

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

October 10, 2014

10:00 - Noon

Commission Board Room  
WSDOT Transportation Building  
310 Maple Park Ave  
Olympia, WA 98504

**Attendees:** **Committee Members:** Bob Adams, Jeff Carpenter (Chair), David Myers, Pamp Maiers, Don McLeod, Dean Smith, Josh Swanson, Terry Tilton, Tom Zamzow

**Absent:**

**WSDOT Staff:** Mike Grigware, Craig McDaniel, Dacia Stricklett , Denys Tak,

## AGENDA ITEMS

Topic	Time
✓ Welcome <ul style="list-style-type: none"><li>▪ <i>Review our agenda, safety</i></li><li>▪ <i>Introductions for new committee members and new WSDOT staff</i></li><li>▪ <i>Review Committee's Purpose</i></li></ul>	10:00 a.m.
✓ Program Update <ul style="list-style-type: none"><li>▪ <i>Apprentice Hours by Occupation (handout)</i></li><li>▪ <i>Active &amp; Completed Projects (handout)</i></li><li>▪ <i>Upcoming projects (handout)</i></li><li>▪ <i>Committee Member News</i></li></ul>	10:10 a.m.
✓ Legislative Update <ul style="list-style-type: none"><li>▪ <i>Updates or comments from committee members</i></li></ul>	10:20 a.m.
✓ Trucking Hours	10:30 a.m.
✓ Compliance <ul style="list-style-type: none"><li>▪ <i>Incentives</i></li><li>▪ <i>Prime Contractor Performance Report (WAC 468.16)</i></li><li>▪ <i>Goal Attainment</i></li></ul>	11:15 a.m.
✓ Next meeting scheduling and topics	11:55 a.m.
✓ Adjourn	12:00 pm

**RCW 39.04.320**

**Apprenticeship training programs — Public works contracts — Adjustment of specific projects — Report and collection of agency data — Apprenticeship utilization advisory committee created.**

(6) The secretary of transportation shall establish an apprenticeship utilization advisory committee, which shall include statewide geographic representation and consist of equal numbers of representatives of contractors and labor. The committee must include at least one member representing contractor businesses with less than thirty-five employees. The advisory committee shall meet regularly with the secretary of transportation to discuss implementation of this section by the department of transportation, including development of the process to be used to adjust the requirements of this section for a specific project. The committee shall provide a report to the legislature by January 1, 2008, on the effects of the apprentice labor requirement on transportation projects and on the availability of apprentice labor and programs statewide.

# FINISHING TRADES INSTITUTE NORTHWEST

apprenticeship & training - comm'l & residential glaziers - comm'l, indust'l, & marine painting - floor covering - drywall finishers - striping

6770 E. Marginal Way South, Bldg. E, Suite 102, Seattle, WA 98108 [www.ftinw.org](http://www.ftinw.org)  
p 206-762-8332 f 206-762-6433

October 6, 2014

Via email [strickd@wsdot.wa.gov](mailto:strickd@wsdot.wa.gov) and first class mail

Apprenticeship Advisory Committee  
Washington State Department of Transportation  
WSDOT Transportation Building  
310 Maple Park Ave  
Olympia, WA 98504

Re: Apprentice Utilization for Construction Truck Drivers on WSDOT Projects

Gentlemen and Mesdames;

The Finishing Trades Institute Northwest conducts registered apprenticeship training for the finishing trades, including traffic control striping.

It has come to our attention that the Department is considering an interpretation *different from prevailing wage* for apprenticeship utilization – more specifically that hours for truck drivers, for transport of materials or presumably for access to traffic control striping locations, would not be considered for apprentice utilization requirements, if the worker did not spend the majority of their shift physically on the project site. See, WAC 296-127-018.

This interpretation is contrary to the plain language interpretation used for prevailing wage, and should not be used for consideration of apprentice utilization.

WSDOT is charged with building, maintaining, and protecting the Washington State transportation infrastructure over the long term. Apprenticeship utilization requirements benefit the state, and are explicitly ratified by the Washington State Legislature for the Department when adopting the requirements: “By providing for apprenticeship utilization on public works projects, state government can create opportunities for training and experience that will help assure that a trained work force will be available in sufficient numbers in the future for the construction of public works.”

WSDOT needs to support training for the future, as it is documented that failing to train for the future is penny wise and pound foolish. Those arguing to dilute training will not be materially impacted by leaving the state apprentice utilization requirements in parallel with the prevailing wage rules. Those arguing to dilute training will not provide for the future unless there is language requiring that training.

