

WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

May 19, 2008
1:-00 – 4:00 PM

MEETING MINUTES

Shaman Conference Room
WSDOT Transportation Building
310 Maple Park Ave
Olympia, WA 98504

Committee Members: Linea Laird (Chair), Bob Abbott, Dave Johnson, John Littel, Randy Loomans, Dean Smith, Jason West, Tom Zamzow

Attendees: Absent: Bob Adams

WSDOT Staff: Jenna Fettig, David Jones, Craig McDaniel, Ron Wohlfrom

Meeting Observers: Van Collins, Allison Hellburg, Jody Robbins, Halene Sigmund, Valerie Whitman

Meeting Overview and Outcomes:

Action Items:

The committee discussed their report to the legislature and recommended the following changes and additions:

1. Add dollars paid to date as a percentage and working days used to the Project Update handout.
2. Rework the Advance Schedule of Projects for the July phase two implementation.
3. Check into the fax Dave Johnson received regarding an agreement between WSDOT and TERO officers.
4. Update specifications to include a 12% goal on projects greater than \$3 million after July 1, 2008.
5. Apprenticeship programs will coordinate with Jody Robbins (LNI) to provide the correct points of contact for contractors seeking apprentices.
6. David Jones will speak with Project Office and contractor teams regarding the requirement.
7. Van Collins with assistance from David Jones will put together some workshops to explain processes to contractors. This should involve the apprenticeship coordinators.

Date Setting:

The Apprenticeship Utilization Advisory Committee set the following tentative meeting date:

- **September 29, 2008 – 1:30 – 4:00 PM**

Meeting Minutes:

Welcome

Linea Laird welcomed the group and introduced Dean Smith and Jason West, the new committee members. She directed the group what to do during an emergency. Members introduced themselves to the group.

Actions Taken Since Last Meeting

Project Update (handout)

Linea shared the Project Update with the group (handout). She explained that it is the same form we are using to communicate with FHWA. Linea explained some of the projects aren't reporting yet, because they have not started work.

- Dave Johnson asked if some of the projects were not finished.
- David Jones explained that most of the projects have just been awarded.
- Dave asked if there is a way to add how far along the contract is to the report.
- David responded that dollars paid or working days to date could be added.
- Linea suggested adding both dollars paid to date as a percentage and working days used.

Advance Schedule of Projects (handout)

Linea went over the Advance Schedule (handout) with the group and explained that the dollar amounts are very rough. Linea explained that the document will change to better express what is changing with the July implementation.

Outreach

Linea will be updating the Washington Asphalt Paving Association (WAPA) on apprenticeship at the end of the month during the WAPA Mid Year Meeting. She will discuss the law, implementation, actions taken to date, the utilization rate on projects containing the goal, and what is next.

- Randy said that the Governor's Safety and Health Advisory Board put on a safety conference and allowed apprentices to come for free. The turnout was better than expected. She hopes to continue this work.
- Dave Johnson recommended focusing more on getting younger folks to events like that and running some buses from the schools to outreach. Dave said that they have been better able to get into the classrooms at middle schools and high schools and give presentations. He said the reception has been good.
- Randy mentioned that they are doing sessions in Spanish and will focus on more efforts like this.
- Dave Johnson said that during the past 15 months, enrollment in the apprenticeship programs has increased tremendously.
- Randy mentioned that Thurston County is looking into a program.
- Dave said that their goal will be 10%. Dave said this will make 36 different municipalities or agencies that require apprentice utilization.
- John reported that the carpenters are growing. He said the transportation industry work is helping and there are new signatory employers. They have developed a new mobile bridge training program that they can move across the state on a truck. He said they have worked with Atkinson and

- some others on the eastside. They began taking contractors to their International training center in Las Vegas and have a training program for the superintendents. They are also using mentors for to identify excellent apprentices and journeyman to mentor. They also are purchasing additional facilities to expand training programs and developing a school district skill center. They also started a charter construction high school in Portland that is at capacity for the number of students enrolled and will be escorting Oregon's governor to the training center in Las Vegas.
- Bob said his program is bursting at the seams and they purchased two mobile training programs. The apprentice numbers continue to go up. They are also considering expanding facilities and increasing mobile training. They are recruiting apprentices through radio ads and recruiting in high schools.
 - Dave mentioned that all of the crafts in the state building trades that were part of the building a lifestyle campaign that used radio ads signed the contract to participate in the campaign for an additional year.

