

**OREGON STATE APPRENTICESHIP AND TRAINING COUNCIL
STANDARDS REVIEW SUBCOMMITTEE
Meeting Minutes - June 3, 2009**

Ken Fry, Chair

I. Call to Order

Chair Fry called the meeting to order at 1:42 p.m.

II. Introductions

Council members:

John Rozell, Trades Employer
Nelda Wilson, Trades Employee
Ken Fry, Trades Employee

Bob Rogers, Public Member
Mike McFall, Industrial Employee
Bob Ferguson, Industrial Employer

Staff members:

Stephen Simms, Director, Apprenticeship and Training Division
Karen Dale, Apprenticeship Operations Manager
Paul Joiner, Apprenticeship Preparation Project Manager
Maureen Pointer, OSATC Recording Secretary

Apprenticeship Representatives:

Stacy Ozer, Portland
Tamara Boyd, Portland
Larry 'Will' Williams, Portland

Beth Farmer, Eugene
Tony Cracolice, Eugene
Richard Petersen, Portland

III. Welcome

IV. Staff Reports

A. Late Submission Requests

1173 Freightliner/Western Star Manufacturing Plants JATC
Committee Name Change
Dissolution of Standards (2)

M/S/C by unanimous voice vote to recommend addition of **MA 1173** as a late submission to the agenda.

B. Internal Review

A modified new standards submission form has been developed and was used this quarter for two new standards. Council member comment and feedback regarding the new form is welcome.

C. Compliance

Four compliance reviews in the new format have been submitted for approval this quarter. Staff are still working on the affirmative action analysis form to reincorporate statistical calculations into the review. A final analysis form will be available for review at the June 2009 Council meeting. Council member comment and feedback is welcome.

D. Website

The Website Team continues to work on modifying the organizational format on the Apprenticeship and Training Division website. End-user buttons for applicants, apprentices, committees, training agents, etc. have been implemented to facilitate easy access to the most relevant information. The team is also conducting a page-by-page review of the information on the website. The division's website is www.oregon.gov/boli/atd.

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E. Inactive Standards

In accordance with OAR 839-011-0140, staff proposed dissolution of six standards that have been inactive for more than two years. Committees will be notified of the proposed dissolution and will be required to submit a written request for review at the next subcommittee meeting if they wish to retain active status. This will be a subcommittee and Council agenda item in September 2009.

V. Follow-Ups from Previous Council Meetings

Chair Fry requested that Agenda Item VI D be taken out of order, immediately following the discussion for MA 1004/1053 due to the similarity of the issues.

A. 1004/1053 – Felony Checks - Jan 2009

Committee representatives present: Rod Belisle, Training Director; Tim Foster, Committee Member

Additional testimony:

Marci Wichman, Assistant Training Coordinator, Local 290 Plumbers and Steamfitters (MA 1070 & 1071), Judy Betts, Secretary, Lane/Douglas Counties Carpenters JATC (MA 3038)

MA 1004, NECA-IBEW Electrical JATC and MA 1053, Limited Energy Technician JATC submitted revised standards to the December 2008 Council meeting that would have permitted the committees to conduct felony background checks on applicants. There was extensive discussion with respect to the legal issues surrounding such a procedure and the Council approved the standards contingent upon removal of the background check language.

Staff was directed to work with the sponsor to resolve the issue. Removing the background checks from the minimum qualifications and making them part of the dispatch process addresses most of the concerns under the EEOC regulations and case law with respect to the proposed requirement. The remaining issue relates to whether this procedure within the dispatch process would violate EEOC's requirements for confidentiality of criminal information not directly related to the ability to perform the job.

Staff would prefer that felony background checks not be conducted by the committee, because employers have freedom to conduct background checks, drug testing, etc. once they make an employment offer. The issue becomes more complicated prior to offers of employment and committees are more likely to be held liable than employers.

The UA 290 Plumbers and Steamfitters (MA 1070 and 1071) have proposed an alternate method. The felony background check would be performed after individuals are placed in the pool of eligibles. Employers would be required to provide the committee with a list of felonies that would not be acceptable to the employer based upon the nature of their work. Eligible applicants could not be excluded simply because of a felony conviction unless the conviction related directly to the ability to form an employment relationship with a specific employer for work related reasons. The coordinator would have the ability to determine which eligible applicants would be ineligible for dispatch to a specific job site due to employer restrictions. This process would ensure the protection of the eligible applicant's confidentiality rights by not disclosing more information than necessary for the job.

Mr. Belisle stated that the UA 290 proposal is essentially what his committees had discussed and he noted that they are willing to make those revisions. They believe a legal solution is needed that provides apprentice confidentiality and meets the needs of the job assignment. He added that the intent is to protect the apprentice, not service the employer.

