

**OREGON STATE APPRENTICESHIP AND TRAINING COUNCIL
RULES AND POLICY SUBCOMMITTEE
December 1, 2010 – Meeting Minutes**

Michael McFall, Chair

I. Call to Order

Chair McFall called the meeting to order at 9:55 a.m

II. Introductions

Council Members:

Paul Hill, Public Member
Nelda Wilson, Trades Employee

Bob Rogers, Public Member
Mike McFall, Industrial Employee

Staff Members:

Stephen Simms, Director, Apprenticeship and Training Division
Karen Dale, Apprenticeship Operations Manager
Paul Joiner, Apprenticeship Integration Coordinator
Larry "Will" Williams, ODOT Support Services Coordinator
Maureen Pointer, Acting OSATC Recording Secretary

Apprenticeship Representatives:

Tamara Boyd, Portland
Stacy Ozer, Portland
Jeff Hauck, Bend

Elizabeth Farmer, Eugene
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 & Interpretations

M/S/C to recommend revocation of OSATC Policies 1, 2, 4, 7, 8, 11, 12, 13, 14 and 19, including OSATC ratio directives.

Policies 9, 16 and 22 will be reviewed at the **March 2011** Council meeting; Policies 23, 24, 25, and 26 will be reviewed in **June 2011**.

B. Affirmative Action Task Force (AATF)

A general AATF has not been held in about nine months while the division continued work on finalizing Phase I recommendations:

Cultural Competency/Diversity Training

Negotiations are still in process with a trainer from Wisconsin to certify new trainers in the Transition to Trainer curriculum. The task force is working on a contract to bring him out twice in the spring of 2011 to provide the training statewide. The division hopes that the requirement for all registered programs to provide cultural competency/diversity training can be implemented by **September 1, 2011**.

Dr. Hill asked if journey workers had an opportunity to participate in cultural competency and diversity training as part of their continuing professional development. Neither the Council nor the division has the authority to mandate journey worker training; however, the goal is to have every apprentice complete the training prior to completion of their apprenticeship. Other groups are working to develop similar training for journey workers.

OREGON STATE APPRENTICESHIP AND TRAINING COUNCIL
RULES AND POLICY SUBCOMMITTEE
December 1, 2010 – Meeting Minutes

Mentoring

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

Oregon Apprenticeship Website

Cindy Regier provided an activity report and thanked several sponsors for donations to support the website: Oregon Industry Training Trust, Area I Plumbers, Electrical Sign Makers Training Trust, and the Area I Painters. She also thanked the Oregon Building Congress for their support.

The division will make a contribution to support the web site if funds are available at the end of the biennium.

VI. Staff Reports

A. Budget Forecast

At this time, the budget level to be appropriated by the legislature is uncertain. Based on current predictions, the division may lose as many as four FTE positions. Council members and the apprenticeship community were asked to make their priorities for apprenticeship known to Mr. Simms or Commissioner Avakian.

Council members expressed their support for the division's funding.

B. Compliance

Approximately 15 compliance reviews have been completed and approved by Council this year, with an additional 6 on the agenda for approval this quarter and another 20 in various stages of completion. Staff will continue to conduct 2008-09 reviews through the end of January 2011 and expects to have completed approximately 90 by that time.

Outreach and selection statistics will be compiled for all registered programs in January 2011, and 2010 reviews will begin on February 1, 2011. Programs not reviewed in 2010 will include 2008-09 time period.

A written status report and 2011 review schedule will be provided at the **December 2010** Council meeting.

C. Options Unlimited Career Fair

Tony Cracolice presented information regarding a career fair in Eugene to encourage girls to participate in non-traditional careers. Community support was strong and it is hoped that this will become an annual event.

D. HS Integration Project Status

Paul Joiner reported that the three approved youth apprenticeship committees are registering and training youth apprentices, with good participation of minorities and females. A couple of youth apprentices have graduated and successfully entered adult apprenticeship programs. Two non-traditional youth apprenticeship programs are in the developmental stage.

Dave Baker, Training Coordinator for Central Oregon Electrical JATC (MA 3001), described a one-week pre-apprenticeship/boot camp his committee conducted this year to introduce students to career opportunities as electricians and in other trades. The committee is now working with area Workforce Investment Boards to develop a funding source template for this training, and creating a model that can be applied statewide.

E. ODOT Project Status

OREGON STATE APPRENTICESHIP AND TRAINING COUNCIL
RULES AND POLICY SUBCOMMITTEE
December 1, 2010 – Meeting Minutes

Larry Williams provided background on the ODOT Support Services Coordinator position, which is the result of an interagency agreement between ODOT and BOLI to fund into supportive services particularly targeting apprenticeship training. Request for proposals (RFPs) are being finalized with Department of Administrative Services (DAS) and Department of Justice (DOJ). Anyone interested in more information should contact Mr. Simms or Mr. Williams.

