

NEVADA STATE APPRENTICESHIP COUNCIL
February 16, 2007

LOCATIONS: **Las Vegas** **2310 Corporate Circle, Suite 200**
 Reno **9670 Gateway Drive, Suite 100**

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

Guests:

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
Louis Louprias, So. Operating Engineers JATC, P O BOX 363219, N. Las Vegas, NV
Mike Russell, Operating & Maintenance Engineers, 313 Deauville Street, Las Vegas, NV
John Crooks, Operating & Maintenance Engineers, 313 Deauville Street, 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
Rebecca Smith, Teamsters Local 631 JATC, 4601 E. Cheyenne # 103, Las Vegas, NV
Denise Malowitz, Teamsters Local 631 JATC, 46001 E. Cheyenne, # 103, Las Vegas, NV
Stephen Baublitz, Roofers JATC, 4125 Arctic Springs # 44, Las Vegas, NV
Madison Burnett, Electrical JATC, 620 Leigon Way, Las Vegas, NV
Lamar Jones, Electrical JATC, 620 Leigon Way, Las Vegas, NV
David Benites, Energy Erectors, 2958 N. Commerce Street, North Las Vegas, NV
John Williams, No. Plumbers & Pipefitters JATC, 1110 Greg Street, Carson City, NV
Harry Mowrey, No. Floorcovers JATC, 1819 Hymer Avenue, Sparks NV
John Ainsworth, No. Carpenters JATC, 1360 Financial Blvd, Reno, NV
Tina Howell, So. NV Childcare Apprentice, 701 N. Rancho, Las Vegas, NV
David Klucka, General Delivery, Las Vegas NV
Murray Dominguez, Plumbers & Pipefitters, 750 Leigon Way, Las Vegas, NV

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

Roll call was taken to ensure a quorum.

ITEM 1 – APPROVAL OF NOVEMBER 17, 2006 MEETING MINUTES

Mr. Campbell motioned to approve.

Ms. Andriola seconded the motion.

(M/S/C TO APPROVE THE NOVEMBER 17, 2006 MEETING MINUTES)

ITEM 2 – WORKSHOP FOR THE ANNUAL REVIEW OF THE APPRENTICE MINIMUM WAGE FOR THE CONSTRUCTION INDUSTRY

Ms. Brown reported to the Council that the at last workshop the Council had voted to change the language of NAC 610 regarding the minimum wage for apprentices. She said since there was no formal language adopted the Council would have to use the existing language and review the proposed increase based on that information. She said the increase would change the minimum wage from \$9.77 per hour to \$10.10 per hour.

Ch. Christensen asked if there would be a new regulation workshop where the formal language could be proposed and adopted in the near future.

Ms. Brown said yes.

Ms. Andriola said if the new formula had been adopted there would be an increase of \$10.30 per hour instead of the \$10.10.

Mr. Campbell motioned to approve.

Mr. Wiggins seconded the motion.

Ch. Christensen asked for public comment.

No public comment.

The workshop was closed.

ITEM 3 – HEARING FOR APPRENTICE MINIMUM WAGE FOR THE CONSTRUCTION INDUSTRY

Mr. Campbell motioned to approve the apprentice minimum wage to \$10.10 per hour.

Mr. Wiggins seconded the motion.

M/S/C TO APPROVE THE APPRENTICE MINIMUM WAGE TO \$10.10 PER HOUR.

ITEM 4 - CONSENT ITEMS: A. SIMPLEX GRINNEL (RENO) B. SIMPLEX GRINNELL (LAS VEGAS) C. SO. ASBESTOS WORKERS JATC.

Mr. Campbell said that items A & B were not completed properly. The program's name was not correct.

Mr. Campbell motioned to table this item.

Mr. Wiggins seconded the motion.

M/S/C TO TABLE ITEMS 4 A & 4B

Mr. Wiggins motioned to approve Item 4C.

Mrs. Massingill seconded the motion.

(M/S/C TO APPROVE THE SO ASBESTOS WORKERS JATC WAGE INCREASE)

ITEM 5 – ENGERY ERECTORS

Mr. Madison Burnett, Director of So. Electrical JATC was present. He stated that he had presented a letter to the Council asking that the program be monitored.

Ms. Brown said that the NAC 610 has a regulation that requires all new programs be placed on a mandatory probation for the first two years. She said she would be conducting quarterly quality assessments on that program.