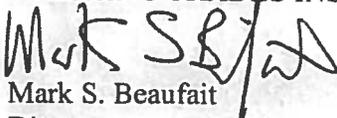
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WSDOT Apprenticeship Advisory Committee  
October 6, 2014 – page 2

WSDOT manages our state's physical transportation system as well as our state's socio-technical transportation system - the people that build it and maintain it, and will build it and maintain it over the next 20-40 years. Management of types of infrastructure is a long term process.

We appreciate your consideration of this issue, and ask in this matter, and in connection with other public works, that the Department and your Committee professionally stand for a *robust* preparation for the retirement of baby boom construction artisans.

Very truly yours,  
FINISHING TRADES INSTITUTE NORTHWEST

  
Mark S. Beaufait  
Director

Chairman \_\_\_\_\_

Committee Members,

Thank you for the opportunity to address the committee today.

The question of the day is: What is the true meaning of "directly employed on the site of the public works project".

**RCW 39.04.310**

**Apprenticeship training programs — Definitions.**

(3) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.

This definition from RCW 39.04.310 is said to be clear and unambiguous. The current interpretation takes this to simply mean that labor hours are for construction workers only and only while they are inside the fence. Period. But as with most things when you look a little deeper at the real application of it its not that simple. Let's consider some hypothetical examples:

**Worker A:**

Worker A works for ABC Construction and is assigned the job of general laborer on a WSDOT highway bridge project. At 7:00 am worker A arrives for work at the project site, is assigned a company vehicle and asked to go pickup a list of parts and supplies at various locations in the greater metropolitan area. Worker A leaves the project site at 7:15 and returns with most of the parts at 11:45 am. Worker A takes a lunch break from 11:45 to 12:15 and then leaves to go pick up the rest of the supplies. He returns to the site at 2:55 and helps put the parts and supplies away until 3:30 when he signs out and leaves the project site in his personal car.

Total time qualifying for prevailing wages under state law = 8 hours

Total time performing work on the project = 8 hours

Total time performing work on the project site = 50 minutes

Total time counted towards apprenticeship utilization = 8 hours\*

\*Because Worker A is not a truck driver his hours are counted for apprenticeship utilization.

**Worker B:**

Worker B works for ABC Construction and is a state registered apprentice truck driver assigned the job of water truck driver on a WSDOT hwy interchange rebuild project. Worker B arrives at the jobsite in her personal vehicle in time to start work at 7:00 am. Worker B spends 12 minutes doing a pretrip and leaves the project site at 7:15 to go fill up her water truck. Because of traffic and hydrant availability she arrives at the fill location at 8:00 am. At 8:20 she leaves the fill site and returns to the project site arriving at 8:45. Worker B cleans the project site and performs dust control for 20 minutes and then leaves the site at 9:05 to get more water. She arrives at the fill site at 9:30 but has to wait for another water truck to fill. After filling her truck she returns to the project site and arrives at 10:30. She works on site until 10:50 and then heads back for more water. She returns to the site at 11:55 and takes a 30 minute lunch leaving the truck loaded. At 12:30 she is asked to drive a dump truck that is parked on site and after her pretrip inspection gets loaded with export material and leaves the project site at 1:30. She drives 5.4 miles to the dump site and dumps out her material and then heads back toward the job. At 2:25 she is notified that she needs to bring back a load of crushed rock. She reroutes to another pit and arrives

back at the project site at 3:45 pm where she dumps out her load then parks the truck. Worker B signs out and leaves the project site at 4:15pm.

Total time qualifying for prevailing wages under state law = 8 3/4 hours

Total time performing work on the project = 8 3/4 hours

Total time performing work on site = 2 hours 35 minutes

Total time counted toward apprenticeship utilization = 0 hours

Worker C:

Worker C is employed by ABC Construction and works a 4/10 night shift. He starts work at 5:00 pm and drives a belly dump on a WSDOT road building project. The project calls for building up the road bed over a 5 mile section. The fill material is obtained from a quarry that is located 17.3 miles away and takes about an hour and twenty minutes to complete a round trip. Upon arriving back on the job site it takes approximately 12 to 17 minutes to dump out and clean the truck up for another round. Worker C is usually able to make 6 rounds per shift. Worker C is parked and leaves the jobsite at 3:30 am.

Total time qualifying for prevailing wages under state law = 10 hours

Total time performing work on the project = 10 hours

Total time performing work on site = 2 hours

Total time counted toward apprenticeship utilization = 0 hours

Washington State's prevailing wage laws, RCW 39.12 when pertaining to the work of truck drivers are governed by WAC 296-127-018. Simply put, on all WSDOT funded projects, all round trip time to accomplish work that is contemplated by the construction contract is to be paid the prevailing rate of wage. Therefore truck drivers who perform this work are to be paid prevailing wage because they are on the project but the WSDOT holds that those hours are not "Labor Hours" on their project and therefore can't be counted for apprenticeship utilization purposes because they are not on the project site.

