



Oregon State Apprenticeship and Training Council

Apprenticeship and Training Division

800 NE Oregon St. #1045

Portland, OR 97232-2180

OSATC Guidelines (2009-03.02)

Distribution: All Committee Chairs, Secretaries, Training Directors and Coordinators

Subject: **Actions Permitted Using Facsimile, E-mail or Other Electronic Media**

Date: March 20, 2009 – Council approval
April 20, 2009 – Distribution

Action: Immediate

PURPOSE: To clarify the Oregon State Apprenticeship and Training Council's (OSATC) and Apprenticeship and Training Division's (ATD) interpretation of relevant statutes and rules for committees and program sponsors regarding actions taken through electronic polling.

GUIDELINES:

- (1) The Council expects all registered apprenticeship committees to meet in person at least twice each calendar year for the purpose of conducting committee business.

In limited circumstances, as set forth below, the Council recognizes the ability of local committees to take action through electronic polling in the absence of an actual meeting.
- (2) ORS 660.137 (5) states that "when an individual is employed by a joint industry group, association or trust to assist local joint apprenticeship or training committees, trade committees or state joint committees in the performance of their statutory duties, the individual is authorized to perform any clerical, ministerial or other functions as the committees may direct."
- (3) A local committee may vote to take formal action on the items listed below by facsimile, e-mail or other electronic media if the local committee has adopted by-laws permitting such voting.
- (4) When permitted by by-laws, a local committee with qualified staff to perform clerical, ministerial or other administrative functions as directed by the committee, may vote on the following matters via electronic polling:
 - Registering apprentices in ranked order from a committee approved list of qualified applicants;
 - Advancing apprentices to the next level of apprenticeship (re-rate) based on established criteria, including the issuance of "Indirect Supervision" or "Phased Supervision" cards for licensed trades; and/or

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- Citing apprentices to appear at the next regularly scheduled committee meeting for established reasons.
- (5) Under circumstances as described in paragraph (4) above, staff may poll all committee members electronically with the options to either approve or to defer the item for discussion at the next regularly scheduled meeting.
- (6) Voting committee members will be given an established and reasonable period of time to respond to the question presented electronically. Any voting committee member may cause the issue to be deferred for discussion (i.e. approval must be unanimous among responding voting members).

If at least two principal employer and two principal employee members respond (and one employer and one employee for each affected trade in a TATC) and if all responding voting members express approval, committee staff shall prepare “Minutes of Electronic Actions.” These minutes will be so designated to distinguish them from minutes that arise from a “meeting” at which there is the opportunity for a deliberative process per Robert’s Rules of Order.

- (7) Electronic polling is prohibited for issues requiring the personal appearance of applicants, apprentices, trainees, training agents or employers.

ACTION: All apprenticeship committees, committee chairs, secretaries, training directors, administrators, coordinators and ATD staff should review and maintain a copy of this guidance letter.