00204002 Q) BRIGHT BEGINNINGS CHILD CARE & LEARNING
CENTER – NV001020004 R) BROOKFIELD TLC – NV002070001 S) BUILDING BLOCKS CHILD
CARE CENTER – NV002050004 T) CAUGLIN CLUB KIDZ – NV002060011 U) CHRISTINA'S
CHILDCARE – NV002040011 V) CREATIVE LEARNING CNT – NV002040019 W) CREATIVE
MINDS LEARNING CENTER – NV002070005 X) DAYTON VALLEY LEARNING CENTER –
NV004000012 Y) DEBOER FAMILY DAYCARE – NV003050007 Z) E.L. CORD CHILDCARE
CENTER – NV004000013 AA) EDUCARE' DEI MONTESSORI – NV002070008 BB) FERNLEY
LEARNING CENTER – NV002020016 CC) HALIMA ACADEMY – NV002040021 DD) HERE WE
GROW FAMILY DAYCARE – NV002030007 EE) IMAGINATION STATION LEARNING CENTER
– NV004010010 FF) KIDS IN MOTION – NV002060006 GG) KIDS R KIDS LEARNING CENTER
– NV002030008 HH) LINDA'S DAYCARE – NV002040015 II) LITTLE BRITCHES PRESCHOOL
– NV002030002 JJ) LITTLE LAMBS DAYCARE AND PRESCHOOL – NV004000017 KK)
LITTLE LAMBS DAYCARE AND PRESCHOOL – NV004010024 LL) MY FIRST SCHOOL –
NV002060003 MM) OBERG FAMILY DAYCARE – NV002030010 NN) PRECIOUS TIME
LEARNING – NV002070003 OO) SUNFLOWER LEARNING CENTER – NV002060007 PP)
TAMMY'S TOTS CHILDCARE – NV002030011 QQ) TERRI MCGRAW'S FAMILY CHILDCARE –
NV002040007 RR) THE EARLY YEARS – NV002060008 SS) THE LEARNING TREE
PRESCHOOL – NV002070002 TT) TODDLE TIME TUMBLERS & TEDDY BEARS DAYCARE –
NV002050002 UU) WINNEMUCCA GRAMMAR SCHOOL – NV002040017 VV) ZION LUTHERAN
PRESCHOOL AND CHILDCARE – NV002060010

Mr. Doug Howell stated that the programs have been cancelled due to inactivity.

Mr. Gouker asked if there were any apprentices that were affected by the closures.

Mr. Smith asked how many programs were still active.

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Ms. Brown stated there were approximately 30 to 40 that are still active.

Mr. Gouker motioned to approve the cancellation of the programs.

Mr. Smith seconded the motion.

