

LANDSCAPE CONTRACTORS BOARD
Minutes of the February 21, 2013
Board Meeting • Conference Call

Please note that the minutes will not be approved until a regularly schedule board meeting.

PRESENT

Board Members

Steven Carper, Chair
John Gawlista, Vice-Chair
Larry Hoekman
Joe Lymp
Annie Lee
Larry Thomas
Lisa Walter Sedlacek

Others

None

Excused

None

Staff

Shelley Sneed, Administrator
Kim Gladwill-Rowley, Program Manager
Vince Salomone, Investigator

1. PROCEDURAL

A. Call to Order

The meeting was called to order at 2:05.m. by the Chair.

B. Approval of Agenda and Order of Business

Board Action: Moved by Mr. Thomas and seconded to approve the order of business and agenda. Vote 5-0 (Ms. Lee was not present for this motion).

2. POTENTIAL EXAM CHANGES

With the changing legal landscape facing the agency, the board is looking at options to make Oregon landscape licensing accessible for anyone demonstrating a minimum competency in the profession.

A. Open book for some or all sections of exam

The Board discussed allowing all sections of the examination to be taken as open book examinations. The agency would provide all test sites with reference materials so that test takers wouldn't bring their own materials into the testing environment (to prevent taking notes on questions, etc.). The agency would provide PSI with 19 copies of the Sauter guide, and all other materials to allow for all of the seats in the six testing sites across the state.

Another issue brought to the Board's attention is the backflow examination. This examination belongs to the Plumbers Board, so the LCB needs to consider whether or not to open that section of the exam up as an open book exam. Ms. Sneed recommends this section remain a closed book exam at this time.

Several board members were in favor of an open book exam with the backflow section closed. Ms. Walter Sedlacek stated she participated on the Exam Committee reviewing the questions and believes that creating an open book exam will not make the exam easier. She requested the board review all questions that have a low pass rate and possibly eliminate them and require fewer questions. She believes the exam is too difficult and takes too much time to complete. Ms. Sneed requested the board wait at least six months to look at pass rates because the committee has just sourced every question to the Sauter guide. This will give those revised questions an opportunity to be used before determining any revisions. The new questions are scheduled to be released by the end of March 2013.

Mr. Lymp stated the board is charged with trying to make the exam easier to allow more people to get into the industry and believes the board should move ahead with an open book exam right away. Mr. Gawlista stated he recently completed the exam for the general contractors license, which is an open book exam, and found himself referencing the book through the exam, which made it more comfortable taking that exam.

B. Time accommodation for anyone whose first language is not English

The Board discussed allowing extra time for individuals whose first language is not English. The agency currently allows an applicant to bring a language dictionary to the test site, but there is no additional time to allow for the time it takes to look up the terms and phrases in the dictionary. Ms. Sneed reported the exam provider, PSI, provides examinations for the New York Insurance License and they allow additional time and grant it to anyone requesting it. The new proposed testing times recommended by Ms. Sneed allow 33% extra time for non-native English language speakers.

The Board members are in favor of allowing 33% more time for those applicants where English is a barrier. This information will be added to the Candidate Information Bulletin and possibly a signed statement on the application about the accommodation. Ms. Sneed will work with PSI to determine how they do this for other agencies and if this will cause an increase to the exam cost. This will add 3.5 hours to the full exam for those who request it.

Board Action: Moved by Mr. Thomas to allow time extensions for individuals whose first language is not English and make all sections (except backflow) open book. Vote 6-0.

Other changes to the examination the Board discussed:

The Board also discussed eliminating General A, B, C & D as the titles of the exam sections and just use the descriptive titles, i.e. Planting, Construction, etc. The Board directed staff to proceed with rulemaking to amend the titles of these exam sections.

The Board plans to review the pass rate in six months to determine if there are some questions with a low pass rate and eliminate those questions. The Board would also like a report on how the Exam Committee works to have better understanding of that process in order to manage it. Ms. Sneed will document the Exam Committee purpose and who the members should be. This will be discussed again at the May board meeting.

The goal is to make all changes to the examination on the same date. The date to publish the exam question updates is March 31, 2013. If all changes cannot be made by that date, the question update should wait a week or two so that there is a smooth transition.

3. BUDGET SCENARIOS/WORK PLAN

The Board reviewed a plan presented by the staff on how the agency's workload would be impacted by the elimination of staff positions as outlined in budget scenarios #4 and #5. This will be taken into consideration when making the decision on the 2013-2015 budget.