Ms. Wichman provided background information regarding the MA 1070 and MA 1071 requests to implement felony checks. She noted that it is embarrassing for apprentices to get pulled from a job site after a background check and it is difficult for her to talk with the apprentice about their personal background. It would be more efficient if the committee knew an apprentice was ineligible for a specific job due to a felony conviction prior to dispatch. The committees have confidential databases and locked confidential files kept within a locked office to which only limited staff have access. She believes that background checks would make the process more confidential and less intrusive for everyone involved.

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Director Simms recommended that Mr. Belisle's programs revise their standards to adopt UA 290's proposed process. Under UA 290's proposed policy the committee will not disclose a list of individual's felonies, but will be able to determine in advance which individuals are ineligible to dispatch to certain job sites or employers.

Council Member Rogers suggested that a Council policy be drafted and approved to ensure statewide consistency and uniformity when other committees request to utilize felony background checks as part of their dispatch process.

Mr. Simms responded that the Division could draft a guidance letter or written interpretation, including a prologue explaining the reasoning behind the preference for employers to conduct background checks instead of the committee.

Ms. Betts noted two additional issues to consider:

- An apprentice dispatched to one job site may be moved to additional job sites that don't accept felons. Employers may assume that the apprentice is cleared for all job sites and confidentiality may be breached when they find out otherwise.
- The importance of designating one specific person to make the determination regarding felons and dispatch.

M/S/C to recommend approval of **MA 1004/1053** resubmitting revised standards for approval in June 2009 contingent upon working with staff to incorporate felony background policy language into the standards prior to the June 2009 Council meeting:

Mr. Ferguson	Yes	Mr. McFall	Yes
Mr. Rogers	Yes	Mr. Rozell	Yes
Ms. Wilson	Yes	Mr. Fry	Yes

1070 OR SW-WA NW-CA Plumbers JATC *(Taken out of order)*

- **Revised Standards**
Plumber

1071 OR SW-WA NW-CA Steamfitters JATC *(Taken out of order)*

- **Revised Standards**
Steamfitter & Steamfitter with LEB

Committee representative present: Marci Wichman, Assistant Training Coordinator

M/S/C to recommend approval of **MA 1070** and **MA 1071** revised standards:

Mr. Ferguson	Yes	Mr. McFall	Yes
Mr. Rogers	Yes	Mr. Rozell	Yes
Ms. Wilson	Yes	Mr. Fry	Yes

M/S/C by unanimous voice vote to recommend approval of **MA 1041, 1062, 1135, 2008, 2017, 3012, 4005** revised standards and **MA 6012** new standards that all met their contingencies for approval:

- B. 1041 OR SW-WA IUOE Local #701 & AGC JATC – selection status – Dec 2008/Jan 2009
Revised Standards (3)

Standards were originally submitted in December 2008 and subsequently withdrawn; resubmitted with proposed changes and recommended for approval (see Agenda Item VI E for submittal).

- C. 1062 Ad Display Sign Maker/Erector JATC - Mar 2009
Revised Standards (Sign Maker/Erector) - contingencies met

Standards were approved contingent upon a wage update; new wage approved effective 4/14/09.

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- D. 1135 North Coast Industrial Trades JATC - Dec 2008/Jan 2009
Revised Standards (Industrial Maintenance Millwright) - contingencies met
December 2008 submission approved pending submittal of Affirmative Action Plan; standards revised as required and recommended for approval (see Agenda Item VI E for submittal).
- E. 2008 Mid-Willamette Industrial Electrical JATC - Mar 2009
New Standards (Industrial Maintenance Millwright) - contingencies met
Standards were approved contingent upon confirmation of millwright committee member representation; millwright members added at 4/15/09 committee meeting.
- F. 2017 Consumers Power JATC - Mar 2009
Revised Standard (Lineman) - contingencies met
Standards were approved contingent upon a wage update; updated wage approved effective 4/1/09.
- G. 3012 Lane County Industrial Maintenance Mechanic JATC - Mar 2008
Revised Standards (Machinist, Industrial Mobile Equip Mechanic) – contingencies met
Standards were approved contingent upon a wage update; updated wages approved effective 7/1/09.
- H. 4005 Coos-Curry Electric Cooperative Inc JAC - Mar 2009
Revised Standards (Outside Electrician) - contingencies met
Standards were approved contingent upon a wage update; new wage approved effective 3/18/09.
- I. 6012 Utility Electrical Workers JATC - Dec 2008/Jan 2009
New Standards (Substation Electrician) - contingencies met
Standards were approved pending receipt of related training certification; required documentation received.
- J. Oregon Test Adjust and Balance Technician JATC - Mar 2009
New Committee/Standards (Testing, Adjusting and Balancing Technician)
The proposed program was tabled to June 2009 for further consideration. Revised standards were submitted and are listed under Agenda Item VI B for discussion.
- K. Pre-Apprenticeship Confirmation**
A current list of pre-apprenticeship programs was provided at Council's request. Revisions to the list include:
Committee affiliation - incorporated where known
Pivot Job Corps Center - removed (no committee affiliation)
Wolf Creek Job Corps Center - inadvertently omitted from previous lists
Staff hopes to develop an evaluation review process, similar to a compliance review, for pre-apprenticeship programs.