(M/S/C A) LAS VEGAS PAIUTE TRIBE – NV001010002 B) BUY THE HOURS KIDS CAMP – NV 003050005 C) CHILDREN'S WORLD (GREEN VALLEY) – NV 003040011 D) CHILDREN'S WORLD (BUFFALO) – NV003030010 E) CHILDREN'S WORLD (MCCARRAN) – NV002060004 F) CHILDREN'S WORLD LEARNING CENTER – NV002020017 G) DUCK DUCK GOOSE – NV004010021 H) HANDPRINTS LEARNING CENTER – NV003050008 I) LA PETITE ACADEMY (PECOS) – NV003050009 J) LA PETITE ACADEMY (SUMMERLIN) – NV003040009 K) LITTLE PARADISE – NV 003070007 L) SUNSHINE AND RAINBOWS – NV003060008 M) ALL ABOUT KIDS – NV002060012 N) ALPHABET SOUP – NV002040009 O) BEGINNINGS CHILDCARE – NV002060002 P) BLUE KANGAROO LEARNING CENTER – NV00204002 Q) BRIGHT BEGINNINGS CHILD CARE & LEARNING CENTER – NV001020004 R) BROOKFIELD TLC – NV002070001 S) BUILDING BLOCKS CHILD CARE CENTER – NV002050004 T) CAUGLIN CLUB KIDZ – NV002060011 U) CHRISTINA'S CHILDCARE – NV002040011 V) CREATIVE LEARNING CNT – NV002040019 W) CREATIVE MINDS LEARNING CENTER – NV002070005 X) DAYTON VALLEY LEARNING CENTER – NV004000012 Y) DEBOER FAMILY DAYCARE – NV003050007 Z) E.L. CORD CHILDCARE CENTER – NV004000013 AA) EDUCARE' DEI MONTESSORI – NV002070008 BB) FERNLEY LEARNING CENTER – NV002020016 CC) HALIMA ACADEMY – NV002040021 DD) HERE WE GROW FAMILY DAYCARE – NV002030007 EE) IMAGINATION STATION LEARNING CENTER – NV004010010 FF) KIDS IN MOTION – NV002060006 GG) KIDS R KIDS LEARNING CENTER – NV002030008 HH) LINDA'S DAYCARE – NV002040015 II) LITTLE BRITCHES PRESCHOOL – NV002030002 JJ) LITTLE LAMBS DAYCARE AND PRESCHOOL – NV004000017 KK) LITTLE LAMBS DAYCARE AND PRESCHOOL – NV004010024 LL) MY FIRST SCHOOL – NV002060003 MM) OBERG FAMILY DAYCARE – NV002030010 NN) PRECIOUS TIME LEARNING – NV002070003 OO) SUNFLOWER LEARNING CENTER – NV002060007 PP) TAMMY'S TOTS CHILDCARE – NV002030011 QQ) TERRI MCGRAW'S FAMILY CHILDCARE – NV002040007 RR) THE EARLY YEARS – NV002060008 SS) THE LEARNING TREE PRESCHOOL – NV002070002 TT) TODDLER TIME TUMBLERS & TEDDY BEARS DAYCARE – NV002050002 UU) WINNEMUCCA GRAMMAR SCHOOL – NV002040017 VV) ZION LUTHERAN PRESCHOOL AND CHILDCARE – NV002060010

ITEM 4 – JAMISON KILLION VS. SO GLAZIERS JATC

Mr. Killion did not appear.

Rob Jordan, coordinator, was present at the meeting.

Ms. Brown stated he was made aware of the meeting by certified mail and telephone message.

Mr. Gouker motioned to deny.

Mr. Smith seconded the motion.

(M/SC TO DENY THE APPEAL FOR JAMISON KILLION)

ITEM 5 - ARIC HUGHES VS. SO. CARPENTERS JATC

Mr. Wiggins recessed himself on this matter.

Mr. Gouker chaired this item.

Aric Hughes, appellant, Dena Whipple, mother, and Don King, were present to answer questions regarding this appeal. Mr. John Vincent, Coordinator for So. Carpenters' JATC, was also present for the appeal.

Mr. Hughes stated that he was appealing his termination from the program. He was terminated based on non attendance to classroom training.

Ch. Christensen asked why Mr. Hughes why he did not attend classes.

Mr. Hughes stated the general superintendent did not want him to miss work. He was afraid that he would lose his job.

Mr. Don King, former general superintendant for Perini, stated that there was a push to keep working. He said he was not aware that Mr. Hughes was terminated until after it had occurred.

Ch. Ch asked Mr. King if he knew that Mr. Hughes was to attend class and asked him not to.

Mr. King answered that he had done so.

Mr. Gouker asked if he could make up classes.

Mr. Hughes said he did not have time because there was only one month left in the quarter and he was told he was canceled from the program.

Ms. Andriola asked if Mr. King was contacted by the JATC about Mr. Hughes not attending classes.

Mr. King said he was not notified by the JATC.

Ms. Andriola asked Mr. King if Mr. Hughes stated to him that he that there were consequences if he did not attend class.

Mr. King stated that he was not aware that the consequences could be so bad.

Ms. Massingill asked Mr. Hughes if he had been in the program before.

Mr. Hughes stated this was his first time. He was canceled six months into the program. He said he did not finish any of the classes.

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Mr. Gouker asked Mr. Hughes to explain the classroom structure.
Ms. Andriola asked Mr. Hughes how his grades were during the time that he was registered.

Mr. Hughes said the classes were daytime classes. He did not complete any because he was being afraid of being fired.

Mr. Gouker clarified his question to Mr. Hughes and asked if he did not attend or finish classes because he was afraid that he would be fired from his job.

Mr. Hughes answered yes.