Other Items

Dave Johnson received a fax on an initiative for apprenticeship outreach for Native Americans. The fax indicated that WSDOT was in the process of reaching an agreement. Dave asked if WSDOT staff had more information.

David Jones responded that WSDOT has communicated often with the TERO officers, but to date, nothing had come of it.

Linea asked Dave for a copy of the fax so WSDOT can look into the issue.

Apprenticeship Program Ratio Exemption

Reporting Form (handout)

David Jones explained the new Apprentice Program Ratio Exemption form (handout) that would be a way to explain how the ratio of materials to labor on the contract did not allow the contractor to meet the goal. David anticipates it will be used at the end of the project.

- Tom asked for a reminder of what the good faith documentation looked like.
- David explained the process. The specification can be found at: <http://www.wsdot.wa.gov/biz/construction/pdf/apprenticeshipgsp.pdf>
- If will soon be updated to reflect a 12% goal in July.
- Linea asked if any contracts had trouble meeting the goal according to their plans.
- David explained that a job under \$5 million put the specs in. It was a wetland mitigation and has a lot of landscaping. The contractor was questioning how to meet the goal because they are using landscape laborers and a few operators. The contractor is open shop and will perform most of the work themselves. They were referred to NW Laborers after CITC said they didn't have a program. Another contractor was

concerned with availability. Dave has had to explain that a non-union contractor is not forced to sign a union agreement if they go to a union training program for apprentices. These are the emerging issues.

- Bob said that Matia (the wetland mitigation contractor) needs to go to the training school and does not have a relationship with the union. Bob explained the process. Matia needs to bring people in and pay for them at the same training cost. The non-union contractors should contact the training school directly, not the union.
- Tom asked if asked if they need to pay all the employees or just the one trainee union wage rates when they are employing an apprentice from a union program.
- Dave Johnson said that they pay the apprentice a percentage of the journey level rate and explained how the fee works. It is the cost of the program divided by the number of apprentices enrolled in it.
- Van referred to it as tuition.
- Tom asked if there is a difference in cost to the open shop contractor and the union contractor.
- Bob and Dave explained that the union contractor pays it in wages and the open shop contractor pays it in a fee. Bob explained that the union contractor pays for all training where as the open shop contractor pays for apprentice training only. A example was given how in one program, the union contractor might pay 40 cents an hour additionally for each employee for training. A non-union contractor utilizing an apprentice from the same program would pay a flat rate each year of a few thousand dollars for each apprentice.
- Linea asked how we are sharing this information with the pool of contractors
- Valerie said that information would be very helpful.
- John said that direction is needed on how to contact the programs and that the crafts need to be more proactive.
- David mentioned that right now the spec only provides contact to LNI.
- Linea said it is imperative to put together specific information to provide as a roadmap for a process to solicit apprentice labor.
- Dave suggested putting together a list of programs and contacts.
- Randy said that perhaps what we need is a list for the non-union contractors that explains how much it costs to go to each program.
- Tom said that in the case of Matia, they would need to convince someone to work for them and then figure out later what to do with them until the next wetland mitigation.
- John asked how we can commit to be a training agent and not ask Matia to do this.
- Bob said that there are other programs, like for the operators and the question is how to get that information into the contractor's hand.
- Linea said we have not provided a roadmap for success.

