

NEVADA STATE APPRENTICESHIP COUNCIL
August 29, 2007

LOCATIONS: **Las Vegas** **555 E. Washington Avenue, 4410**
 Reno **401 South Carson Street Suite 3138**

Members Present:	Kevin Christensen	Chairman, Public Member
	Clara Andriola	Employer Member
	Dana Wiggins	Employer Member
	Rebecca Massingill	Employer Member
	Dan Gouker	Employee Member
	Phil Campbell	Employee Member
Legal Counsel:	Dianna Hegeduis	Deputy Attorney General
Administrative Staff:	Michael Tanchek	Secretary Director
	Keith Sakelhide	Deputy Labor Commissioner
	Lleta Brown	Apprenticeship Training Representative

Guests:

Colleen Henry, Office of Apprenticeship, 600 Las Vegas Blvd. Room 520, LV
Doug Howell, Office of Apprenticeship, 600 Las Vegas Blvd. Room 520, LV
Michelle Cates, ABC of Southern Nevada, 5070 South Arville Street # 4, Las Vegas, NV
Kara Arenas, ABC of Southern Nevada, 5070 South Arville Street # 4, Las Vegas, NV
Don Akins, Elevators Local 18 JATC, 3305 Spring Mountain Road, Las Vegas, NV
Ed Lackey, Elevators, 396 W. Washington Blvd., Pasadena CA
Lou DeSalvio, Laborers Local 872, 4211 E. Bonanza Road, Las Vegas, NV
Dan Rose, Sheet Metal Workers Local 88, 2540 Marco Street, Las Vegas, NV
Victor Kessler, Sheet Metal Workers Local 88, 2540 Marco Street, Las Vegas, NV
Stephen Baublitt, Roofers JATC, 4125 Arctic Springs # 44, Las Vegas, NV
Madison Burnett, Electrical JATC, 620 Leigon Way, Las Vegas, NV
John Williams, No. Plumbers & Pipefitters JATC, 1110 Greg Street, Carson City, NV
John Ainsworth, No. Carpenters JATC, 1360 Financial Blvd, Reno, NV
Ricardo Hipolito, Ironworkers JATC, 4125 Marco Street, Las Vegas, NV
Tina Howell, So. NV Childcare Apprentice, 701 N. Rancho, Las Vegas, NV
Lesley Chaney, So. NV Childcare Apprentice, 701 N. Rancho, Las Vegas, NV
Murray Dominguez, Plumbers & Pipefitters, 750 Leigon Way, Las Vegas, NV
Share Porri, ABC Sierra NV Chap, Reno NV
Don McNamee, Teamsters Training, 4601 E. Cheyenne Suite 103, Las Vegas, NV
Glenn Trowbridge, IBEW NECA, 2835 South Jones # 8, Las Vegas, NV
David Dora, Nevada Brick & Tile JATC, 3900 W. Quail Road, Las Vegas, NV
Daniel Dyrdaahl, Carpenters JATC, 4131 E. Bonanza Road, Las Vegas, NV
John Vincent, So. Carpenters JATC, 4131 E. Bonanza Road, Las Vegas NV
James Sala, So. Carpenters JATC, 4131 E. Bonanza Road, Las Vegas, NV
John Crooks, Operating Engineers Local 501 JATC, 313 Deauville Street, Las Vegas, NV
Todd Schneiderman, operating Engineers Local 501 JATC, 313 Deauville Street, Las Vegas NV
Julie DeHuff, Amazon.com, Fernley NV

**NEVADA STATE APPRENTICESHIP COUNCIL
August 29, 2007**

Chairman Christensen called the meeting to order at 9:00 a.m. inviting participation from all.

Roll call was taken to ensure a quorum.

Ms. Brown requested that Item 4, Paul Majette vs. Elevators Local 18 JATC APPEAL be rescheduled for the November meeting.

Mr. Campbell motioned to table Item 4.

Mr. Gouker seconded the motion.

(M/S/C TO TABLE ITEM 4 UNTIL THE NOVEMBER 2007 MEETING)

ITEM 1 – APPROVAL OF FEBRUARY 2007 MEETING MINUTES

ITEM 2 – APPROVAL OF THE MAY 2007 MEETING MINUTES

Ms. Andriola requested a change to pages four & six of the February meeting minutes.

Mr. Wiggins motioned to approve both sets of minutes with the changes requested.

Mr. Gouker seconded the motion.