All of this begs the question, what does directly employed on the site of the public works project really mean. Does it mean that an employee who reports to work and ends his/her shift at the project site must accomplish all of their day's work inside the fence? Is a worker who reports to and ends their shift on the project site not directly employed on the project site? Why are a truck driver's hours excluded because his duties take him off of the job site while every other worker's hour are counted weather they work off the site or not?

The Department of Labor and Industries Prevailing Wage Division holds as one of their primary tenets that the laws must be applied equally to all workers. The nature of the work of truck drivers is that they use trucks to move things. The nature of construction is that materials must be moved on to and off of the job site. How can it be appropriate that one worker's time is counted towards apprenticeship but another's is not because of the type of duty's he or she has?

The interpretation currently being used by the DOT is contrary to the intent of the law in that it works against the legislature's directive to use apprenticeship to help build a viable construction trades workforce for Washington's future. The Teamsters/AGC Training Center through its Construction Truck Driver apprenticeship program provides well trained construction truck drivers to contractors on WSDOT projects all over the state. The contractors who utilize our apprentices do so for a couple of primary reasons, State apprenticeship utilization requirements and economic benefit of hiring well trained workers at a reduced rate. Permitting this

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interpretation to stand will seriously diminish our ability to place apprentices in Washington state and jeopardize our future existence.

We ask this committee to support us by voting to reverse this policy and allow our apprentices the opportunity to develop into the safe and reliable workforce our state so badly needs. Thank

you

## Advance Schedule of Projects

These contracts are planned for advertisement by the Washington State Department of Transportation for October 6, 2014 through September 30, 2015. Please note the advertisement dates are tentative and some information may change after this report is issued. Projects are dependent on funding availability. For current information, please visit the Contract Ad and Award website at <http://www.wsdot.wa.gov/biz/contaa/>

Only one state route is displayed per project. Some types of projects, e.g., chip seals, bridge painters, seismic retrofits, electrical updates, and guardrail updates, may involve regionwide work.

### Bridge

Type	Cost Range	SR	Title and Work Description	Region	County	Ad Date	WI Number
Bridge	1M - 2M	018 SR 18/Green River (Neeley) Bridge - Painting - Re-Advertisement - Paint existing structure		Northwest	King	<b>10/06/14</b>	A01812N
	5M - 10M	104 SR 104/Hood Canal Bridge - Cable Replacement - Replace anchor cables on bridge 104/5.1		Olympic	Jefferson, Kitsap	<b>10/27/14</b>	C10439A
	5M - 10M	162 SR 162/Puyallup River Bridge - Bridge Replacement Replace existing bridge 162/006		Olympic	Pierce	<b>11/03/14</b>	C16219A
	5M - 10M	090 I-90/Columbia River Vantage Bridge - Painting Clean and paint steel bridge members		North Central	Grant, Kittitas	<b>12/15/14</b>	E09012U
	Under 1M	104 SR 104/Kingston Trm - Trestle Pavement Rehabilitation Bridge deck overlay resurfacing/rehabilitation on bridge 104/12TR		WSF	Kitsap	<b>01/12/15</b>	M04255A
	15M - 20M	099 Aurora Ave - George Washington Memorial Br 99/560 (Stage 1) - Bridge Painting		Northwest	King	<b>01/20/15</b>	A09946B
	3M - 4M	101 US 101/Hoquiam River-Simpson Ave Bridge - Bridge Painting - Paint steel bridge 101/125W		Olympic	Grays Harbor	<b>01/26/15</b>	C10117J
	Under 1M	090 I-90/Yakima River Bridge E of Cle Elum WB - Deck Rehabilitation - Scarify and overlay bridge deck on Bridge 90/140N		South Central	Kittitas	<b>03/02/15</b>	E09013N
	Under 1M	090 I-90/Access Road Bridge EB - Deck Rehabilitation Scarify and overlay bridge deck on Bridge 90/117S		South Central	Kittitas	<b>03/23/15</b>	E09013S
	5M - 10M	160 SR 160/Vashon Trm - Timber Trestle Rehabilitation Rehabilitation/seismic bracing and retrofit of Bridge 160/102TR		WSF	King	<b>04/06/15</b>	M05204A
	Under 1M	160 SR 163/Tahlequah Trm - Timber Finger Pier Removal Environmental mitigation for Vashon trestle rehabilitation project		WSF	King	<b>04/06/15</b>	M05119A
	25M - 30M	099 SR 99/Tunnel Alternative, South Access Connection South Access Construction		Alaskan Way Viaduct	King	<b>04/20/15</b>	U09904A
	4M - 5M	005 I-5/Union, Steamboat, and Ebey Slough Bridges - Special Bridge Repair - Expansion joint repair		Northwest	Snohomish	<b>05/04/15</b>	A00512S
	5M - 10M	020 SR 20 Spur/Anacortes Trm Tie-up Slips - Dolphin & Wingwall Replacement - Replacement of landing aids/pier protection on Bridge 20/208FT2		WSF	Skagit	<b>05/11/15</b>	M03352A
	4M - 5M	104 SR 104/Hood Canal Bridge - Special Repair Design new lower gear boxes for span drive system on 104/005.1		Olympic	Jefferson, Kitsap	<b>09/08/15</b>	C10439C