ITEM 6 – MICHAEL KENNEDY VS NO. PLUMBERS JATC APPEAL

Mr. Kennedy was present. He said the purpose of his appeal was because he believed that his cancellation was for being laid off and that lay off was unjustified. He said the lay off was due to a complaint against him that was untrue in his opinion. Because of that lay off he was canceled from the program.

Ch. Christensen asked which company did Mr. Kennedy work for.

Mr. Kennedy said he worked from Pacific Mechanical Contractors. In October he said he went to the committee meeting to appeal his cancellation, but never submitted anything in writing. He was told that the committee would not hear him. He later received a certified letter stating that he was canceled from the program. He did reapply for the program but was not reregistered.

Ch. Christensen asked Mr. Kennedy if he had reviewed the information that was sent by the program.

Mr. Kennedy stated that he had not received that packet.

Mr. Campbell asked if Mr. Kennedy was canceled at the July 13, 2006 meeting . He also asked if Mr. Kennedy was present.

Mr. Kennedy said he was not present because he had written the wrong date down on his calendar.

Ms. Andriola asked if Mr. Kennedy was notified of that appeal date. She asked if it was normal to just appear at the Committee meetings without any written notice. Or was there a formal process that he was supposed to follow in order to see the committee.

Mr. Kennedy said from what he understood if the apprentice had an issue that they wanted to be heard, they could just show up and verbally let them know right before the meeting, but no official process.

Ch. Christensen asked Mr. Kennedy if he had received any decision in writing.

Mr. Kennedy said he did not receive any letter about a stipulation or decision.

Ch. Christensen said he was concerned that the appellant had not had the opportunity to have a proper hearing. He was also concerned that Mr. Kennedy did not have the information provided by the program.

Mr. John Williams, Coordinator for the No. Plumbers and Pipefitters JATC, stated that Mr. Kennedy was on probation in the program. Mr. Kennedy did miss the appeal meeting because he had shown up on the wrong day. The program's probationary term is 1700 hours of on the job training hours and 246 related instruction training hours. He said Mr. Kennedy had 1356 on the job training hours and 228 hours for related training instruction. He said during his probation Mr. Kennedy had missed class and work time. He said he is the person who normally takes the apprentices in to see the committee. He saw Mr. Kennedy and when the committee was finished with the people on the schedule, he informed the committee that Mr. Kennedy was waiting. He did not submit any formal appeal request. The committee decided they would not see him. The program feels they had followed the rules and regulations pertaining to dropping Mr. Kennedy from the program. He said that although Mr. Kennedy was not selected he is on the ranking list for selection.

Mr. Campbell asked if the July 13th meeting was the meeting that Mr. Kennedy was canceled at due to his not appearing.

Mr. Williams that is correct.

Mr. Campbell asked if Mr. Kennedy was present at the September 13th meeting. And if at this meeting he was accepted back into the program.

Mr. Williams said he did appear at the meeting. Mr. Kennedy stated that he wanted to show that he was better than his evaluations had said he was. He was accepted back into the program, dispatched to another job, and had his probation extended. He was also told that he had to make

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up his missed classroom time and told that any additional negative evaluations would result in further action by the committee.

Mr. Campbell again asked if Mr. Kennedy was present at the meeting. He asked if he was notified that any further incidents would mean that he might be terminated.

Mr. Williams said that was correct.

Mr. Campbell asked why the apprentice was not seen at that last committee meeting.

Mr. Williams said that was because Mr. Kennedy had not submitted a written request to see the committee.

Ms. Massingill asked Mr. Williams if the apprentice had submitted a letter to appear before the committee at the September meeting.

Mr. Williams said no, the committee had sent him a letter directing him to appear.

Ms. Massingill asked how would the apprentice know that they were supposed to submit a letter to the committee in order to see them, if it is not required of them to do so in the program standards.

Mr. Williams said he is not sure if Mr. Kennedy was told that he needed to submit a request in writing first.

Mr. Campbell motioned to uphold the decision of the committee. He said the committee had seen the apprentice the month prior and given him another opportunity. He believes the program is correct in their actions.

Mr. Smith seconded the motion.

Ms. Andriola asked for discussion on the motion. She was concerned that Mr. Kennedy did not receive his information packet. She said she was not disagreeing with the motion, but she was concerned that Mr. Kennedy did not have the proper information in front of him.

Mrs. Massingill said she shared the same concerns.

Mr. Smith said he agrees with Mr. Campbell's motion.