Mr. Vincent stated Mr. Hughes was registered in May 2008. He was scheduled four times for different classes. For the first two classes he started the classes but did not show on Wednesday for each. The last two classes were scheduled in November and December that he also did not attend. He said that in defense of Perini, one of the committee members is from Perini that runs City Center. The superintendent may not have known, but the company was aware.

Ms. Massingill asked what the class dates for November and December were.

Mr. Vincent said November 10th and rescheduled for December 8th.

Ms. Massingill said there was a discrepancy with the dates since he was canceled on December 4.

Mr. Vincent said the December 8th class was set up prior to him being cited to appear. He was hoping Mr. Hughes would step up and get it done before the meeting.

Mr. Smith asked if there were any evaluations.

Mr. Gouker asked Mr. Vincent if there was ever a discussion with Perini that apprentices can't be told not to attend class but keep working instead.

Mr. Vincent said there have been numerous conversations. He said that Mr. Hughes picked the first two classes himself.

Mr. Gouker said his concern that a new apprentice is being told to not go to school.

Mr. Vincent stated Mr. Hughes and all apprentices are advised of the rules for school when they go through their orientation.

Mr. Smith asked Mr. King, if there were any evaluations.

Mr. King said he did not evaluate the apprentice.

Ms. Andriola motioned for reinstatement.

Mr. Massingill seconded the motion.

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(M/S/C TO APPROVE THE REINSTATEMENT FOR ARIC HUGHES)

Ch. Christensen advised the program of their appeal rights to the Labor Commissioner.

ITEM 6 – BEVERLY DILLARD VS. ELEVATORS LOCAL 18 JATC

Ms. Dillard did not appear.

Dan Larzalere, coordinator, was present at the meeting.

Mr. Gouker motioned to deny.

(M/SC TO DENY THE APPEAL FOR BEVERLY DILLARD)

REQUEST FOR AGENDA ITEM CHANGE

Ch. Christensen stated that the Council has received a request for a change of order of the agenda items.

Mr. Wiggins motioned to for the Council to hear items 8 and 9 prior to hearing item 7.

Mr. Gouker seconded the motion.

(M/S/C TO CHANGE THE AGENDA ITEMS)

ITEM 8 ROOFERS PROBATION REVIEW

Patrick Davis, program coordinator, Claudia Margarucci, Modesto Gaxiola, Labor Trustee, was present to answer questions related to the program's probation review. Andrew Kahn, Attorney for Sheet Metal Workers, and Bill Brooks, business representative for the Sheet Metal Workers were also present.

Mr. Davis said program has addressed all of the items that were listed in the letter of non compliance. He said the underutilization of females will be addressed based on the new selection procedures.

Ch. Christensen asked what changes had been made.

Mr. Davis said the program does have a number of female applicants that had applied that were skipped because they did not have a list at the time. This will be addressed with the new standards that will create a ranking list. He said that item 2 of the compliance review findings was due to an isolated issue with one of the contractors', Noorda Sheet Metal, apprentices refusing to attend class. All of the apprentices have been notified of the requirements attendance policy. They signed acknowledgement of the rules and regulations at orientation.

Mr. Gouker asked the program to address the issue of the apprentices refusing to attend class.

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Mr. Davis said some of the apprentices from Noorda did not want to be in the class or the program.

Mr. Wiggins asked what happened to those apprentices.

Mr. Davis said they were eventually canceled from the program. He said the third item on the findings letter addressed the program's violation of ratio. He said the program has a 1 to 1 ratio. He said the records have now been cleaned up data base. The high cancellation was addressed during the cleanup. The ratio issue has also been addressed in the cleanup efforts of the program. He reported that the fifth item that was addressed was the conflict between the ratio in the collective bargaining agreement versus the apprenticeship standards. He said that CBA does not state any other ratio.

Ms. Brown stated that the cancellation rate was based on the registration year 2004. She stated that she has been at the training center and the program has been working to solve the issues brought forth in the compliance review. She said the program currently has 190 apprentices as of the date of the meeting.

Mr. Gouker stated that there were two other items from the compliance review that had not been addressed by Mr. Davis. One was the issue with the company that was newly organized that was not following the selection procedure. The second item that was not addressed was the training for the trustees. Also, the program did not submit a copy of the rules and regulations to the Council.