## Major Construction

Type	Cost Range	SR	Title and Work Description	Region	County	Ad Date	WI Number
Major Construction	3M - 4M	203	SR 203/Coe-Clemons Creek - CED - Chronic Environmental Deficiency	Northwest	King	10/27/14	A20305A
	5M - 10M	525	SR 525/Mukilteo Trm (Phase 1) - Tank Farm Pier Demolition And Dredging Preparatory site demolition, removal of tank farm pier, and dredging	WSF	Snohomish	10/27/14	M04433C
	70M - 75M	090	I-90/Keechelus Dam Vicinity - Build wildlife bridge/Add lanes - Ph. 2A - Construct wildlife bridge and six lanes; extend WB chain up	South Central	Kittitas	01/26/15	E09090O
	4M - 5M	542	SR 542/Anderson Creek Culvert - Chronic environmental retrofit	Northwest	Whatcom	01/26/15	A54229B
	5M - 10M	003	SR 3/Belfair Area Improvements - Mobility Major road improvements, pedestrian facilities, and storm water	Olympic	Mason	03/02/15	C00344D
	Under 1M	504	SR 504/1.3 Miles East of SR 505 - Chronic Environmental Deficiency - Stabilize the river bank to prevent further erosion	Southwest	Cowlitz	04/06/15	D50415P
	Under 1M	005	I-5/Port of Tacoma Rd to King Co Line Second Floodplain Mitigation Site - Floodplain Mitigation work	Olympic	King, Pierce	05/04/15	C00504G
	2M - 3M	012	US 12/0.8 Miles West of Chapman Rd - Erosion Protection Stabilize the river bank to prevent further erosion	Southwest	Lewis	05/18/15	D01215C

## Resurface

Type	Cost Range	SR	Title and Work Description	Region	County	Ad Date	WI Number
Resurface	1M - 2M	509 SR 509/SB S 160th St Vic to S 112th St Vic - Paving & ADA Compliance - HMA Paving & ADA Compliance		Northwest	King	10/06/14	A50922C
	Under 1M	124 SR 124/South Lake Road to Charbonneau Park Vicinity - Chip Seal - Chip seal, delineation and striping		South Central	Walla Walla	11/03/14	E12402I
	Under 1M	014 SR 14/Benton County Line to Whitcomb Island Road Vic - Chip Seal - Chip seal, delineation and striping		South Central	Benton	11/03/14	E01401D
	Under 1M	012 US 12/Tieton River Bridges to Naches - Chip Seal Chip seal and restore delineation		South Central	Yakima	11/03/14	E01215I
	Under 1M	012 US 12/Turner Rd Vic to Messner Road Vic - Chip Seal Chip seal, delineation and striping		South Central	Columbia	11/03/14	E01215J
	1M - 2M	181 SR 181/S 180th St to Southcenter Blvd - Paving & ADA Compliance - HMA Paving & ADA Compliance		Northwest	King	11/10/14	A18108B
	Under 1M	285 SR 285 CO/Wenatchee Area - Paving - HMA Overlay		North Central	Chelan	11/10/14	B28500G
	2M - 3M	005 I-5/SB Mount Vernon to Joe Leary Slough - Paving HMA Overlay		Northwest	Skagit	11/17/14	A00568D
	3M - 4M	014 SR 14/SR 221 to 2 Miles E of Christy Rd - Paving Cold in place recycle and HMA overlay		South Central	Benton	11/17/14	E01401M
	3M - 4M	017 NCR Seal 2015 - BST Seal		North Central	Adams, Chelan	12/01/14	B00005M
	1M - 2M	195 US 195/Colfax to Dry Creek - Paving Hot Mix Asphalt paving with basic safety restoration		Eastern	Whitman	12/15/14	F19503A
	1M - 2M	195 US 195/Jct SR 27 to Babbit Rd - Paving Hot Mix Asphalt paving with basic safety restoration		Eastern	Whitman	12/15/14	F19502B
	3M - 4M	395 US 395/Foster Wells Road Vic to E Elm Road SB - Paving HMA paving and restore delineation		South Central	Franklin	12/15/14	E39503T
	Under 1M	167 SR 167/NB S 277th St to Green River Bridge - Paving HMA Overlay		Northwest	King	01/05/15	A16708C

