Bureau of Labor and Industries
OREGON STATE APPRENTICESHIP and TRAINING COUNCIL
Rules and Policy Subcommittee

MEETING SUMMARY – PENDING RATIFICATION

June 5, 2019
Judy Betts, Chair

I. Call to Order

The meeting was called to order at 9:37 a.m.

II. Welcome and Introductions

Subcommittee: Aida Aranda Trades Employee
Members Laura Benedict Trades Employee
Judy Betts Trades Employer
Patrick Davis Public Member
Kyle Popma Industrial Employer
Amanda Swenson Trades Employee

Apprenticeship and Training Division: Stephen Simms Director
Staff: Jessica Ponaman Operations Manager
Rachelle Herbert OSATC Coordinator
Gabby Nunley ODE Workplace Learning Education Specialist

Apprenticeship Representatives: Abby Bandurraga, Portland Roseanna Ayres, Medford
John Kersey, Portland Loren Burnham, Salem
Dana Hathaway, Portland Jeff Hauck, Bend
Stephanie Tunelli, Eugene

Chair Betts introduced the Subcommittee members.

Director Simms introduced Division staff and welcomed new Subcommittee and Council member Amanda Swenson, who replaces retired member John Steffens as a Trades Employee representative.

Operations Manager Ponaman introduced Dana Hathaway, the Division’s new Compliance Officer and Abby Bandurraga, the new Apprenticeship Representative and noted that there are two open recruitments for Apprenticeship Representatives that are closing at midnight on June 5, 2019.

III. Correspondence

Attached to the relevant submissions.

Accommodations are available to allow individuals with disabilities to access and participate in this event. To request an accommodation, contact the Apprenticeship and Training Division at (971) 673-0760 or Oregon Relay for the hearing impaired at 711 at least 10 business days prior to meeting.
IV. Staff Reports

a. Division Management Report

Director Simms provided the subcommittee members with an overview of the Division Management Reports. Overall registrations have decreased slightly since December, 2018. Female numbers have remained steady. Overall minority registration held steady at approximately 19.5%.

b. Committee Status Report

Director Simms provided the subcommittee members with an overview of the Committee Status Report. The Division has contacted every program that is overdue in submitting a wage update or with an apprentice who was referred for examination more than a year ago who has not been completed from his or her program. Five of the apprentices on the agenda for proposed completion without benefit of a license were completed, or were pending completion, prior to today’s Rules and Policy subcommittee meeting.

c. Compliance Report

Operations Manager Ponaman noted 30 program operations and affirmative action compliance reviews on the Standards Review agenda. A number of programs have requested assistance from the Division with the statewide issue of improving their affirmative action outreach, recruitment, and retention strategies.

Director Simms noted dissatisfaction expressed by local committees regarding practice of requiring personal appearances by committees before this Subcommittee if their compliance review indicated a disparate impact over the prior 10-years. The Council approved this strategy to address programs not meeting their affirmative action goals approximately one year ago. He noted that programs with chronic “Good Faith Compliance” findings are not making progress. Federal rules obligate the training programs and employers to be responsible for hiring practices and the Division’s role is to assist programs in becoming compliant. The Division is willing to reconsider this strategy, in coordination with the Council, if alternative methods for improving performance can be developed.

V. Compliance and Investigation

a. MA 1046, Area I Inside Electrical JATC, Training Agent Termination Appeal, Full House Electric LLC

Director Simms detailed the timeline of the termination of the employer’s training agent status and its request for review by the full Council. Full House Electric LLC was terminated as a training agent from MA 1046 based on a ratio violation. The Division upheld the findings regarding the ratio violation by Full House LLC, but also recognized that the committee did not correctly follow its termination policies for training agents.
The Division recommends reinstatement of Full House LLC as a training agent contingent upon re-verification of the apprenticeship committee’s apprentice-to-journey worker ratio and demonstration of a full understanding of the ratio by Full House Electric LLC.

Speakers: Doug Bragg, Attorney, Full House Electric LLC
Jerry Shirley, Full House Electric LLC

M/S/C by unanimous voice vote to recommend reinstatement of Full House Electric LLC as a training agent with Area I Inside Electrical JATC (MA 1046) contingent upon Full House LLC demonstrating compliance with the committee’s ratio requirements as set forth in the standards.

VI. Follow up Reports from Previous Council Meetings

a. Status update on Women in Apprenticeship Task Force

Director Simms and Operations Manager Ponaman provided an update on the status of forming the task force. The primary challenge to convening the task force has been a lack of staff capacity both at the Division level, as well as at the key-stakeholder level. Commissioner Hoyle is evaluating the possibility of adding the Commissioner’s own staff resources to the Women in Apprenticeship Task Force to cover its project management needs. The Commissioner is in full support of convening the task force and producing measurable outcomes. The Division will provide an update with respect to the task force at the Council meeting.

VII. Proposed Administrative Completions without Benefit of a License

Five of the six overdue completions were removed from the agenda as minutes to complete the apprentices were received prior to the subcommittee meeting.

M/S/C by unanimous voice vote to recommend completion without benefit of a license for James Rober Jenkins, #939560 (MA 6040) if he has not been completed by the committee by the Council meeting on June 20, 2019.