- Valerie mentioned that when the threshold drops to \$3 million, the smaller contractors will have no idea what they are to do. Having something to hand out will save a lot of time.
- Bob said we are also seeing contractors that have only done private work moving to public works. This has happened up north and there has been some confusion on their part about what they need to do to comply with public works requirements.
- Randy mentioned that we have to remember that we are training a future workforce.
- Van said that he feels it is worthwhile to have the materials to refer to but we have to remember that it is the contractor's choice to be a part of training or not. He said that there needs to be flexibility so that WSDOT can look at exemptions on a case by case basis.
- Linea would like to see a document showing by trade, where the contractor can go to solicit apprentices.
- John said that the carpenter's contact information can be put in the specs and that the union carpenters can dispatch to non-union firms, and that there is a non-union program through CITC that is also available.
- Tom asked if the plan wouldn't provide some indication of if the contractor is using all available resources to try to meet the goal.
- David explained that is how they discovered the issue with Matia. He believes that it is more an issue for non-union contractors. There is a lot of confusion, especially after David has told them to contact union programs.
- Valerie asked if a contract falls short and it is due to subcontractors, if the prime contractor or the subcontractor is on the hook.
- David said that WSDOT will hold the prime contractor accountable.
- Van asked if they wouldn't be drilling down to see why the goal was not met at that point and if they wouldn't realize it was due to subcontractors.
- David said that they would know why because as they receive the reports they can track it.
- Dave suggested that instead of just including a contact to the LNI website, WSDOT show what is available on the LNI website and an overview of the process. He said that there should also be guidance that if there is no landscape program that should be known.
- Van said there are three possibilities for the non-union contractor, they become signatory, work with the program, or get their apprentices into the program. They need information about what can be provided, what the costs might be and who they can work with.
- John said they cannot provide the information because it changes, but the correct contacts can be provided.
- Randy asked if they could be provided additional information when the plan indicates they will not meet the goal. She also asked if there weren't instructions for the plan.
- David and Valerie responded that there are no specific instructions on the plan form.
- Dave suggested making a list so they can contact all the programs.

- Bob mentioned that cost would be hard to pin down because it changes each June.
- Linea thought a process oriented document would be better. It doesn't need to say how much it costs but how the cost is calculated.
- David mentioned that a document would assist.
- John said that the trades are not used to dealing with non-union contractors either. He said that they don't have non-union contractors contacting them.
- Linea described it as an opportunity.
- David said that it is important that the first contact between the open shop contractors and the union training program be handled right because it is very important to the FHWA.
- Bob said it makes more sense to refer them to the training school – not the union. Bob said that it is very important that they are referred to the training school.
- Linea asked what it takes for a contractor to be successful working through the issue.
- Tom said that the contractor wants to know the cost. He said that the issue is that the contractor will probably have to enroll someone they already have into the program and pay more money to train them than they save by paying them apprenticeship wages. Tom also mentioned that some contractors can pick up hours through the union subcontractors. Tom explained that he was very impressed with the Laborers training center, but while there, heard some negative conversation about Wilder being open shop. There are some issues to work through with the open shop contractors.
- John mentioned that Wilder is a leader and has relationships with union signatories and mentioned their work with Bothell. John said that Wilder is the kind of contractor that could mentor non-union contractors. He said that perhaps Wilders constitutes good faith efforts.
- David went over the current specification with the group. He directed the group to the second page, where the contact is provided. Dave explained the plans value. It allows WSDOT to see when the apprentices are coming and track this using the monthly reports.
- John asked if it would make sense to expand the contacts listed in the specification.
- Dave said that it may be difficult to know which crafts WSDOT is using.
- If they call the number, they will get Jody's office.
- Dave said that most programs operate generally the same, and this information could be included in the bid forms, but at some point the contractors have to reach out and call the apprenticeship coordinators.
- John said that is not true for the carpenters program. He said that most of the apprenticeship coordinators don't know how to deal with the non-union contractor