Type	Cost Range	SR	Title and Work Description	Region	County	Ad Date	WI Number
Resurface Cont.	Under 1M	509	SR 509/S Normandy Rd Vic to 174th Intersection - Paving & ADA Compliance - HMA Paving & ADA Compliance	Northwest	King	01/05/15	A50916B
	1M - 2M	303	SR 303/S of WM E Sutton Rd to Silverdale Way - Paving HMA mill and fill	Olympic	Kitsap	01/12/15	C30314D
	2M - 3M	518	SR 518/WB 24th Ave S Vic to I-5 I/C Vic - Paving HMA Overlay	Northwest	King	01/12/15	A51804B
	2M - 3M	290	SR 290/Sullivan Rd to Idaho State Line - Paving Hot Mix Asphalt paving with basic safety restoration	Eastern	Spokane	01/20/15	F29001K
	1M - 2M	101	US 101/S of Mansfield Rd to W of Shore Rd - Paving HMA mill and fill	Olympic	Clallam	01/20/15	C10144G
	5M - 10M	002	2015 Eastern Region Chip Seal	Eastern	Ferry, Pend Oreille, Spokane, Whitman	02/09/15	F11115A
	2M - 3M	020	SR 20/Frostad Rd Vic to Sharpes Corner Vic - Paving HMA Paving	Northwest	Island, Skagit	02/09/15	A02027E
	3M - 4M	164	SR 164/Hemlock St to SE 408th St - Paving and ADA Compliance - HMA Paving and ADA Compliance	Northwest	King	02/23/15	A16402D
	10M - 15M	090	I-90/Oakes Ave I/C to Peoh Rd Bridge Vic WB - Replace/Rehab Concrete - Unbonded concrete overlay, HMA shoulder replacement, restore delineation	South Central	Kittitas	03/02/15	E09007T
	Under 1M	501	SR 501/Gee Creek Br Vic to S 56th Pl - Paving Rehabilitate pavement with a hot mix asphalt overlay	Southwest	Clark	03/02/15	D50114P
	2M - 3M	900	SR 900/Tukwila NCL to SR 167 Wye - Concrete Pavement Rehabilitation - Concrete Pavement Rehabilitation	Northwest	King	03/16/15	A90010D
	5M - 10M	090	I-90/Easton Hill Vic to Kachess River Br EB - Replace/Rehab Concrete - Cement concrete lane w/ HMA shoulder replacement and restore delineation	South Central	Kittitas	03/23/15	E09012R
	2M - 3M	507	SR 507/Old Hwy 99 to E of Water St - Paving - HMA mill and fill	Olympic	Pierce, Thurston	03/23/15	C50736A
	1M - 2M	195	US 195/Plaza Rd to Cornwall Rd - Paving Hot Mix Asphalt paving with basic safety restoration	Eastern	Spokane	04/06/15	F19506J
	5M - 10M	195	US 195/Excelsior Rd to Jct I-90 - SB Lanes - PCCP Rehab PCCP grinding, panel replacement, and HMA paving	Eastern	Spokane	04/13/15	F19508H
	1M - 2M	410	SR 410/N of Meyers Rd E to 214th Ave E - Paving HMA mill and fill	Olympic	Pierce	04/20/15	C41023A
	Under 1M	016	SR 16/Tacoma Narrows Bridges to SR 3 - Paving HMA inlay	Olympic	Kitsap, Pierce	04/27/15	C01654A