F. Trainee Registration Agreement

M/S/C to recommend approval of the modified trainee registration agreement (corrected reference to PRISM).

VII. Follow-up Reports from Previous Council Meetings

A. Multi-State Reciprocal Agreement

Washington and Oregon Council Members met in June 2010 and determined the agreement should be modified to provide full reciprocity between Montana, Oregon and Washington. At the end of the meeting, two issues were undecided: the application of ratio and wage rates, and identification to local committees of the movement of apprentices.

Staff from participating states met and agreed that traveling contractors would conform to the ratio and wages in place where the work is to be performed. Staff agreed that check-ins for traveling employers and apprentices would be too burdensome on apprentices, employers and agencies. A better solution to potential abuse of the agreement or apprentices under the agreement would be through the complaint process. Should a complaint be filed, the other state(s) would be notified and an investigation would be conducted.

At the October 2010 WSATC meeting, objections were received regarding the elimination of traveling contractor check-in and the elimination of the requirement that an apprentice must have completed 1,000 OJT hours before qualifying to travel. The proposed agreement was distributed for review and WSATC will review comments at their **January 2011** meeting. If issues still exist, the Reciprocal Committee should be convened at that time to address concerns.

B. 29 CFR 29 Amendment, LC 721

Amendments to 29 CFR 29 were to be implemented December 28, 2010. Oregon will file for an extension until after the legislature meets in 2011. A summary of the legislative concepts was reviewed.

C. DOC Evaluation (MA 6040 Ratio)

Richard Petersen reported that compliance reviews have been completed on four of the trades and will be presented at the **March 2011** Council meeting. Site visit results should also be available at that time.

D. PWR for Apprentices in Sub-Classifications

Subsequent to Council consideration in September 2010, the Prevailing Wage Advisory Committee (PWAC) generally agreed that an apprentice should be paid journey level wages when working in an identified occupation that falls within the training standards of another occupation. The division has taken the position that it is appropriate for an apprentice working within the scope of their occupation to be paid the apprentice wages listed in the standards.

An advisory subcommittee was formed to resolve specific issues relating to the application of PWR law in cases where an apprentice is working within their standards, but across one or more PWR classifications. The subcommittee will meet on December 7, 2010 to discuss sub-classification wages for apprentices, followed by the PWAC meeting on January 20, 2011. A status report will be provided at the **March 2011** Council meeting.

VIII. Discussion Items

OREGON STATE APPRENTICESHIP AND TRAINING COUNCIL
RULES AND POLICY SUBCOMMITTEE
December 1, 2010 – Meeting Minutes

A. Committee Minutes and HIPAA Issues

Based on federal HIPAA rules, the division needs to limit the amount of medical information received in committee meeting minutes.

Tamara Boyd reviewed a draft letter the division plans to send to committees advising them on best practices for protecting medical information. M/S made then withdrawn pending revision to guidance letter.

Information regarding the need to ensure privacy of information reviewed at committee meetings will be incorporated and forwarded for review at **December 2010** Council meeting.

Staff will redact sensitive information from meeting minutes already received by division. Minutes with sensitive information that are received in the future will be returned to the committee for correction and resubmittal

B. Review of Complaint – MA 2023 (Brace Point Railings)

The subcommittee reviewed issues around a complaint that Oregon Columbia Laborers JATC (MA 2023) apprentices performed work outside the scope of the laborer standards with the knowledge and consent of the committee. The question before the subcommittee is whether the work falls within the laborer standards.

The subcommittee heard testimony from the MA 2023 committee administrator, Tiffany Kriesel, regarding the committee's determination that all work assigned was within the program's standards. The subcommittee requested testimony from the complaining party who was not in attendance at the meeting.

The subcommittee determined that further discussion is needed. **M/S/C to defer this matter** to the **March 2011** subcommittee meeting. Council Member Rogers opposed the motion.

IX. Pending Subcommittee Items Requiring Additional Research (*Defer to March 2011*)

- A. Average Journey Wage – Analysis of Variances
- B. OAR revisions – Training Materials
- C. Selection Methods – Use of Exceptions/Alternating Employer Choice
- D. Related Training Parameters – Division Recommendations

X. Correspondence

XI. Council and Subcommittee Meeting Dates

4th Qtr Council: December 16, 2010, 10:00 a.m. Clackamas Community College

1st Qtr 2011: Subcommittees: March 2, 2011 Portland State Office Building

Council: March 17, 2011 Local 16 Sheet Metal Training Center, Springfield
11:00am start time

Standards Review subcommittee meeting will convene at 1:30 pm this afternoon.

XIII. Good of Apprenticeship

Southwest Washington Apprenticeship Representative Ed Madden encouraged Washington and Oregon to continue working on the reciprocity agreement. He also announced the WSATC meeting will be held January 20, 2011 in Tumwater. Finally, he shared that he will retire effective February 28, 2011.

XIV. Adjournment

The meeting was adjourned at 12:35 p.m.