Mr. Wiggins asked Ms. Brown if she had an opportunity to review the program for compliance.

Ms. Brown said she has been meeting with the program. The last two issues will have to be addressed through revision of standards. She said that most of the apprentices are attending classroom training as required. There are a few that will be starting class in the fall due to when they were registered and they are working in another town. She said the Council would have to decide whether or not the apprentices who refused to attend class could be considered apprentices in the program since they never followed the guidelines of the program.

Mr. Gouker asked if the training for the JATC had been received.

Mr. Davis said he thought that the class that Ms. Brown was holding for Coordinators was going to be for the trustees also. He said he called Ms. Brown and found out that the class had been canceled.

Mr. Gouker stated that the program was directed to have fiduciary training for all of the training trusts. That is not something that the Labor Commissioner's office does. He read the copy of the rules and regulations and said there was a concern with the language for giving classroom credit for work performed for on the job training.

Mr. Wiggins suggested that the coordinator work with their attorney on these matters.

Mr. Brooks submitted a package to the Council for review.

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Ms. Andriola asked if the members in the North could have a copy of that package faxed.

Mr. Brooks stated that the information being submitted was information that had been submitted previously.

THE COUNCIL TOOK A BREAK TO ALLOW FOR FAXING TO THE NORTHERN COUNCIL MEMBERS

THE COUNCIL CHANGED THE ORDER OF THE AGENDA TO ALLOW FOR MORE TIME FOR THE INFORMATION TO BE RECEIVED

ITEM 16 – REPORT OF THE OFFICE OF APPRENTICESHIP

Ms. Henry announced the new occupations that were approved by DOL. She said there was an announcement made to award the states that had applied for grant moneys up to \$125,000. Nevada did not apply for the money so they did not get the grant. There was an action clinic held for the integration of apprenticeship with the workforce investment system there was staff for NSAC, DETR and local community.

Mr. Gouker asked who in Nevada was responsible for applying for that grant.

Ms. Henry said she believed Ms. Brown and Mr. Tanchek did receive a copy.

Ms. Andriola asked for a copy of the information pertaining to that grant.

ITEM 17 – REPORT OF THE DEPUTY ATTORNEY GENERAL

Ms. Hegeduis announced that she was leaving the AG's office and that August 21, 2009 was her last day in that office.

ITEM 18 – REPORT OF SECRETARY DIRECTOR

No report.

Ch. Christensen announced that both legislations pertaining to apprenticeship died in session.

ITEM 15 – REPORT OF STAFF

Ms. Brown reported that there were 10,292 apprentices registered in Nevada with 218 programs registered.

ITEM 8 ROOFERS PROBATION REVIEW (CONTINUED)

Mr. Kahn and Mr. Rose were now at the table.

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Mr. Brooks, reported that the program had retaliated against two people for testifying against the program. Espri Cruze and Antonio Ceballa were tried and found guilty and expelled from the Roofer's union for testifying at the Council meeting. He asked that the Council prepare an Order the cease and desist in retaliatory action against members for their testimony to the council.

Ch. Christensen asked if the people who were having problems were present apprentices. He said that if there is an issue with that program in the State that this is the appropriate forum to come with that information. They have been working with the Nevada Roofers program to try and resolve their issues. If there is a specific complaint from either party, they should be present. They can initiate a complaint with the State Apprenticeship Council. He said it is important to advise the programs that there should not be any retaliation to an apprentice for making a complaint. However, that the union business is not in the Council's jurisdiction.

Mr. Davis said both people were canceled before this matter.

Mr. Gaxiola said one person was completed and the other person was canceled.

Mr. Gouker agreed with the chairman that the council does not have jurisdiction on any matter based on jurisdiction.

Mr. Rosenfeld took a set at the table.

Mr. Brooks stated that the high school diploma should be required. The ratio was violated and there are no excuses for this. 64% of the roster of June 3, 2009, has no high school diploma. He requested a formal written order to continue the suspension until further reviews can be conducted, that there education requirement be mandatory and that the ratio be changed to reflect the state requirement.

