

OREGON STATE APPRENTICESHIP AND TRAINING COUNCIL

RULES AND POLICY SUBCOMMITTEE

March 2, 2011 - 9:30 am

Meeting Summary

Michael McFall, Chair

I. Call to Order – 9:35 am

II. Introductions

Council Members:

Paul Hill, Public Member  
Bob Ferguson, Industrial Employer  
Mike Pollock, Trades Employee

Bob Rogers, Public Member  
Mike McFall, Industrial Employee  
Nelda Wilson, Trades Employee, arrived at 9:55 am

Staff Members:

Stephen Simms, Director, Apprenticeship and Training Division (ATD)  
Karen Dale, Apprenticeship Operations Manager  
Paul Joiner, Apprenticeship Integration Coordinator  
Larry Williams, ODOT Support Services Coordinator  
Elaine Dibble, OSATC Recording Secretary

Apprenticeship Representatives:

Tamara Boyd, Portland  
Maureen Pointer, Portland  
Jeff Hauck, Bend

Loren Burnham, Salem  
Tony Cracolice, Eugene  
Richard Petersen, Portland

III. Welcome

IV. Subcommittee Member Reports

V. **OSATC Task Force Reports**

**A. Administrative Rules and Policy Task Force**

i. Obsolete OSATC Policies 9, 16, 22

**M/S/C unanimously by voice vote to recommend revocation of Policies 9 and 22.**

Policy 16 will be deferred for review at the **June 2011** Rules and Policy Subcommittee meeting.

**B. Affirmative Action Task Force (AATF)**

A general AATF meeting has not been held in the last year while ATD continued work on finalizing Phase I recommendations:

**Cultural Competency/Diversity Training**

Discussion centered on the efforts to bring a master trainer here to certify local trainers at a community college or with other partners. It may also be possible to utilize a third party expert. Target implementation date is **September 1, 2011** for all registered programs.

Neither the Council nor ATD has authority to mandate journey worker training, but ATD will try to negotiate a contract to provide that training. It would then be the training agent's obligation to send their journey workers to the training.

**Mentoring**

Work in this area has been deferred until completion of the cultural competency and diversity training.

**Oregon Apprenticeship Website**

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An activity report was provided. The apprenticeship community was encouraged to support the website by providing new and updated content.

VI. Staff Reports

A. Compliance

Compliance review progress was reviewed for 2008-09 cycle.

B. Budget Forecast

The budget to be appropriated by the legislature is expected to be final in late May 2011. Based on current predictions, ATD could lose as many as 2.5 FTE positions.

C. BOLI-ODOT Supportive Services Project Status

Awards have been made to Cooper-Zietz Engineers and partners, Portland Youth Builders and Portland Community College. Agreements with the Oregon Laborers JATC and ACE Academy are nearly complete.

VII. Follow-up Reports from Previous Council Meetings

A. Multi-State Reciprocal Agreement

ATD is waiting for a response from Washington after the Council directed staff to request a joint OSATC-WSATC meeting.

An industry meeting was held at the Oregon Building Codes Division (BCD) on February 25, 2011 regarding temporary electrical apprentice licenses. The licenses are currently issued to apprentices covered under the reciprocal agreement but are non-renewable and limited to a single project not exceeding 180 days. BCD will initiate rulemaking to enable a renewable reciprocal license in the near future.

B. DOC Evaluation (MA 6040 Ratio)

The scheduled visit to DOC facilities could not take place and will be rescheduled at the earliest opportunity. The committee is demonstrating timely and appropriate action with respect to training agent issues.

C. PWR for Apprentices in Sub-Classifications

The Wage and Hour Division is drafting a revised administrative rule to address the issue of apprentices working in standards that embrace multiple occupations. The revision will allow an apprentice to be paid the apprentice wage for his or her occupation so long as the work performed is within the scope of the applicable standards.

The Rules and Policy Subcommittee will need to more globally address the issue of apprentices working outside of the scope of their apprentice standards, particularly when the hours recorded in the certified payroll record and the MPR do not match.

D. ORS 660 Revision Status (29 CFR 29 amendments) – *Covered under Agenda Item VIII-C (HB 2034)*

E. Committee Minutes & HIPAA issues

The letter will be mailed this week, with an effective date of **April 1, 2011**.

VIII. Discussion Items

A. Related Training Parameters – Division Recommendations

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All programs must submit certification of curricula. Proposed notification to all committees was presented for subcommittee review. Revisions will be made per subcommittee discussion and forwarded for review at the **March 2011** Council meeting.

B. OAR revisions – Training Materials

Staff will provide a PowerPoint presentation at the **March 2011** Council meeting.

C. Legislative Update

HB 2923

Would create a separate apprenticeship fund by assessing \$500 on every \$1M contract on public works improvement projects. The fund would be administered by the Council and ATD to support plans and programs that increase diversity on public projects. This fund could also provide grants for career and technical education in the construction and manufacturing industries. Additionally, the money could be used to oversee programs for compliance. Could potentially generate \$1.7M per year.

HB 3362

Continuation of Commissioner Avakian's efforts to reintroduce career and technical education in the schools. Directs cooperation between the Oregon Department of Education, BOLI, and community colleges working with private enterprise.

HB 2034

Introduced to align Oregon apprenticeship statutes with those of the federal government. The measure has passed out of the House and moves on to the Senate for Consideration.

D. Effective Registration Dates for Apprentices and Training Agents

Training agent registration is effective the date ATD receives both a fully executed agreement and meeting minutes indicating committee approval according to OAR 839-011-0162. Training agents may not utilize apprentices prior to that date.

Apprentices are also registered after ATD receives a fully executed agreement and meeting minutes indicating committee approval, although a 90-day grace period is allowed for non-licensed occupations per OAR 839-011-0088. This will be reduced to 45 days when the new federal regulations are adopted in Oregon.

Fully executed agreements have consistently been defined as containing original signatures. Current legislation may alter existing electronic signature regulations in Oregon. ATD will then review requirements and update systems and procedures to accommodate its usage. A comprehensive report will be provided at the **June 2011** subcommittee meetings.

IX. Pending Subcommittee Items Requiring Additional Research (*Deferred to Jun 2011*)

A. Selection Methods – Use of Exceptions/Alternating Employer Choice

B. Average Journey Wage – Analysis of Variances

X. Correspondence

XI. Council and Subcommittee Meeting Dates

1<sup>st</sup> Qtr Council:                      March 17, 2011, **11:00 am**                      Local 16 Sheet Metal Institute, Springfield

2<sup>nd</sup> Qtr Subcommittees:              June 1, 2011    Portland State Office Building Room 1A

2<sup>nd</sup> Qtr Council:  
Training Center                                      June 16, 2011      NECA-IBEW Electrical

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XII. Good of Apprenticeship

Mr. Pollock described how his committee's training center is now being used by the Tigard -Tualatin School District for technical classes. He encouraged other committees to consider allowing local high schools to use their training facilities if they are available during the day.

A DOL grant is available to support the move to green jobs. Its intent is to help people, such as dislocated workers, unemployed individuals and returning veterans, update their work skills. It can also be directed to apprenticeship and pre-apprenticeship programs. Applications are due **March 24, 2011**. Members of the apprenticeship community are encouraged to contact Mr. Simms or Mr. Hill with information about skill sets needed within the trades for "green" training.

Ms. Wilson announced that a mediated settlement was reached between Tapani Plumbing and the South Waterfront project in November of 2010. The settlement has been distributed between the PCC ETAP, Irvington-Covenant Constructing Hope and Portland Youth Builders programs.

XIII. Adjournment – 11:32 am