(M/S/C TO APPROVE THE FEBRUARY AND MAY 2007 MEETING MINUTES)

ITEM 3 – CONSENT ITEMS: A) ELECTRICAL JATC OF SO. NV WAGE INCREASE, B) IRONWORKERS LOCAL 118 JATC WAGE INCREASE, C) IRONWORKERS LOCAL 416 JATC WAGE INCREASE, D) IRONWORKERS LOCAL 433 JATC WAGE INCREASE, E) SHEET METAL LOCAL 88 JATC WAGE INCREASE

Ms. Andriola said Items C & D were missing information.

Mr. Gouker motioned to approve Item A.

Mr. Campbell seconded the motion.

Mr. Campbell motioned to approve Item B.

Mr. Wiggins seconded the motion.

Mr. Campbell motioned to table Items C & D.

Mr. Wiggins seconded the motion.

Mr. Gouker motioned to approve Item E.

Mr. Wiggins seconded the motion.

(M/S/C TO APPROVE ITEMS A, B, & E)

(M/S/C TO TABLE ITEMS C & D)

ITEM 5 – MICHAEL KEY VS. ELEVATORS LOCAL 18 JATC APPEAL

Mr. Key, the apprentice, Mr. Jim Underwood, journeyman representing the appellant, and Mr. Don Akins, Program Coordinator, were all present regarding this appeal.

Mr. Michael Key said he was cited to appear before the committee for a different matter, and subsequently was informed that he was being removed from the program because he failed to pass a drug test. He said he was never notified by the committee of his appeal rights.

Ch. Christensen asked if he was stating that he did not receive a notice of his appeal rights.

Mr. Key stated that was correct.

Ch. Christensen asked what was the basis of his termination from the program.

Mr. Key stated it was due to his being terminated from the company for failing a drug test.

Ch. Christensen asked which company was that.

Mr. Key said it was ThyssenKrupp Elevators.

Ch. Christensen asked him if he failed the drug test.

Mr. Key said allegedly.

Ch. Christensen asked for clarification of what he meant by allegedly.

Mr. Underwood said that according to the standard agreement any drug test that was not considered positive must be considered negative.

Ch. Christensen asked if he was speaking of the collective bargaining agreement.

Mr. Underwood said he was.

Ch. Christensen asked if the Council had been furnished with a copy of that agreement.

Mr. Underwood said the Council had not, because they had just found it. He read the statement into the records in its original context.

Mr. Campbell asked what the JATC's rules and regulations stated? He said that normally, the JATC had its own set of rules. He asked what year was Mr. Key in the program.

Mr. Key said he was in his first year with the program.

Mr. Campbell asked if he was still on probation.

Mr. Key said his first six months was probation. He was not a probationary apprentice when he was cited.

Mr. Gouker asked if the April 2007 drug test was positive.

NEVADA STATE APPRENTICESHIP COUNCIL
August 29, 2007

Mr. Key said it was. He stated that he completed treatment through a facility on his own.

Mr. Akins stated Mr. Key was verbally notified on several occasions and also by certified mail. He said that Mr. Key is correct in that his original citation was for missing class, but while they were waiting for that citation date, he was terminated by ThyssenKrupp for failing the drug test. The committee did address that issue when he attended the meeting. He said the rules also stated that an unusable specimen is a negative, but refusing to test or provide an adequate sample can constitute insubordination. He was on probation at the time, but the company agreed to keep him and gave him substance abuse assistance at that time. He does believe that Mr. Key was given a chance. According to the policy, the program is required to give substance abuse assistance after the first occurrence. He did have the opportunity. He said he was concerned and offended with the accusation that he did throw Mr. Key out of the program. He said he has spoken with his supervisors attempting to have Mr. Key placed back in the program.

Ch. Christensen asked if he had mailed a notice to the apprentice.

Mr. Akins said he had not mailed a notice to the apprentice.

Mr. Campbell recapped what the Council had been told. He asked if the apprentice had failed a drug test during his probation and was referred to a substance abuse program before April 2006. He asked if the apprentice was referred to a company's medical review officer and subsequently another substance abuse program after the last failed drug test.

Mr. Akins said no, the first one is referred at the expense of the program; the second one is on their own. They are encouraged to attend but the program does not pay for it.

Ch. Christensen asked if the JATC had any rules, regulations or policies regarding substance abuse in the program.

Mr. Akins said no, there weren't any.

Mr. Campbell said the circumstances of an apprentice being canceled after being cited to appear is not unusual. He asked if the committee considered giving him a second chance.