VI. Committee Submittals

- A. Minimum Guideline Standards – *none this quarter*
- B. New Standards/New Committees**
- Oregon Test, Adjust & Balance JATC**
- **New Standards/New Committee**
Testing, Adjusting, & Balancing Technician

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Committee Representatives present: Cindy Regier, Administrator; Bruce Gilpin, Secretary

Other testimony: Dennis Boyd, Training Coordinator, Portland Sheet Metal Workers JATC (MA 1028)

The proposed program was submitted in March 2009 and tabled to the June 2009 subcommittee meeting for further consideration. The three primary areas of concern were the indirect supervision of apprentices, ratio and related training.

Revised standards have been submitted with the following changes:

Minimum Qualifications: WorkKeys Career Readiness Certificate replaces math placement test requirement;

Ratio: Reduced to 1:1,1:1 (from 2:1,2:1); restricts indirect supervision to final period;

Related Training: Restructured according to period with hands-on clarification.

The only issue raised by Council that does not appear to be fully satisfied by these revisions relates to indirect supervision. All other revisions have been made pursuant to Council's guidance at the March 2009 meeting.

At the Subcommittee's request, Mr. Gilpin described the tasks apprentices could and could not perform while unsupervised during their last period and why the committee is requesting indirect supervision.

There was substantial discussion regarding the trade being unique and the need to "fit the construction mold", indirect supervision and additional criteria for indirect supervision that could be added.

After additional discussion a motion was made to approve the new standards as submitted.

Mr. Boyd testified that he approved of the revisions to the standard with the exception of the indirect supervision and the amount of self-study course work included in the related training.

M/S to recommend approval of **Oregon Test, Adjust and Balance JATC** new standards:

Mr. Ferguson	Yes	Mr. McFall	No
Mr. Rogers	Yes	Mr. Rozell	Yes
Ms. Wilson	No	Mr. Fry	No

Tie vote (would carry the item over to the June 2009 Council meeting).

Council Member Rozell asked if the committee would be willing to remove the indirect supervision clause in the interest of the submission moving forward. The committee representatives indicated the committee would approve the proposed revision.

M/S/C to recommend approval of **Oregon Test, Adjust and Balance JATC** new standards contingent upon working with staff to eliminate the work without direct supervision language:

Mr. Ferguson	No	Mr. McFall	Yes
Mr. Rogers	Yes	Mr. Rozell	Yes
Ms. Wilson	Yes	Mr. Fry	Yes

C. New Standards/Current Committees

1004 NECA-IBEW Electrical JATC

- **New Standards**
 - ❖ Limited Renewable Energy Technician

Committee representative present: Rob Belisle, Training Director

The standard meets licensing requirements and the training elements are consistent with the existing Oregon program (MA 1126). Discrepancies with Council requirements noted on the preliminary annotated agenda were resolved and the Division recommended approval.

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Apprenticeship Representative Larry "Will" Williams noted that the MA 1126 Administrator had no objections to the submission.

M/S/C to recommend approval of **MA 1004** new standards:

Mr. Ferguson	Absent	Mr. McFall	Yes
Mr. Rogers	Yes	Mr. Rozell	Yes
Ms. Wilson	Yes	Mr. Fry	Yes

6040 Columbia Gorge JATC

- **New Standards**
 - ❖ Painter

Committee representatives present: Andrew Parker, Administrator; Scott Marrs, Secretary; Gary Thompson, Chair; Wayne Knox, Painting Coordinator, Deer Ridge Institution

The committee has three previously approved standards: Limited Maintenance Electrician, Manufacturing Plant Electrician, and Sheet Metal Worker.

The proposed standard meets all Council requirements except the ratio of 2:1, 2:1. Under statute, the Council may make exceptions to the wage schedule, journey wage rate, and minimum ratio of apprentices to journey workers as it deems necessary and advisable for the operation of Department of Corrections programs.