## Safety

Type	Cost Range	SR	Title and Work Description	Region	County	Ad Date	WI Number
Safety	Under 1M	090	I-90/Mt. Baker Tunnel - CCTV Replacement Replace CCTV System	Northwest	King	<b>10/06/14</b>	A09010J
	Under 1M	503	SR 503/Padden PKWY to NE 119th St - Median Curb Install Center Median Curb	Southwest	Clark	<b>11/03/14</b>	D50312M
	Under 1M	000	SCR Region Wide Basic Safety - Guardrail Adjust and replace guardrail (S)	South Central	Regionwide	<b>11/03/14</b>	E00006G
	Under 1M	017	SR 17/S of Othello - Intersection Improvements Construct Turn Lanes at Bench Rd	North Central	Adams	<b>12/01/14</b>	B01700J
	Under 1M	281	SR 281/South of Quincy at Road 9 NW - Left Turn Lanes Construct Left Turn Lanes	North Central	Grant	<b>12/08/14</b>	B28100A
	1M - 2M	090	I-90/Hyak to Keechelus Dam Phase 1F - Fencing 1B Construct wildlife exclusionary fence	South Central	Kittitas	<b>12/15/14</b>	E09090F
	Under 1M	020	SR 20/S Burlington Blvd - Railroad Crossing Improvements Railroad Crossing Improvements	Northwest	Skagit	<b>01/05/15</b>	A02045D
	Under 1M	524	SR 524/Yew Way - Railroad Crossing Improvement Signalization	Northwest	Snohomish	<b>01/05/15</b>	A52413B
	3M - 4M	020	SR 20/Morris Road to Jacobs Road - Safety Improvements Safety Improvements	Northwest	Island	<b>02/02/15</b>	A02010R
	2M - 3M	002	US 2/Jct SR 206 Intersection Improvements Intersection alternatives analysis	Eastern	Spokane	<b>04/20/15</b>	F00206A
	Under 1M	410	SR 410/0.5 Miles E of Chinook Pass - Emergent Need Wall Repair - Replace retaining wall and barrier, repair roadway	South Central	Yakima	<b>05/18/15</b>	E41004A
	1M - 2M	542	SR 542/SR 547 - Intersection Improvement Construct a roundabout	Northwest	Whatcom	<b>09/14/15</b>	A54222A

**Unique**

Type	Cost Range	SR	Title and Work Description	Region	County	Ad Date	WI Number
Unique	Under 1M	000 NCR Guardrail Update 13-15		North Central	Chelan, Okanogan	11/03/14	B00000U
	Under 1M	000 NCR Sign Update 2013		North Central	Okanogan, Grant	11/03/14	B00006A
	Under 1M	016 SR 16 VMS Rehabilitation - Update Variable Message Signs		Olympic	---	11/03/14	C00072F
	2M - 3M	099 SR 99/W Fork Hylebos Creek - Fish Passage Fish barrier removal (Site ID #991210)		Northwest	King	11/03/14	A09907C
	Under 1M	241 SR 241/SR 22 Mabton Vic/RR Xing - Install Beacons & Stop Refuge - Install cantilever mounted beacons and stop refuge		South Central	Yakima	11/03/14	E24102W
	Under 1M	097 US 97/Branch Rd & SR 241/Mabton - Railroad Crossing Improvements - Install constant warning circuitry, widen roadway for stop refuge		South Central	Yakima	11/03/14	E09701R
	Under 1M	002 US2/Stevens Pass -- ITS Emergency Power		North Central	Chelan, King	11/17/14	B00207B
	Under 1M	097 US 97A/ Entiat Pedestrian Improvements		North Central	Chelan	11/17/14	---
	Under 1M	000 NCR Backup Power for Mountain Passes NCR ITS Power Backup & VMS Replacement		North Central	Chelan, Grant, Kittitas, Okanogan	11/17/14	B00000P
	1M - 2M	20 SR 20 Spur/Vehicle Reservations Phase 2 - ITS Systems		WSF	San Juan	12/03/14	M05549J
	Under 1M	000 ER Region Wide Basic Safety - Guardrail Guardrail replacement		Eastern	Spokane, Whitman	12/08/14	F00025C
	Under 1M	000 ER Region Wide Basic Safety - Signing Sign replacement		Eastern	Spokane	12/08/14	F00025D
	Under 1M	099 SR 99/Aurora to NWR Headquarters TSMC Fiber Optic Connection - Fiber Optic Connection		Alaskan Way Viaduct	King	01/12/15	U09913D
	Under 1M	020 SR 20/Winthrop VMS		North Central	Okanogan	01/20/15	B02090A
	Under 1M	000 ER Regionwide Curve Warning Signing - Chevron Alignment -Signing improvements		Eastern	Adams, Lincoln, Ferry, Pend Oreille, Spokane, Stevens, Whitman	02/09/15	F00025E
	Under 1M	090 I-90 CCTV Upgrades - Replace cameras on I-90 from MP 277.72 to 289.85		Eastern	Spokane	02/17/15	F09049Q