Mr. Akins said that after the second failed drug test the committee was not interested in giving him a second chance because he had been referred to and completed a substance abuse program in the past. A citation letter was sent to Mr. Key but it was returned. He wasn't sure which letter it was returned because he did not open it. He brought it sealed in case the Council wanted to see it.

Mr. Gouker asked if Mr. Key attended the appeal meeting.

Mr. Akin said he did.

Mr. Gouker asked what was the result of the appeal meeting.

Mr. Akin said Mr. Key was canceled.

Mr. Gouker said he was confused by a lot of the hearsay. He asked if the program would consider holding a full hearing.

Mr. Akin said he couldn't answer for the committee, but he believed it would be done if the Council required it.

NEVADA STATE APPRENTICESHIP COUNCIL
August 29, 2007

Mr. Wiggins said he had a problem with the program canceling an apprentice without having any policies to back up the cancellation.

Mr. Campbell said one of the problems is simply that this is a new program.

Mr. Campbell motioned to uphold the cancellation of Mr. Key and that he be reinstated into the program. He requested that the Council direct the program to form policies and procedures which need to be reviewed by the Council at the November meeting.

Mr. Gouker seconded.

Mr. Akins said there is an overview of the program that is read to the new apprentices.

Mr. Campbell said that isn't what the Council is asking for.

Roll Call Vote: Ms. Andriola Aye, Mr. Campbell Aye, Mr. Gouker Aye, Mr. Wiggins Aye, and Ms. Massingill Nay.

Ch. Christensen advised the program that they did have the right to appeal the decision of the Council to the Labor Commissioner.

(M/S/C TO PLACE MICHAEL KEY BACK IN THE ELEVATOR'S LOCAL 18 JATC PROGRAM)

ITEM 6 - ELEVATORS LOCAL 18 JATC REVISION OF STANDARDS

Mr. Akins stated the program wanted to add Helmet to HardHats to the program standards as a method of direct entry.

Ms. Andriola said that page six needed to have the correct information pertaining to apprentices' appeal rights to the Council.

Mr. Akins said he would make that correction.

Ms. Andriola motioned to approve the revision of standard with the correction to page six.

Mr. Wiggins seconded the motion.

(M/S/C TO APPROVE THE ELEVATORS LOCAL 18 REVISION OF STANDARDS)

ITEM 7 – NO CARPENTERS JATC REVISION OF STANDARDS

Mr. Wiggins motioned to table this revision until the November meeting.

Mr. Campbell seconded the motion.

Ch. Christensen stated that there were comments that Ms. Henry brought before the Council. He suggested the program review the suggestions and make corrections to the standards and bring them back to the November meeting.

(M/S/C TO TABLE THE NO. CARPENTERS REVISION OF STANDARDS)

ITEM 8 – CANCELLATION OF PROGRAMS: A) IMPRINTS DAY SCHOOL B) CHILD TIME 1802 C) CHILDREN’S WORLD SUMMERLIN D) CHILDREN’S WORLD OFFICE PARK E) PENTECOSTAL TEMPLE

Lesley Chaney and Tina Howell, So. NV Childcare Coordinators, were both present to answer questions regarding the cancellation. Both stated that all of the programs were voluntarily withdrawing from apprenticeship except for Childtime 1802. They had attempted to contact the program director at Childtime by registered mail and were unsuccessful so they had no other alternative but to close the program.

Ms. Andriola asked if any of the programs had apprentices registered.

Ms. Chaney said no.

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

(M/S/C TO CANCEL A) IMPRINTS DAY SCHOOL B) CHILD TIME 1802 C) CHILDREN’S WORLD SUMMERLIN D) CHILDREN’S WORLD OFFICE PARK E) PENTECOSTAL TEMPLE)

ITEM 10 - A) ACELERO LEARNING CLARK COUNTY: B) CATHOLIC CHARITIES CHILD CARE C) CREATIVE KIDS LEARNING CENTER D) CREATIVE MINDS LEARNING CENTER E) GRANNY’S GARDEN F) LITTLE PARADISE G) TUMBLEWEEDS DAYCARE CENTER H) WNC CHILD DEVELOPMENT CENTER I) CREATIVE KIDS WIGWAM J) KIDS R KIDS # 3 K) ROMP N PLAY L) EDUCARE DEI MONTESSORI M) PRECIOUS TIME LEARNING N) ABC LEARNING CENTER O) APETITE ACADEMY AMBASSADOR

Tina Howell and Leslie Chaney were both available to answer questions regarding these new programs. Both stated that these programs were using the guideline apprenticeship standards.