Roll call vote, Ms. Massingill Nay, Mr. Smith Aye, Ms. Andriola Nay, Mr. Wiggins Nay, Mr. Campbell Aye.

Motion failed.

Ms. Andriola motioned to table this item and asked that Mr. Kennedy's notice be sent certified.

Ms. Massingill seconded the motion.

(M/S/C TO TABLE THE APPEAL OF MICHAEL KENNEDY VS. NO PLUMBERS JATC APPEAL)

ITEM 7 – DAVID KLUCKA VS. TEAMSTERS TRAINING JATC APPEAL

Mr. David Klucka was present to answer questions and present his appeal.

Ms. Brown stated that she had prepared a memo for the Council to review. In the memo she stated to the Council that she had not received a new written response to his appeal. She stated that since Mr. Klucka did not follow the request of the Council, her request was for the Council to not hear the matter.

Ch. Christensen read the memo into the record.

Mr. Klucka said he was ready to go forward with this appeal. He said Ms. Brown advised him that the only matters that could be heard by the Council, were the issues that were brought up at the committee meeting. With that being said, he believes he was laid off due to his supposed to laying himself off. He said the employer requested that he write "lay off" on his one time sheet. He said he submitted a copy of the timesheet to the Council. He said there was a dispute in hours.

Ch. Christensen asked if he had filed a grievance with the union.

Mr. Klucka said he did not, because it was not accepted by the business agent Sparky.

He said he requested a copy of his information that the program has and it was denied.

Ch. Christensen asked Ms. Brown if Mr. Klucka had received a copy of information furnished by the committee to the Council.

Ms. Brown answered yes.

Mr. Klucka said he has spoken with someone that was retired from EEOC. And that person said that Mr. Klucka's appeal to the committee has not been handled properly.

Ch. Christensen asked if that person was present.

Mr. Klucka said no he is retired. He went on to state that he was denied a copy of any evidence or facts about why he was called before the committee. He said he was accused of being drunk on the jobs, but they did not give him any dates that the incidents were to have occurred.

Mr. Campbell asked Mr. Klucka if he was a probationary apprentice.

Mr. Klucka said yes he was.

Ms. Rebecca Smith, Director of the Teamsters Training JATC was present to answer questions regarding this appeal. She said the reason that the grievance was not accepted was because their contract does not require the contractors to pay for lunches. She said this is the second time that Mr. Klucka has been canceled from the program. The first time was because he was out of contact

with the training center. She said he was given a second chance. She said she received a letter from Jimmy Genzano regarding Mr. Klucka. The letter was read into the record. He said that Mr. Klucka said he had to have more hours. And that he said they could lay him off. He was told that he would have to lay himself off. She said that the apprentices do understand that they are not allowed to lay themselves off. In regards to him being supplied with the information that he requested, she said she had referred him to Cindy Gardner because he said he feared for his safety and would not provide them with a current address. She said she tried to give him another set of the standards to read and he refused.

Mr. Campbell asked if Mr. Klucka was a probationary apprentice and if the request for a lay off was a violation of the program's policies and procedures.

Ms. Smith said yes.

Mr. Klucka said that Ms. Smith's testimony was inaccurate.

Ms. Massingill motioned to deny the appeal of Mr. Klucka on the basis that Mr. Klucka was a probationary apprentice.

Mr. Wiggins seconded the motion.

(M/S/C TO DENY THE APPEAL OF DAVID KLUCKA)

ITEM 8 – MGM GRAND – NEW PROGRAM

Ch. Christensen recused himself on this matter.

Mr. Campbell chaired.

Mr. Floyd Williams, Secretary for Program, was present to answer questions regarding this new program.

The Council stated that their program standards were missing several pages in the packet including the selection procedure. Mr. Smith said he would put a list of his concerns together and submit them to Doug Howell.

The program withdrew this item.

ITEM 9 – NO FLOORCOVERS JATC REVISION OF STANDARDS

Mr. Harry Mowrey, Coordinator, was present to answer questions regarding this matter. He said that he had appeared before the Council in February of 2006. He said he had addressed all the issues that Colleen Henry had addressed at that meeting.

Mrs. Henry said she did work with the program to address her concerns. She had no additional programs with the standards.

Mr. Mowrey said that if the Council approves these standards the No. Painters would be submitting the exact same standards.

Ms. Andriola motioned to approve this program.

Ms. Massingill seconded the motion.