Type	Cost Range	SR	Title and Work Description	Region	County	Ad Date	WI Number
Unique Cont	3M - 4M	532 SR	532/Davis Slough Bridge Replacement - Duguala Bay Mitigation Site - Construct Mitigation Site	Northwest	Island, Snohomish	03/02/15	A53208H
	Under 1M	101 US	101/N of Queets River Bridge - Remove Fish Barriers Remove fish passage barriers #997344 & #991268	Olympic	Jefferson	03/16/15	C10104H
	Under 1M	101 US	101/Unnamed Tributary to Queets River - Remove fish barrier - Remove fish passage barrier #997344	Olympic	Jefferson	03/16/15	C10104I
	4M - 5M	101 US	101/N of Salmon Creek Bridge - Stabilize Slope Repair unstable slope #2977	Olympic	Grays Harbor	04/06/15	C10123G
	Under 1M	302 SR	302/N of E Victor Rd - Culvert Replacement Replace two existing culverts and armor the roadway embankment	Olympic	Mason	04/13/15	C30224A
	Under 1M	014 SR	14/Vicinity of Tunnel #3 - Rock Scaling Selective rock scaling to reduce risk of rockfall onto roadway	Southwest	Skamania	04/27/15	D01411R
	Under 1M	512 SR	512/SR 7 to I-5 - Congestion Management Install Ramp Meters	Olympic	Pierce	04/27/15	C51207Q
	Under 1M	097 US	97/Maryhill Climbing Lane - Rock Scaling Reduce risk of rockfall with strategic rock slope scaling - Slope #2684	Southwest	Klickitat	04/27/15	D09710R
	Under 1M	014 SR	14 Traveler Information, 164th Ave to NW 6th Ave Incident management and communications project	Southwest	Clark	05/11/15	D01413Q
	Under 1M	002 US	2/Spotted Rd to I-90 - ITS Install Fiber Optic Communications and CCTV Camera MP 281.22 to 283.22	Eastern	Spokane	05/11/15	F00227Q
	4M - 5M	124 SR	124/Monument Rd/RR Xing - Construct Bridge Construct RR grade separation - Xing # 844397U	South Central	Walla Walla	05/18/15	E12402N
	Under 1M	020 SR	20 Spur/Orcas Island Trm - Facility ADA Compliance Improvements - Terminal facility ADA compliance improvements	WSF	San Juan	07/06/15	M04531A
	Under 1M	005 I-5	Gee Creek SB SRA RV Renovation Renovate existing RV dump station	Headquarters	Clark	07/13/15	H00506C
	Under 1M	005 I-5	Silver Lake SB RV Dump Station Rehabilitation Rehabilitate existing RV dump station	Headquarters	Snohomish	07/13/15	H00531B
	Under 1M	005 I-5	NB Vicinity Southcenter - VMS Replacement Replace Variable Message Sign	Northwest	King	09/08/15	A00513Q
	Under 1M	005 I-5	Smokey Point NB/SB Safety Rest Area RV Sewage System Rehabilitation - Replace of septic tanks with grinder station	Headquarters	Snohomish	09/08/15	A00555B
	Under 1M	000 ER	ADA I/S Features Update ER pedestrian facilities on highways to meet ADA standards	Eastern	Spokane, Lincoln, Ferry, Pend Oreille, Whitman	12/15/14	F00025B



Section I Contractor Data			Section II Project Data			
Report Type <input type="checkbox"/> Interim <input type="checkbox"/> Final <input type="checkbox"/> Special	Contractor No. (HQ Use Only)		Region	Contract No.  Federal-Aid No.	County	SR
Company Name			Project Title			
Address		Phone No.	Auth. Working Days	Working Days Charged	Work Starting Date	Completion Date
Superintendent		Foreman	Contract Award Amount		Contract Completion Amount	
Work Class Performed by Contractor:						
Description of Work:						