Speaker: Andrew Parker, Administrator, MA 6040

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Removed from agenda. Completed without benefit of a license effective May 15, 2019.

| 6008 | 0159.0        | Inside Elec   | QONTARIO-TATC      | PAZ, ENRIQUE 1097237 | 06/04/18              |
| 6008 | 0432.0        | Plumber       | QONTARIO-TATC      | SEWARD, JARED L 974072 | 06/04/18              |
 VIII. Discussion Items

a. Standard Operating Procedures (SOP) on Staffing Agencies and Intermediaries

There was discussion regarding changes to the Division SOP on Staffing Agencies and Intermediaries. This was based upon an updated federal SOP regarding the use of employee leasing firms and leasing agencies as intermediaries to support registered apprenticeship. The Division believes that the federal SOP reaffirm that staffing agencies are intermediaries and not registered training agent. The Division further opined that only a job site employer directly responsible for the supervision of the apprentice at the job site can be recognized as a training agent, while a leasing agency is only responsible for the job site employer’s human resources and training functions.

It was generally agreed that a leasing agency would not have the supervisory control and continuity required to qualify as a “sponsor”. However, some Subcommittee members wanted to explore the potential for leasing agencies to serve as training agents as a vehicle for expanding registered apprenticeship outside of the building and construction trades. Council Member Davis commented that in light of federal efforts to create non-registered Industry Recognized Apprenticeship Programs, it was incumbent on the Council and the Division to explore all concepts possible for expanding registered apprenticeship.

M/S/C by unanimous voice vote to recommend a new, standing, Rules and Policy Subcommittee agenda item under Discussions: “Concepts for Expanding Registered Apprenticeship in Oregon”.

b. Traveling Training Agent and Updates to Training Agent Agreement

Director Simms provided an overview of the topic, followed by discussion. Historically, geographic jurisdiction referred to the counties where apprentices and employers registered to a specific program were permitted to work. However, the concept is outdated as employers and workforces are more mobile than there were 20 years ago and not only work all over the State of Oregon, but in Washington, Idaho, California and Montana as well.
ORS 660.126(1)(b) states that the standards will detail “the geographical area or areas in which the standards will apply.” In 2006, Council wanted to provide more definition regarding geographic jurisdiction, amending OAR 839-011-0084 to state that the geographic jurisdiction should be “one that can be reasonably served by the committee with respect to employers and the location of the related training services.”

Employers now work on various jobs throughout the State and most programs can provide related instruction beyond their home jurisdiction. This resulted in the adoption of OAR 839-011-0162(6), stating that “An employer with a principal place of business outside the geographic jurisdiction of a local committee may seek approval to register with that local committee as a training agent. Each such employer must agree to comply with Oregon state, county and municipal laws, rules and ordinances and the rules, policies, procedures and standards of the local committee.” This is what is known as the traveling training agent.

Note that registered training agents from Washington and Montana do not have to dual register; Oregon recognizes their status as registered apprentices as long as they agree to pay the same wages and work at the same ratios as the apprenticeship program in the Oregon region where they are performing work, unless a higher wage is mandated in the home jurisdiction standards.

The Division proposed that if the interpretation geographical jurisdiction could be expanded to (1) places where the employer has a principal place of business; (2) locations where the sponsor can readily deliver related instruction to participating apprentices; and (3) locations where the committee actively recruits apprentices, there would be no need for the employer to register as a traveling training agent in a different region. There would be no need for dual registration, as is the case when training agents come from Washington or Montana. There would be no wage shopping or confusion about which wage or ratio applied to a job as the apprentice would be working under the standards for the home jurisdiction. Local committees could continue to function as they have in the past without worrying about inflating the wages or the additional administrative burden of registering these employers as training agents. In short the Division proposed keeping the employer and apprentice tied to one “home” standard, with modification for the criteria for the expansion of a committee’s geographic jurisdiction in their standards.

After division by Subcommittee members and the public, there was a general belief that the ‘traveling training agent has some viability and the concept should not be pushed aside. The Council indicated it would be helpful to continue these discussions and solicit feedback from program partners as a part if the State’s efforts to grow registered apprenticeship.
c. Data Collection and Updates to Apprentice Registration Agreements

Operations Manager Ponaman provided a follow-up regarding implementation of the recently revised apprenticeship and pre-apprenticeship agreement forms, which were update as of March 21, 2019. Further updates are anticipated in the near future.

The Division is collecting apprenticeship and pre-apprenticeship registration agreements that include appropriate waiver language for reporting to the Performance Reporting Information System (PRISM). The reporting will aggregate data to provide information on apprentices, as well as state services provided to apprentices, including unemployment, wage, and education information. The Division will also track the effectiveness of registered pre-apprenticeship programs, in particular exploring methods to improve the subsequent participation in registered apprenticeship by those completing a pre-apprenticeship program.

IX. Council and Subcommittee Meeting Dates

X. Good of Apprenticeship

Mr. Belisle and Mr. Baker expressed an interest in further discussion regarding the Travelling Training Agent topic. They noted that it is a complex and confusing topic and would like to ensure the Division seeks input from the committees. Mr. Baker let it be known that he does not want the apprentices in his program to have to travel, but wants the ability for them to do so when the need arises.

Speakers: Rod Belisle, Training Coordinator, MAs 1004, 1053
Dave Baker, Training Coordinator, MA 3001

Chair Betts thanked NECA-IBEW for hosting the Oregon Tradeswomen Institute (OTI) annual career fair again this year. The event was a success and the excellent facilities at NECA-IBEW were appreciated.

Subcommittee member Aranda also thanked NECA-IBEW and noted that OTI had a lot of participation at a program in Bend, which indicated it might be a good area for some recruitment efforts.

XI. Adjournment

The meeting was adjourned at 11:17 a.m.
## COUNCIL MEETING DATES

*Unless noted otherwise All Rules & Policies and Standards Review subcommittee meetings held at: Portland State Office Building (PSOB) - 800 NE Oregon St, Portland, OR 97232 – 971-673-0760*

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<td>Standards Review</td>
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<tr>
<td>NECA-IBEW Electrical Training Center</td>
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