The Board discussed the decrease in licensing over the last few years and enforcement investigations and wonder where the flexibility is for the work to still be completed by those positions that will be left. Ms. Sneed stated that last year the investigations were down, but licensing numbers are starting to come up. Staff may have to prioritize enforcement cases, but not eliminate them because they are the consumer protection piece. At this time she is anticipating doing the best with what is left and then start making those decisions as necessary.

Scenario #4 eliminates ½ FTE of the Administrative Specialist 2 position and ½ FTE of the investigator position at a loss of \$23,000. Scenario #4a eliminates ½ FTE of the Administrative Specialist 2 position and ½ FTE of the investigator position only the 2nd year of the biennium at a loss of \$70,000. Scenario #5 eliminates the Administrative Specialist 2 position at a loss of \$82,000.

Ms. Sneed reported she contacted the Unemployment Department and was told that any position that is decreased may qualify for unemployment. Those hours must be reported weekly and that person must be actively looking for full time or other part time work. They can earn \$174 per week. If the person earns over the weekly benefit the amount earned is taken from the unemployment payment.

Ms. Sneed reminded the Board that \$10,000 was added to Scenario #5 to hire additional help due to the loss of a full time person. The Board was concerned the office is losing a lot of hours where staff would have dealt with issues. They wonder if they could eliminate a position and then hire temporary labor (full time (not permanent) or seasonal). Ms. Sneed will check with the Department of Administrative Services regarding the difference in the workers' compensation costs for each scenario.

The Board discussed the elimination of half of two positions being more difficult due to having two unhappy employees. Mr. Salomone stated he believes the impact will be more on the agency as he believes that financially he will be able to remain in a half time position, but the Administrative Specialist 2 will not. The Board was concerned that there would be fewer staff in two departments.

Ms. Sneed stated she believes the reduction of two half time positions as proposed in Scenario #4a is the better scenario because the nature of the investigator's work is important, but has been done at a half time level before. This position will be more reactive than proactive. The Administrative Specialist 2 duties are very routine and she feels comfortable in the remaining staff's ability to perform those duties.

This will be discussed at the March 2013 meeting and at that time the Board will need to make a decision regarding the budget scenarios so that staff may begin the rulemaking process to be effective July 1, 2013.

4. PLANTING LICENSE

With the changing legal landscape facing the agency, the board is looking at options to make Oregon landscape licensing accessible for anyone demonstrating a minimum competency in the profession. Based on advice from legal counsel staff has been researching areas that the board may want to revisit or modify based on new information. Staff is recommending revisiting the planting license issue. As the Board focuses efforts on consumer protection and ensuring a minimum competency for new licensees, the planting license may be a new opportunity for individuals to become licensed for the work they currently do or would like to do. The goal is to ensure that businesses performing landscaping work are licensed, bonded and have a minimum technical competency to perform work for Oregon consumers.

Ms. Sneed stated the consumer protection of this proposed license is that it provides more choices to the public with an opportunity for planting to be performed by bonded, licensed, and insured companies that employ someone who has passed the exam. There is a segment of the landscape industry that is not licensed, but who would like to be licensed and the planting license will provide those businesses the opportunity.

The Board reviewed minutes from the last discussions about the planting license and was in favor of discussing this topic again at the March 2013 Board meeting. The fact the Board will be discussing it again will be sent to OLCA and SOLA and be included in the next newsletter as well.

5. PUBLIC COMMENT

Chair Carper opened the meeting for public comment. No members of the public were present. Chair Carper closed the meeting for public comment.

6. MEDFORD MEETING LOGISTICS

Ms. Sneed reported the staff will be arriving in Medford March 14th around noon for an on-site mediation and a CEH presentation that evening. If any Board members are interested in carpooling as a cost saving measure, they should contact Shelley and she will make arrangements. Staff will be taking the state car and carpooling the morning of March 14th to accommodate an on-site mediation meeting scheduled at 1:00 that afternoon and a CEH presentation at 5:00 that evening.

7. ADMINISTRATOR'S REVIEW

Chair Carper reported he met with all staff yesterday to give them an opportunity to provide input. He would like board members to also have an opportunity to provide input also. He will e-mail each member a copy of the review questions and call each member to obtain their comments. Chair Carper, Vice-Chair Gawlista and Past Chair Thomas will review and finalize the review.

8. ADJOURNMENT AND NEXT MEETING SCHEDULE

Board Action: Moved by Mr. Lymp and seconded to adjourn the meeting. Vote: 6-0.

The meeting adjourned at 3:38 p.m. The next meeting of the Landscape Contractors Board will be March 15, 2013 in Medford, Oregon.

Respectfully Submitted,

Kim Gladwill-Rowley
Program Manager