(M/S/C TO APPROVE THE NO. FLOORCOVERERS JATC REVISION OF STANDARDS)

ITEM 10 – CHILDCARE GUIDELINE STANDARDS A) PRECOUS TIME LEARNING CENTER B) THE LEARNING TREE PRESCHOOL C) BROOKFIELD TLC

Ms. Tina Howell, Coordinator for the Nevada Childcare Programs was present to answer questions regarding these new programs.

Mr. Campbell said the 5910 for Item C has the wrong occupational title. He asked that it be corrected to say Childcare Specialist.

Ms. Howell agreed to make the change.

Mr. Campbell motioned to approve the new programs with the correction to the 5910 for Item C.

Ms. Andriola seconded the motion.

(M/S/C TO APPROVE CHILDCARE GUIDELINE STANDARDS A) PRECOUS TIME LEARNING CENTER B) THE LEARNING TREE PRESCHOOL C) BROOKFIELD TLC)

ITEM 11 – STAFF REPORT

Ms. Brown reported that there are 214 new programs approved. There are 9489 total active apprentice, with 42% minorities, 10% female.

ITEM 12 – REPORT OF OFFICE OF APPRENTICESHIP

Ms. Henry reported on the new occupations recently approved in the National office. She said that she and Mr. Howell had submitted and had approved three new occupations. They are Field Technician Inspectors, concrete masonry, inspector for soil and asphalt and inspector for steel welding and fireproofing. Grant applications are currently being accepted for Women in Non-traditional Employment. The major provision of the grant would require that there be 100 new women brought into the construction industry. She asked that Staff provide her office with all copies of the complaints be sent to their office as well.

Ms. Brown and the Council agreed to submit a copy of the complaints to her office.

Ms. Andriola motioned to have staff to meet with Ms. Henry to figure out how to determine these issues.

Mr. Campbell seconded the motion.

Ms. Henry said she was concerned with a program that may be extending apprentices for lengthy amounts of time. She said she has a compliance review scheduled in March for the So. Painters.

Mr. Campbell said before the Council jumps to conclusion the compliance review should be completed.

ITEM 13 – REPORT OF DEPUTY ATTORNEY GENERAL

Dianna Hegeduis was present. She reported on the Circular that was issued by the U.S. Dept of Labor back in 1984. She said it was based on a court decision Bailey vs. South Eastern Area Joint Apprenticeship Committee. She said she had reviewed the cases that were cited in this case and statutes and regulations. She said there was a very good point to it. Using the veteran status to award points could be considered discriminatory, because there are more men in the military than women. She said if the program was to base the military experience on OJT they may be able to do so in accordance to NAC 610.650. She said she would provide any of the documentation that she had reviewed to anyone that wants any.

Mr. Campbell said this was based on the approval of the So. Sheet Metal's revision of standards. He said he was concerned that there may be a problem.

Ch. Christensen said he understood the report to mean that there was a possibility for an adverse impact on a particular group. In this case females. He said in order for it to be a violation, someone would have to claim discrimination and show that over a period of time that females have been negatively impacted because of this factor. He said if program awards military points it would be best to tie it back to some time of government regulation or statute and they would need to be aware of the implications.

Mr. Smith asked if Helmets to Hard-hats fits in this anywhere.

Mr. Campbell said Helmets to Hard-hats required previous experience or training in the craft.

ITEM 14 - REPORT OF SECRETARY DIRECTOR

Mr. Tanchek said the Office of Apprenticeship was conducting surveys on apprenticeship. He advised that the survey was being sent randomly to programs and sponsors. He said that there were two bill drafts that concern the Council. The first was for funding the Dept. of Education; the second was for the Sunset law on the Tax credit. He said that he would be supporting the bills on behalf of the Council.

ITEM 15 – PUBLIC COMMENT

Ms. Andriola asked if the Council could draft a letter in support of the Dept of Education funding bill.

Ch. Christensen said he was concerned that it was not an agenda item.

Mr. Tanchek said he remembered the discussions. He said he cautioned the Council about sending a letter of support before they had a chance to review the documentation. He said he would be happy to testify on behalf of the Council.

Mr. Rose, So. Sheet Metal, said his program does give points for veterans. The program thought it would help them get more women in the program because there are more women in the military now. He asked if this was still okay.

Ch. Christensen said there were no complaints but the program need to be advised that there are concerns.

ITEM 16 – ADJOURNMENT

Mr. Campbell motioned to approve.

Mr. Wiggins seconded the motion.

(M/S/C TO ADJOURN)