Ms. Andriola was concerned with the first period wages for Acelero Learning Clark County.

Mr. Howell explained that the first wage listed was listed in error and the form would be corrected.

Mr. Wiggins stated that he was concerned with the low journeymen wages for some of the programs.

Mr. Howell said the wages that are listed on the 5910 form are the minimum wages listed.

Ch. Christensen said programs that were of concern to Mr. Wiggins were item h, l, m and n.

Mr. Campbell said the wages that the Council set was the starting wages; he didn’t believe it was the Council’s authority to set a journeyman rate. He said these were the same types of rates that the previous programs had set.

Ms. Andriola said she agreed with Mr. Campbell.

Mr. Gouker said he was concerned with the amount of programs canceled at each meeting.

Ms. Brown stated that the Labor Commissioner's office had adjusted the minimum wage to \$6.33 with a lower tier being set for companies that have insurance offered.

Ms. Howell said all of the programs offer health insurance to the employees.

Mr. Campbell motioned to approve.

Mr. Gouker seconded the motion.

Roll Call Vote: Ms. Massingill Nay, Ms. Andriola Aye, Mr. Campbell Aye, Mr. Gouker Aye, Mr. Wiggins Nay.

(M/S/C TO APPROVE THE CHILDCARE GUIDELINE STANDARDS - A) ACELERO LEARNING CLARK COUNTY: B) CATHOLIC CHARITIES CHILD CARE C) CREATIVE KIDS LEARNING CENTER D) CREATIVE MINDS LEARNING CENTER E) GRANNY'S GARDEN F) LITTLE PARADISE G) TUMBLEWEEDS DAYCARE CENTER H) WNC CHILD DEVELOPMENT CENTER I) CREATIVE KIDS WIGWAM J) KIDS R KIDS # 3 K) ROMP N PLAY L) EDUCARE DEI MONTESSORI M) PRECIOUS TIME LEARNING N) ABC LEARNING CENTER O) APETITE ACADEMY AMBASSADOR)

ITEM 9 – AMAZON.COM NEW PROGRAM

Colleen Henry introduced Irene DeHuff, HR Manager, and Julie Stromburgh, Facilities Operations Manager. She told the Council that her office and Amazon.com had been working on these standards for roughly the last year and a half.

Mr. Campbell asked for a description of what a facilities technician was.

Ms. Stromburg said the facilities technician is a general mechanic who is an all encompassing tradesman that works for mechanical, electrical, electronics and hydraulics that use basic carpentry and welding skills.

Mr. Campbell asked if they would maintain the entire facility.

Ms. Stromburg said they would maintain the entire facility.

Ms. DeHuff said the company is located in Fernley, Nevada. Their facility is 800,000-sq. ft. with six miles of conveyor systems and highly technical facilitation equipment. The facilities technician was changed by designed to be able to support that 24/7 facility. They have six different maintenance teams with three levels within that department. They have a Tech 1, 2, or 3 currently. They want to be able to develop the employees within the company. They hope to be able to reduce attrition. Once they are able to get people in the higher levels of the technician, the attrition rate is greatly

NEVADA STATE APPRENTICESHIP COUNCIL
August 29, 2007

reduced because of the rate of pay and the skill level. The apprentices will be rotating through the different crews in order to gain skills in every level.

Ch. Christensen asked how many apprentices did the program intend to have.

Ms. DeHuff said they were intending to have four, one for each crew.

Ch. Christensen asked what type of selection process was the program going to use.

Ms. DeHuff said the positions will be posted and the committee will interview the applicants and selection will be made from there.

Ch. Christensen asked if an applicant from the general public wanted to apply for an apprenticeship position would they be able to.

Ms. DeHuff said they would be welcomed to apply as well.

Ch. Christensen asked how the committee members are selected.

Ms. DeHuff said upper management would select the employer representative. The facilities tech group would select the representatives from their group.

Mr. Campbell asked if the No. Stationary Engineers should have been notified regarding this program possibly being a parallel program.

Mr. Wiggins said he agreed with Mr. Campbell that the other programs should be given a chance.

Ch. Christensen said he agreed if it was truly a parallel program. He said the purpose of that regulation was on programs that had the potential for referring apprentices to work out in the field for a participating employer. He did not think this was similar since it was a single employer program.

Mr. Gouker asked if this program would be able to hire the apprentices participating in the program not be hired by Amazon.com. He asked if there was any place in Fernley that this program would be able to pull apprentices from.

Ms. DeHuff said no there wasn't.