Mr. Kahn stated that the action of retaliation was conducted by the Coordinator. The ratio issues have been issues of violations of jobsite ratios. There have been wage claims filed on 12 different prevailing wage jobs based on the payroll records showing too many apprentices being on those jobsites. This affects 60 different apprentices. Cleaning up the records does not change anything about the practices in the real world. The same people are involved in the Roofer's program administering it. There has been no evidence presented to the Council that they have changed their supervision out in the real world so that these violations of ratio don't occur. He stated that their request to Council is that they revert to the regulatory ratio based on NAC 610.438. The one to one ratio is something that is granted at the discretion of the Council.

Mr. Rose said the agenda item is to discuss probation. He said the first thing that was addressed was skipping women on the ranking list. They discussed the apprentices working for Noorda were allowed to not attend class. He didn't see any changes that addressed what happened to the employer. The rules and regulation were not provided to the Council as required. He asked the Council to continue the suspension.

Mr. Rosenfeld said the Council imposed severe requirement to clean up their act. The only matter was the training. The training will be received in the next 6 weeks. He said he believed the program was ready to the suspension to be lifted and the revocation should be rescinded.

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Mr. Wiggins asked if there will be legal counsel present at the future meetings.

Mr. Rosenfeld said that will be offered, as his office does work with several unions throughout the State.

Mr. Gouker commented that the program should be active in WACA efforts that.

Mr. Smith asked how many female apprentices are registered.

Mr. Davis said there are none, but there are 12 or 13 that are on the applicant list.

Mr. Smith said the fiduciary training is a very great concern.

Ms. Andriola questioned the program about training of the program. She was concerned about that actual classroom training. She asked if the instructors had any instructor training.

Mr. Davis said the program does have a course outline which has both related instruction and hands-on training. The instructors are trained through the train the trainer program. They have new instructors that will be attending train the trainer classes as soon as they are available.

Ms. Andriola said the program should concentrate their efforts in assuring the classroom instruction is solid.

Mr. Wiggins said he believed that the ratio was a big issue. He would like to see the ratio changed to reflect one apprentice for every three journeymen. He said the trade is dangerous and they needed proper supervision. He asked Ms. Brown if the program was moving in the right direction.

Ms. Brown said she believed the program was moving in the right direction. She said the process was going to be long process. She said the surface issues are being addressed but she is concerned that they need a lot of continuous monitoring.

Mr. Wiggins said he thought the program would need to be placed on a severe probation. And he confirmed that she would continue to review the programs.

Mr. Rosenfeld said the program accepts the fact that they are not all done. They would concur with some form of probation so that they can continue to be monitored while to they continue to train people in that industry.

ITEM 9 – SOUTHERN NEVADA ROOFERS JATC – REVISION OF STANDARDS

Mr. Gouker stated the ratio was an issue. He asked the program if their collective bargaining agreement did say one apprentice for one journeyman.

Mr. Davis said that was correct.

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Mr. Gouker explained that the Council had in its purview the ability to approve the ratio that is the regulations or approve a ratio that is different based on terms and conditions of a collective bargaining agreement. He asked how a ratio of three journeymen to one apprentice would affect the program. He asked if there were enough journeymen to keep all of the apprentices employed pending selection of a new class.

Mr. Gaxiola said that would conflict with the collective bargaining agreement.

Mr. Gouker said he understood, but he explained that the program is not arguing for collective bargaining agreement, they are arguing for their apprenticeship standards.

Ms. Brown said based on the last reported numbers by the program, there was 329 journeymen and at least 190 apprentices. She said she didn't believe the program would be able to register any new apprentices until they had more journeymen.

Mr. Gouker suggested a ratio change while the program was on probation.

Page 8 the education of the applicants will be required to achieve. Page 37 I and J need to be removed.

Ms. Andriola was concerned with page 38 Oral Interview. The "appearance" may cause some subjectivity.

Mr. Davis agreed to make the changes.

Mr. Rosenfeld said the program could delete the appearance portion and recalculate the points.

Public comment:

Mr. Rose gave a list of concerns. He said most of them have been addressed. The 5910 figures may be off. He questioned page 6 I, which stated that it was recommended that a JATC be formed. He asked if that should be changed from "recommend" to "require". Page 8 education should be required. Page 8 with requirements to the physical, he asked if the program had done an official job analysis for that requirement. The ratio was a concern. The safety training that is stated in the course outline is suggesting OSHA training in every semester.