The committee decided on a more restrictive ratio than approved for its other standards because the journey workers want to train only two apprentices. They may ask for a less restrictive ratio in the future.

M/S/C to recommend approval of **Columbia Gorge JATC** new standards.

Mr. Ferguson	Yes	Mr. McFall	Abstain
Mr. Rogers	Yes	Mr. Rozell	Yes
Ms. Wilson	Yes	Mr. Fry	Yes

D. Committee Submittals - No recommendation (*Taken out of agenda order. See Agenda Item V A*)

E. Committee Submittals – Other

M/S/C to recommend approval of **MA 1016, 1024, 1039, 1041, 1060, 1081, 1082, 1133, 1135, 3001 and 7025** revised standards, **MA 1280** affirmative action work plan, **MA 1016, 1024, 1062, 1280 and 3021** affirmative action goals and timetables, and **MA 1280, 4011 and 5007** compliance reviews:

Mr. Ferguson	Yes	Mr. McFall	Yes
Mr. Rogers	Yes	Mr. Rozell	Yes
Ms. Wilson	Yes	Mr. Fry	Yes

**1016 OR & SW-WA Drywall Finishers JATC
Revised Standards**

- ❖ Drywall Finisher (Taper)

Affirmative Action Goals & Timetables

- ❖ Drywall Finisher

**1024 Western-OR SW-WA Painters JATC
Revised Standards**

- ❖ Painting and Decorating

Affirmative Action Goals & Timetables

- ❖ Painting and Decorating

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- 1039 City of Portland TAC**
Revised Standards
❖ Manufacturing Plant Electrician with Instrument Technician
- 1041 OR SW-WA IUOE #701 & AGC JATC**
Revised Standards
❖ Heavy Duty Repairer
❖ Operating Engineer
❖ Technical Engineer
- 1060 Mid-Valley Sheet Metal Workers JATC**
Revised Standards
❖ Sheet Metal Worker
- 1062 Advertising Display Sign Maker/Erector JATC**
Affirmative Action Goals & Timetables
❖ Sign Maker-Erector
- 1081 Boeing Portland JATC**
Revised Standards
❖ Machinist
- 1082 Tillamook County Outside Electrical JATC**
Revised Standards
❖ Lineman
❖ Meterman
- 1133 Clatskanie PUD JATC**
Revised Standards
❖ Power Line Construction/Maintenance
- 1135 North Coast Industrial Trades JATC**
Revised Standards
❖ Industrial Maintenance Millwright
- 1280 OR Columbia Tile Trades JATC**
❖ **Affirmative Action Work Plan – initial**
Affirmative Action Goals & Timetables
❖ Tile, Terrazzo, Brick & Tile Finisher
❖ Tile Trades Setter
Compliance Review (POAA, Jun 2008 – Dec 2008, first year)
❖ Tile, Terrazzo, Brick & Tile Finisher – in compliance
❖ Tile Trades Setter – in compliance
- 3001 Central Electrical JATC**
Revised Standards
❖ Inside Electrician
❖ Limited Energy Electrician A
❖ Limited Residential Electrician
- 3021 Southwestern Oregon Roofers JATC**
Affirmative Action Goals & Timetables
❖ Roofer

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- 4011 Roseburg Industrial Electrical JATC
Compliance Review (POAA, Jul 2007 - Jun 2008)**
- ❖ Limited Maintenance Electrician
 - ❖ Manufacturing Plant Electrician
- 5007 Southern Oregon Electrical Utilities JATC
Compliance Review (POAA, Month Year – Month Year)**
- ❖ Estimator
 - ❖ Hydro Journeyman Operator Maintenance
 - ❖ Meter Repairer
 - ❖ Power Line Construction/Maintenance
 - ❖ Substation Electrician
- 7025 Bright Wood Corporation Industrial Electrical JATC
Revised Standards**
- ❖ Manufacturing Plant Electrician

Items taken out of order:

- 1173 Freightliner/Western Star Manufacturing Plants JATC
Committee Name Change (to Western Star – IAM 1005 JATC)
Dissolution of Standards**
- ❖ Manufacturing Plant Electrician
 - ❖ Master Maintenance Mechanic

The committee has requested to change its name as Freightliner is no longer affiliated. The plant is expected to close in approximately one year and apprentices registered to the Manufacturing Plant Electrician and Master Maintenance Mechanic standards will not have enough time to complete their programs. The committee has requested dissolution of the two standards in order to focus on the completion of apprentices registered to the remaining Limited Maintenance Electrician standard.

