# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

# MEETING MINUTES

**June 2, 2011**

**1:-30 – 4:30 PM**

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

**Attendees:**

Committee Members: Jeff Carpenter (Chair), Bob Abbott, Terry Tilton (for Dave Johnson), John Littel ,Randy Loomans, Dean Smith,

Absent: Bob Adams, Tom Zamzow

WSDOT Staff: Randy Dubigk, Jenna Fettig, Craig McDaniel

Meeting Observers: Valerie Whitman, Lorraine Lucas, Owen Carter, Tom Gaetz, Jody Robbins

## Meeting Overview and Outcomes:

### Action Items:

**The following action items will be addressed prior the following meeting:**

1. Jenna will put together information on utilization based on the size of the requirement to see if utilization has increased or stayed the same throughout implementation of the program.
2. Jeff will use the outcome of the discussion on good faith to make adjustments to WSDOT's program and educate project offices on acceptable good faith efforts.
3. Jenna will update the Emergency Procedures Manual to include information about when to place the state apprenticeship requirement on an emergency project.
4. Jenna may make changes to the apprenticeship reporting system to gather more specific information on work activities performed by certain occupations.
5. The group will discuss work site further at a future meeting.
6. WSDOT will look for a replacement for Jason West.

## Meeting Minutes:

### Introductions and Committee Members

Jeff informed the group that Jason West will not be participating and we are looking for a replacement.

### Purpose of Committee

Jeff gave a recap of the purpose of the committee (to provide the legislative report, guide the department during implementation and to develop criteria for adjusting the requirement) and asked the group if there are any other items that should be addressed by the committee. There is not a sunset on the committee, but the committee needs to discuss where it is going and its future. Today,

WSDOT will share some data on where we are at with the program and have a discussion on what is a good faith effort. It may be time to identify types of projects that don't fit the intent of the apprenticeship program.

## Active and Completed Projects

The group took a look at the list of active and completed projects and noticed that there has been an improvement in compliance with the requirement. Jeff discussed what WSDOT has been doing to reach out and encourage greater contractor compliance.

## Highway Project Workforce

Jeff went over the differences between GA (vertical trades) and WSDOT (highway). WSDOT is using a lot more laborers and operators. Systematically, these occupations aren't attaining 15% which makes it difficult for WSDOT since contractors must meet the requirement with these occupations. Flagging is something we have to look at. Jeff explained showed the group a pie chart demonstrating even greater reliance on laborers and operators on paving projects.

WSDOT would like to have more information about what areas have room for improvement. Jeff asked if there would be any opposition to a more detailed tracking of the type of laborer hours. This might help address missing opportunities for flagging, high scaling or any other specific activities where more opportunities exist.

WSDOT has still been hearing that laborers cannot perform only flagging or traffic control so Jeff asked Bob for some clarification about how many hours of flagging an apprentice can perform. They can perform more than 200 hours but they have to go through the complete apprenticeship program.

Tom asked if we are seeing that we topped out at 12%, regardless of the size of the requirement. Though WSDOT does not have the data in this format, Craig felt we may have hit a ceiling. WSDOT are not meeting the requirement.

Valerie thought a further breakout out the hours into more specific activities would be useful. Bob asked for clarification on how we would break out laborers. Jeff responded that it might be helpful to know how many laborer hours were landscaping, traffic control or high scaler to see where we aren't getting the attainment. Bob stressed that he doesn't want to get away from making sure that contractors are using the programs. Bob thought it would be difficult to break out hours further because the subcontractors report to the prime in a rolled up monthly form. Bob thought the cause for not meeting 15% in laborer hours is due to subcontractors that are not using apprenticeship training programs.

Bob stressed that utilization has improved with the education process and that must continue. Bob also thought that the truck driver occupation is an area with huge deficiencies in apprenticeship and more opportunities. Even with changing the way we are counting trucking hours it still doesn't get us to the percentage.

Don asked if WSDOT verifies the hours that are submitted by the contractor on the monthly report. Craig explained the process used by WSDOT to check the

report. Don asked what the penalty is for not meeting the 15% requirement. The committee explained that this issue has been addressed. Randy thought that the problem is at the subcontractor level and asked what we can do to help them help their subcontractors comply. Jeff explained that contractually, WSDOT does not deal directly with the subcontractors, so that responsibility is with the prime contractors.

### Highway Project Workforce

Craig explained the summary of good faith efforts. To date, WSDOT has made no adjustments to our program and have just put a flat 15% requirement on every program. The document shows what we are hearing in good faith efforts. Craig asked if any of the situations are ones where we would want to adjust project percentages, exempt situations or rely on good faith. Some of the issues, WSDOT has decided do not meet the intent of good faith and will be rejected. The following is a summary of how WSDOT will react based on the following project situations.

- **Apprentice availability, night work, irregular shifts:** Can be used as a good faith effort with documentation that no apprentices are available or documentation that verifies that apprentices were dispatched and quit and there was turnaround time. WSDOT will have to judge if this accounted for the extent of under-utilization. Some programs indicted they have quick turnaround. If the contractor is doing the hiring it could take up to two weeks. Documentation will be reviewed on a case-by-case basis.
- **Apprentice availability, mobile operation, travel:** Generally, this would not be an excuse as apprentices are expected to go where the work is.
- **Unqualified apprentice:** Generally this would not be an excuse but properly documented would be reviewed on a case-by-case basis.
- **200 Hour:** This is not an excuse and we need to do some education and outreach.
- **Landscaping:** There is now an apprentice landscaping program approved for two contractors. Most work would be performed by laborers or operators. In a unique contracting situation documentation would be reviewed on a case-by-case basis.
- **No program:** Exempt that occupations hours from reporting until there is a program in place.
- **Type of project:** For high scaling - make adjustment to the project percentage.
- **Drug testing:** not an excuse.
- **Can’t get a program approved in time:** Not an excuse.
- **TERO:** Good Faith Effort
- **Ratio:** Generally not an excuse but with documentation to be reviewed on a case-by-case basis.
- **Occurs during classroom training:** Although the law specifies the work must occur on site, allow a contractor to report classroom training hours for the purpose of meeting the requirement.

- **Federal training:** Since Federal program is a condition of federal funding, this is an appropriate good faith effort item.
- **Apprentice graduates:** A contractor can report the graduated apprentice on the project they graduated on for one year or the project duration, whichever comes first. But they have to pay them journeyman wages.
- **Program cost:** Not an excuse.
- **Too critical/technical:** Properly documented this would be evaluated on a case-by-case basis in the good faith effort.
- **Established/small workforce:** Properly documented this would be evaluated on a case-by-case basis in the good faith effort.
- **Deleted/added work:** Adjust project percentage based on the change.
- **Too dangerous:** Generally not an excuse but properly documented could factor into good faith effort.
- **DBE:** Document in good faith effort.
- **Subcontractor doesn't comply:** not an excuse
- **Out of state contractor:** Not an excuse
- **Ratio of materials to labor:** Adjustment to be made to requirement by State Construction Engineer

## Work Site Discussion

Jeff informed the group that he recently asked the AG to define work site for purposes of apprenticeship. The reason for this discussion is that WSDOT has some very large contracts that are entirely fabrication. The outcome of the decision was that if a fabricated item is made in a facility specified by WSDOT, used solely to make that item or constructed to make only that item then it is a worksite. If the item is made at a private facility or one that is not dedicated solely to the production of that item it is not subject to apprenticeship. Jeff would like to place a voluntary apprenticeship requirement on items that would not be applicable to the apprenticeship requirement due to the work site definition. After some discussion, John suggested we will not be able to answer this question right away.

## Meeting Adjourned