Ch. Christensen said there will be a requirement for five year renewal for OSHA certifications.

Mr. Rose said the work process states that the hours are approximate. He asked how many hours are required before someone graduates.

Lamar Noorda stated that the impact of raising the ratio from one journeyman to one apprentice was a concern regarding the labor market. He said that would give an advantage to nonunion employers. He was also concerned with the requirement of high school diploma or GED. He said if the Council would approve the program the education believed that would be great.

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Mr. Gouker stated that the safety and well being of the apprentice was the concern of the Council. That the Council was not concerned with the labor market. He motioned for approval of the standards with the following:

One year probation, change items as follows: page 35 section I and page 8 section IV add the language of NAC 610.833 in its entirety with no exceptions, page 37 remove items I & J, page 6 section I, change "recommend" to "required", page 38, delete "appearance", page 9 and page 19, use the state recommended ratio language 610.438 with one apprentice for every two journeyman. He stated that he will ask that the ratio not be changed until after the Council reviewed and approved the change.

Ms. Andriola asked for an addendum on the motion. She said that Oral Interview should not count for more than 25% of the weight of the selection procedure. She also suggested that there be a formal compliance review by staff during the probation period.

Mr. Wiggins seconded the motion.

(M/S/C TO LIFT THE SUSPENSION OF THE NEVADA ROOFERS JATC AND PLACE THE PROGRAM ON A ONE YEAR PROBATION PENDING A FULL COMPLIANCE REIEW
M/S/C TO APPROVE THE REVISION OF STANDARDS WITH THE CHANGES LISTED)

Ms. Brown advised the Council that there was an audit with the Clark County School District pending. She said there was a question addressed to the Council as to whether the people who were registered by the program and listed as apprentices should be officially considered apprentices by the Council.

The consent of the Council was that if the program had registered the apprentices appropriately, that they had no choice but to accept the people as apprentices.

Mr. Wiggins motioned that any apprentice that was properly registered in the program should be considered an apprentice.

Mr. Gouker seconded the motion.

(M/S/C)

ITEM 7 – SHEET METAL WATERPROOFING & MOISTURE CONTROL – NEW PROGRAM

Dan Rose, standards mirror the Sheet metal standards. He said the program would be two year 3200 hour program.

Mr. Smith asked about the ratio.

Mr. Rose said the program is asking for a 1 to 1, and 1 to 2 ratio thereafter.

Ms. Andriola questioned the numbers on the 5910. She asked the number of journey workers and apprentices were.

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Mr. Rose said there were 61 journey workers. There won't be any apprentices until the program is approved.

Mr. Smith asked if there were contractors ready to accept apprentices.

Mr. Rose said there is one that is licensed and there are several others who are awaiting the outcome of this meeting.

Mr. Smith questioned the instructors, he asked where they came from.

Mr. Rose gave the instructors and their formal training into the record.

Ms. Andriola said on page 6 the test portion is confusing. She asked for clarification.

Mr. Rose said the math and reading are based on 8th grade level. The points are based on the points that they receive on the test. This mirrors the Sheet metal Standards. He said explained the point system into the record.

Ms. Andriola said that the oral interview points should not be more than 25%.

Ch. Christensen said the recommendation for not awarding more than 25% for interview points is a recommendation.

Mr. Gouker made the suggestion that the program add language that there is a maximum of 100 points awarded for the interview.

Mr. Rosenfeld said the Nevada Roofers JATC was opposing the program. He said a duplicate program is not necessary. He said there is a jurisdictional problem. There is some work that is duplicated between the two programs. The program is asking the Council to resolve a jurisdictional problem. He stated that he was not aware that the other programs have been noticed. He believed the Council did not have jurisdiction based on NAC 610.225(3). He stated that the standards lack the EEO, lacked age, sexual orientation. Said the program did not have sufficient adjustment of differences. He said the applicant program has not established a need for a new program. He said there was statement that Mr. Rose indicated that there was national standards anywhere in the country. He said there was no indication of that from his research. He read a statement into the record.

Gabriel Herrera, of the Roofer's International, said that every facet of their apprenticeship training throughout the country has to do with moisture control. He said there was not any other apprentice craft that could make that claim. He said waterproofing is not a craft by itself. He said it's similar to welding in that all of the crafts train in it.