- Tom asked what would happen if a union contractor could not get a union apprentice. Would they be required to go to a non-union program for an apprentice.
- John said that the carpenters have such a long waiting list that wouldn't happen.
- Van asked if it is reciprocal. If the apprentice is unavailable, does the union contractor have to go to the non-union program?
- David said he is looking for documentation that they went to all programs.
- Jody said that his direct phone number could be put in the specification.
- Linea asked if Jody has all the information that he needs.
- Jody uses the ARTS system and provides a local contact.
- John said that for the carpenters, the person listed in the ARTS system does not have a response for how a non-union contractor should be approached when asking for apprentices.
- Linea said there is an opportunity to get better information in the system.
- Dave suggested working with Jody to develop a contact list and process with each trade so Jody has the best information.
- Jody said that the training director should be clear about what the RCW says. John and Jody will discuss the Carpenters issue further.
- Linea summarized by saying that we will have to see what is reported back and make adjustments if necessary later.
- Valerie asked if AGC has done any workshops.
- Linea mentioned there was one, but there should be more follow up as the program is implemented.
- Dave asked if there is any outreach and training for working on public works contracts with WSDOT.
- David said that there is not at this time, but they have done training around the state with program updates. David has been talking with project office/contractor teams about apprenticeship.
- Van confirmed that AGC is not offering courses like that.
- Dave said that there is a potential for such a program.
- Bob asked who is doing what to make the contact list happen.
- Jody said that the person they will contact using the LNI website will be the training coordinator.
- Dave said that it would be easy to distribute some information to the trades to have them get the information for the right contacts to Jody.
- Van thought it is worthwhile to put together some workshops.
- Dave said they can get the apprenticeship coordinators there.
- Randy said that a lot of what is left to be done lies with WSDOT directing the contractor what to do. She said that we need to go back to the criteria for adjustments. We did not identify many criteria for adjustments.
- David said that the ratio form is a way to document those issues for discussion later. David is working with Matia to determine what to do.
- Randy suggested handing out information from the report.
- Linea summarized by saying that the form is intended to provide information and make adjustments in the future.

Other Issues

- Jason asked how it came that apprenticeship utilization was a requirement.
- David responded that executive agencies were doing the program by Governor's order. Governor Locke introduced the first bill. DOT was exempted from the first bill, but included in the second bill.
- Jason asked if it related to affirmative action.
- David explained the difference between the apprenticeship requirement and the federal training program. David explained that the monthly reporting form has a checkbox for female or minority, but this is not part of the program.
- Randy said that there are affirmative action requirements for the state apprenticeship program under federal law, but they are built into the training programs.
- Craig mentioned that you can have TERO, federal trainee, apprenticeship DBE and hiring requirements. Today it looks like these programs can work together. Craig explained how the programs work together.
- Linea explained that the requirement is an overall goal.
- Jason said that he has no problem putting together the information, but it is too bad to have to tell people they cannot be a part of the project because they need to be an apprentice. He also said that it is difficult because a lot of workers want to be employed for at least a season.
- Dave said that is the problem with the federal program, but the state program allows them to work year round and there is an investment there.
- Jason said that if a very qualified person goes into a training program and are paid 60% of the wages, as they begin to show promise, they can soon find a job at full scale but aren't going to wait for 6,000 hours, they are going to be employed by a non-union contractor. Jason said that the requirements don't benefit the contractor and don't benefit the state, more requirements don't make better training.
- Dave said that what apprenticeship provides is a level of consistency that is guided by standards and that is the benefit. Some companies may train at a high enough standard without the standards, but a lot of programs aren't.
- Jason said that he would like to lessen the requirement for smaller contracts. He asked what happens if he may have to require additional people to complete the contract just to make the goal.
- John disagreed that would happen.
- Linea said that it points out there are administration issues to keep in mind. There are issues with contractors coordinating with subcontractors.
- Randy said that we need to remember that the union programs have a huge investment in the training and unions are some of the largest

- investors in the country. These programs also have a management side to them and this system has worked well.
- Dave recommended more education. He said that he heard many times that contractors will need to lay someone off to meet the goal, but it has never happened to his knowledge. He also mentioned that there are advantages to putting an employee in the program.
 - Jason said that the problem is that by making something a requirement, people are reluctant to do it. He said there needs to be guidance to follow and an incentive for participating.
 - Bob said that part of the legislation was to bring small employers to the table.
 - Linea said these are some of the same issues that subcontractors brought up.
 - Valerie said that in order to encourage utilization, is there a way to carry out an apprentice's hours after the apprentice has completed the program.
 - Van said that as the contracts get smaller and the workforce gets smaller, if you have someone come up through the program and complete it, you wonder if you will have to let them go and hire a new apprentice.
 - Tom said that the pavers have been the most concerned. There are crews that stay together for a long time. The apprentices are put into the crews that don't stay together well. Tom said that some crews have folks that the shortest they have been there is 10 years and nobody is going to let a good crew break up.
 - Jason has an apprentice that just journeyed out last year and since then, his firm has not been meeting the requirement. He asked where that puts the apprentice that journeyed out. Will he have to let him go?

Date Setting

The next meeting will take place from 1:30 – 4:00 p.m. on Monday, September 29, 2008.

Meeting Adjourned