Ms. Hegeduis said that agencies have the ability to interpret their own regulations. They are not bound by past determinations, but they would need to give a reason why they are deviating away from the regulations. The Council would need to make a determination as to whether the program has similar objectives or similar jobs that would require notice to an already registered program.

Mr. Campbell said one of the reasons to have the parallel program is to have the similarly registered program have the ability to comment on the subject and the materials taught. That way the other program could basically comment on the validity of the applicant program.

He said since it was an in-house program, he didn't see a conflict.

Ms. Brown said she had pulled the standards from the No. Stationary Engineers standards. She said some of the OJT training hours provided was in boilers, air compressors, and pumps. She said as the person reviewing the programs, she is only looking at what is listed on the OJT/RTI forms. She does not speculate on what the programs may be training in.

Mr. Campbell asked about the apprentice wages. He said there needs to be a progressive wage schedule added to the form.

Ms. Henry said there is a wage progression. The progression is given within tiers.

Ms. DeHuff said that apprentice will receive a starting wage based on their skill level. After that the apprentice would be reviewed at six months and wage increase at a minimum of once every 12 months.

Ch. Christensen said the wage increase has to be a progressive wage during the period of the apprenticeship. The programs do not have the option of when they receive it. The program should clarify section 16 of the standards.

Ms. Henry the program will add a table with the minimum wage progression.

Mr. Campbell said the Scholarship Agreements should be taken out of the standards.

Ms. DeHuff agreed to remove that section.

Mr. Campbell motioned to table this item until proper notice to be given to the program that may be considered parallel.

Mr. Wiggins seconded the motion.

Roll Call Vote: Ms. Massingill Nay, Ms. Andriola Nay, Mr. Campbell Aye, Mr. Gouker Nay, Mr. Wiggins Nay.

M/S/D

Ms. Andriola motioned to approve the program including the suggested corrections and changes.

Ms. Massingill seconded the motion.

Roll Call Vote: Ms. Massingill Aye, Ms. Andriola Aye, Mr. Wiggins Nay, Mr. Gouker Aye, Mr. Campbell Abstained, on the grounds that he didn't believe proper procedure had been followed.

(M/S/C TO APPROVE AMAZON.COM)

Ms. Andriola commended the program on coming forward with this new innovative program.

ITEM 11 – STAFF REPORT

Ms. Brown commented that the cancellation of the childcare programs in Item 8 were due to her and the childcare coordinators diligent work trying to close programs that have zero apprentices registered. She said there would be more to come. The new way of registering a childcare program will include them having an apprentice ready to be registered.

She reported that there were 219 registered programs, 26% have 5 or more, 32% have 1 to 4 apprentices and 42% programs with no apprentices. This year was a big graduation year. She said there were 10,314 apprentices registered. She said that back in February 2000, there were 4,000 apprentices registered. There is 45% minority participation, 9% female, 29% overdue apprentice and 7% that are veterans. She said there would be a compliance review report at the end of the fiscal year.

ITEM 12 – REPORT OF BUREAU OF APPRENTICESHIP AND TRAINING

Ms. Henry asked if any of the Council members had any additional comments to add regarding the No. Carpenters standards. She asked that they be emailed to her or Ms. Brown.

She reported that IBEW has updated their National Guideline Standards. There are new National Guideline Standards for the Geospatial industry and the Optometry and Contact Lens Association. There have been two new hybrid (time and competency based) occupations added; they are accounting technician and a security officer.

The Secretary of Labor has issued a training employment guidance letter. She said the letter could be downloaded from her website. The letter is leveraging registered apprenticeship as a workforce development strategy.

Mr. Gouker asked that Ms. Henry assure that the Council receives the monthly reports from Smiley Women's Prison.

Ms. Henry said she would follow up on that. Dr. Edwards was promoted to another facility. She will be sure to have that report at the next meeting.

ITEM 13 – REPORT OF DEPUTY ATTORNEY GENERAL

Ms. Hegeduis reported that Kim Maxim had filed a petition for Judicial Review.

ITEM 14 – REPORT OF SECRETARY DIRECTOR

Mr. Tanchek introduced Mr. Keith Sakelhide, Deputy Labor Commissioner, to the Council. He said that the Governor has asked that administrators look for Federal funding in untapped resources. He said he would like to find ways to get more training for Ms. Brown.

ITEM 15 – PUBLIC COMMENT

There were no comments.

ITEM 16 –ADJOURNMENT

Mr. Gouker motioned to adjourn.

Mr. Campbell seconded the motion.

(M/S/C TO ADJOURN)