Mr. Gaxiola stated that this is jurisdictional problems. He said his program is working to resolve all of their problems and they have a viable program.

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Mr. Wiggins asked Mr. Rosenfeld what would be the difference in approving two programs, one union and one non union. He asked Mr. Rosenfeld if he was aware of that part of the metal roofing installation requires the waterproofing. He said that they have to put down the two-ply metal roof before they put it on it. It would be a part of their work anyway when they are installing a metal roof.

John Christiansen stated three of the larger contractors have expressed an interest. He asked Mr. Rose how the program could justify starting a new program with the work situation being so bad.

Mr. Rosenfeld said he based his view on the Council being able to start a parallel program on NAC 610.225. He said it talks about the establishment of joint committee. It doesn't talk about the establishment of a unilateral employer program or a unilateral multi-employer program such as the ABC. Those are not joint committees. Those are unilateral single employer programs. He read the regulation into the standards. He the Nevada Roofers were not there asking any other program to take out work processes that they train in to complete their work. He said there is some overlap between the two programs work process. He read into the record some of the OJT that the program is asking to have approved.

Mr. Rose said answered Mr. Wiggins about the need for the program. He said that they are looking for a one stop shop. They have contractors that would like to be able to warranty their work. The only way to do that would be for them to do that work. He said he would add the age, and disability in the EEO Pledge. He read a portion of the curriculum forward into the record. He said the program will only take in the amount of apprentices that they can provide work for. They will not over exceed the amount of apprentices in this program. They are planning and training for the future.

Mr. Kahn said that he is licensed in Nevada. He did not believe that Mr. Rosenfeld is. He said there is no announced standard by the Council that there could not be a new program created in overlapping trades. If there was the program could not do welding etc. He said that is not in the regulations. He said it was the program's position that the work was a part of one trade. That waterproofing is an entricle part of what goes on in sheet metal.

John Christiansen, labor Co-chair for the Sheet metal workers local 88 JATC. He said three of their larger contractors have expressed interest in this program. He said a lot of their work does (inaudible) penetrate the barrier and calls for repair. They have expressed to him that if the program is approved they will get their license and self perform that work as a lot of general's do on any size projects. There will be one committee possibly adding another labor and management trustee. This would provide their customers with a one stop shop. They can warranty the work. They will do everything in their power to make sure that all of the apprentices are working just as they always have.

Mr. Wiggins asked Ms. Hegeduis if her interpretation of NAC 610.225.

Dianna Hegeduis does not believe NAC 610.225 limits the Council's ability to approve more than one program with similar occupations, as long as the program fulfills all of the statutory requirements.

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Mr. Gouker asked if the program would add the exact language of the EEO pledge.

Mr. Rose agreed to do so.

He asked for an expanded list of the curriculum.

Mr. Gouker explained that there parallel program language just allows the program to comment on the applied standards for the purpose of making sure that the apprentice will be well rounded in the craft.

Mr. Gouker motioned to approve with the corrections.

Ms. Massingill asked for a more detailed work process.

Mr. Rose agreed to do so.

Mr. Wiggins seconded the motion.

(MS/C/ TO APPROVE SHEET METAL WATERPROOFING & MOISTURE CONTROL – NEW PROGRAM WITH CHANGES)

ITEM 10 – VALLEY ROOFERS JATC NEW PROGRAM

Morgan Noldi, presented the new program. He said this program is similar to the Southern program with roofing and waterproofing. They have a similar program in California. The program is located at 3100 Mill Street, Reno NV. They will maintain records for Nevada apprentices there.

Mr. Gouker asked how many employers does the program intend to have.

Mr. Noldi stated there was one but there will be others to follow.

Mr. Smith said the 5910 had starting wage is lower than what the Council had approved.

Mr. Noldi said they will change the 5910 form.

Mr. Smith asked who would make up the committee.

Noldi said the committee will be equal with representatives from Nevada.

Mr. Smith asked about the program's ratio.

Mr. Noldi said he would change to the state approved ratio.

Mr. Wiggins asked what the collective bargaining agreement required.

Mr. Noldi said the ratio in the collective bargaining agreement was a minimum of one to one with a maximum of one apprentice to five journeymen. Except for tear offs, that is one to one.