M/S/C to recommend dissolving **MA 1173** Manufacturing Plant Electrician and Master Maintenance Mechanic standards at the committee's request:

Mr. Ferguson	Yes	Mr. McFall	Yes
Mr. Rogers	Yes	Mr. Rozell	Yes
Ms. Wilson	Yes	Mr. Fry	Yes

M/S/C by unanimous voice vote to recommend approval of **MA 1173** committee name change.

- 1065 Oregon Columbia Masons TATC
Compliance Review (POAA, Apr 2008 – May 2009, third year)**
- ❖ Bricklayer/Masonry Restoration – in compliance
 - ❖ Cement Mason – in compliance

Committee representatives present: Tiffany Kriesel, Administrator; Tim Mosterdyke, Director of Education, Northwest College of Construction

Mr. Simms reported that this is the third and final compliance review under the committee's probationary period as a new program. Both standards have been found in compliance. The original objectors to the approval of the programs (MA 1008 and 1015) have not had the opportunity to review the reports and provide comment. Mr. Simms requested that the item be pulled and deferred to June 2009 Council or tabled to September 2009 Council pending further review.

M/S/C by unanimous voice vote to defer **MA 1065** compliance reviews to the June 2009 Council meeting. If the objectors do not respond prior to or appear at the June 18, 2009 meeting the subcommittee recommends approval.

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Ms. Kriesel stated that they are pleased the committee was found in compliance and noted that five apprentices graduated last month. The committee accepted six new apprentices at their last meeting and has registered a female concrete finisher apprentice.

F. Dissolution of Committees and Standards – *none this quarter*

VII. Items Requiring Council Ratification

A. Administrative Conversions and Revisions

2050 Wright Prototype JATC
Administrative Revision (wage schedule) Effective 4-1-09
❖ Mold, Tool and Die Maker

The program was approved in March 2009. The approved wage schedule contained more pay periods than the division's database could process. At the division's request, the committee reduced the number of wage progressions.

M/S/C to recommend ratification of **MA 2050** administrative revision:

Mr. Ferguson	Yes	Mr. McFall	Yes
Mr. Rogers	Yes	Mr. Rozell	Yes
Ms. Wilson	Yes	Mr. Fry	Yes

B. Administrative Corrections

6012 Utility Electrical Workers JATC (December 2008/January 2009)
Administrative Correction (curriculum provider name change)
❖ Substation Electrician Effective 4-20-09

Penn Foster Workforce Development Standards is the new name of the Thompson Direct International Training System. No changes have been made to the training program or curriculum; it remains complete and seamless.

M/S/C by unanimous voice vote to recommend ratification of **MA 6012** administrative correction.

VIII. Items Requiring No Council Approval – *None this quarter*

IX. Correspondence – *All correspondence attached to submissions and in Council packets.*

X. Council and Subcommittee Meeting Dates

Council meeting: June 18, 2009, 10:00 a.m., Operating Engineers Local 701 Union Hall, Gladstone.

Council Members were asked to consider whether the September 2009 Council meeting will be held in Medford as scheduled or moved to the Portland area. Discussion will take place at the June 2009 Council meeting.

Dave Baker, Training Coordinator, Central Electrical JATC (MA 3001) offered to host the September meeting in Tangent if not held in Medford.

XI. Good of Apprenticeship

Rod Belisle reported that the NECA-IBEW Electrical Training Center hosted the Women in Trades Fair, May 14-16. Approximately 400 middle school students attended on Thursday and 500 high school students on Friday. Saturday was the biggest day with approximately 615 participants. It was a very successful event.

Mr. Belisle is also a Washington State Electrical Board member and reported that the Oregon and Washington boards appear to be moving farther apart with respect to reciprocity and licensing. Reciprocal journey level

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electrical licensing was previously canceled, a provision for reciprocal temporary licensing was canceled approximately 6 months ago, and reciprocal continuing education is now slated to be canceled effective July 2009. He noted that he is a big proponent of the reciprocal apprenticeship agreement and would hate to see it dissolved.

Ms. Dale reported that a Bend electrical apprenticeship program submitted a request to the Oregon State Electrical and Elevator Board to refer their apprentices with less than 8,000 OJT hours for the general journeyman license exam. The board agreed to add it to the July 2009 agenda and the program will be allowed to state its case. The division will make it clear that OSATC approval of the standards is also required. While the board could allow the committee to refer apprentices with less than 8,000 hours, Council is the authority that says the program must satisfy the requirements of the standard. If the board decides to suspend its rules, the division will convene the Inside Electrician minimum guideline committee to review the issue. The results of that discussion will be brought forward at the September 2009 Council for consideration.

XII. Adjournment

The meeting was adjourned at 3:24 p.m.