Mr. Smith asked what would happen to apprentices if the program does not work.

Mr. Noldi said they would possibly be transferred to the California program.

Mr. Smith said the OJT on page 21 the numbers do not match 5910.

Mr. Noldi should be the OJT hours should be 4200 hours.

Mr. Smith asked Ms. Henry about the new workforce analysis.

Ms. Henry clarified the workforce analysis. She said the goal for female should be 2.3% and 56.2% for minorities.

Mr. Smith suggested language changes to add missing information to EEO pledge.

Mr. Gouker motioned to approve with changes.

Mr. Wiggins seconded the motion.

(M/S/C TO APPROVE VALLEY ROOFERS JATC NEW PROGRAM)

ITEM 11 OPERATING ENGINEERS JATC – REVISION OF STANDARDS

Greg Smith recused himself and presented the revision of standards. He said on page 7 # 3 the program had cleaned up language regarding probation. Also on page 7 page # 3 the language was changed to reflect 25% of the probation. On page 9 added #7 and last page 30 and 31 added crane operator branch of training. They have broken out the crane operator out as a separate occupation.

Ms. Andriola suggested on page 7 section 4.04 # 4 that they add for just cause shown for 4 & 5.

Mr. Smith agreed to make the change.

Ms. Andriola asked for clarification on the ratio on page 5.

Mr. Smith said he would consult with the committee and make the change.

Ms. Massingill motioned to approve with changes.

Ms. Andriola seconded the motion.

(M/S/C NO OPERATING ENGINEERS JATC WITH CHANGES)

ITEM 12 SIMPLEX GRINNELL - REVISION OF STANDARDS

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Dwight Green, Manger of Apprenticeship and Training, was there to present the changes for the program. He read changes into the record. They replaced Bureau of Apprenticeship with OTELS. The program has also updated their address. They requested a reduction in the ratio. The program was requesting a one to one ratio. Mr. Green explained that these were the same changes that were made to the Reno standards that were approved in 2008.

Ms. Henry said she completed full compliance review. The only problem was with the dissemination of announcement. She said the program was approved four years ago. Although the program has not had a full completion year, they do have 100% retention. Everyone that was originally registered is still active with the program. She said she did the research and analysis on the program's safety records and found no major safety deficiencies since the program has been registered.

Mr. Gouker asked for justification for ratio.

Mr. Green said the ratio that as standards for the industry was one to one. He said other existing program did also have the one to on ratio.

Mr. Smith asked that the physical exam be removed on page 10 section 5.2.

Mr. Green agreed to remove the physical exam.

Mr. Smith questions page 11 Section 5.4. He said he did not understand the language.

Ms. Henry said the language was from national guideline standards. She didn't have a problem removing.

Mr. Green said he would remove.

Mr. Smith stated that he was concerned with the ratio on page 23.

Mr. Gouker motioned to approve with changes.

Ms. Massingill seconded the motion.

Roll call vote:

Mr. Gouker Aye, Mr. Wiggins Nay, Ms. Andriola Aye, Ms. Massingill Aye, Mr. Smith Nay

(M/S/C TO APPROVE SIMPLEX GRINNELL WITH CHANGES)

ITEM 14 – FLOORCOVERERS JATC – REVISION OF STANDARDS

Louis Preciado, Coordinator, and Rob Jorden District Council 15, were present to answer regarding the revision of standards.

Mr. Jorden stated the revision of the standards will bring the standards in line with the industry changes and the current state regulations and statutes.

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Ms. Brown stated that the standards before the Council were almost identical to the standards that the Council had approved for both the So. Glaziers JATC and the So. Painters JATC program.

Mr. Smith asked if the program had more than one instructor.

Mr. Preciado stated that as of that date he was the only instructor for the program.

Mr. Smith said on page 26, the goals and timetables had been left blank.

Mr. Howell said he was provided the new goals and timetables for the program after the meeting.

Ms. Brown said if the program was not given new goals they would have to continue to use the old percentages.

Mr. Gouker motioned to approve with the changes noted.

Mr. Wiggins seconded the motion.

(M/S/C TO APPROVE FLOORCOVERERS JATC – REVISION OF STANDARDS)