### Section III Numerical Rating

A Administration / Management / Supervision	* Inadequate	* Below Std	Standard	Above Std	* Superior	Rating
A1. Supervision/Decision Making/Coordination with Subcontractors and suppliers	3	4	6	8	10	
A2. Submission of Documents and Reports	3	4	6	8	10	
A3. Coordination and Cooperation with Department Personnel on Project Matters	3	4	6	8	10	
A4. Relations with General Public, Other Agencies and Adjacent Contractors	2	4	5	6	7	
A5. Maintenance of Employee Safety Standards	1	1.5	2	2.5	3	
<b>Section A Total</b>	<b>12</b>	<b>17.5</b>	<b>25</b>	<b>32.5</b>	<b>40</b>	
<b>Q Quality of Work</b>						
Q1. Adherence to Plans and Specifications	9	12.5	15	18	21	
Q2. Standards of Workmanship	6	8	10	12.5	15	
Q3. Public Safety and Traffic Control	2	3	4	5	6	
Q4. Environmental Compliance	4	5	6	7	8	
<b>Section Q Total</b>	<b>21</b>	<b>28.5</b>	<b>35</b>	<b>42.5</b>	<b>50</b>	
<b>P Progress of Work</b>						
P1. Completion of project within allotted time	6	8	10	12	14	
P2. Scheduling and execution of schedule	2.5	3.5	5	7	8.5	
P3. Delivery of materials and supplies	1.5	2.5	4	5.5	7.5	
P4. Number of days from Physical Completion Until Contract Completion of the Project	3	4.5	6	8	10	
<b>Section P Total</b>	<b>13</b>	<b>18.5</b>	<b>25</b>	<b>32.5</b>	<b>40</b>	
<b>C Compliance with Laws and Contract Requirements</b>						
C1. Compliance with EEO, Affirmative Action and D/M/W/SBE Requirements	1.3	3.5	5	6.5	8	
C2. Compliance with Apprenticeship Requirements	1.3	3.5	5	6	7	
C3. Compliance with Laws, Ordinances and Regulations	1.4	3.5	5	5	5	
<b>Section C Total</b>	<b>4</b>	<b>10.5</b>	<b>15</b>	<b>17.5</b>	<b>20</b>	
<b>Project Total</b>	<b>50</b>	<b>75</b>	<b>100</b>	<b>125</b>	<b>150</b>	

\* Explain any Inadequate, Below Standard, and Superior ratings in Narrative Section (IV)

Performance Score HQ Use Only

NOTE: If you receive a below standard rating in any section the highest overall score you can get in that section is the standard score.

**Section IV Narrative Rating**

**A General Elements** Enter comments that describe the contractor's overall performance and provide background data on the project.

**B Below Standard Elements** Enter comments here to substantiate below standard ratings. (See Instructions)

**C Superior Elements** Enter comments here to substantiate superior ratings. (See Instructions)

**Section V Authentication and Review**

I certify that I have objectively prepared this report basing it upon data contained in available project records and discussed the report with the contractor.

\_\_\_\_\_  
Project Engineer's Name (Print)

\_\_\_\_\_  
Project Engineer's Signature

\_\_\_\_\_  
Date

I have reviewed this report for objectivity and accuracy. I have given a copy of this report to the rated contractor and I have advised the contractor that any appeal must be made within twenty (20) calendar days.

\_\_\_\_\_  
Date Copy Given / Mailed to Contractor

\_\_\_\_\_  
Operations Engineer or Designee's Name (Print)

\_\_\_\_\_  
Operations Engineer or Designee's Signature

\_\_\_\_\_  
Date

I have reviewed this Contractor Performance Report and make the following comments and changes as cited herein or on attached sheets.

\_\_\_\_\_  
Region Administrator's Name (Print)

\_\_\_\_\_  
Region Administrator's Signature

\_\_\_\_\_  
Date

## **WSDOT Apprenticeship Committee Meeting Summary**

*October 7, 2014*

*10:00 a.m. – 12:00 p.m.*

*Commission Board Room*

*WSDOT Transportation Building*

**Present Committee Members:** Jeff Carpenter (Chair), Bob Adams, Don McLeod, Dave Myers, Terry Tilton, and Josh Swanson

**Absent Committee Members:** Pamp Maiers, Dean Smith, and Tom Zamzow

**Audience:** Tom George, Kristina Detwiler, Darren O’Neil, Lilly Wilson-Codega, and Erik Sackstein

**WSDOT Staff:** Jenna Fettig, Craig McDaniel and Dacia Stricklett

### **Welcome**

Jeff began the meeting by welcoming the committee and giving a safety overview. He also introduced a new staff member, Dacia Stricklett, and announced that Jenna Fettig had moved within the Construction Division and is now managing the Contract Ad and Award Office.

Jeff introduced the first agenda item, reviewing the committee’s purpose. Jeff reviewed what the RCW directed purpose of the committee and asked members if perhaps they identified their role differently. Bob Adams reiterated that the RCW describes the role of the committee as giving advice and feedback to WSDOT. Bob asked if WSDOT valued the committee. Jeff answered that WSDOT strives to be an owner of choice and values the input of the committee. Dave Myers stated that this is a very valuable and necessary effort. Terry stated that this committee was valuable and that the time was well spent. Josh mentioned that he would like to have a candid dialog about trucking hours. Jeff thanked the committee for their responses.

### **Program Update**

Dacia greeted the committee and directed their attention to four handouts: Apprentice Hours by Occupation, Apprenticeship accounting of Active Projects, Apprenticeship accounting of Completed Projects and the Advanced Schedule of Projects. Dacia walked the group through the handouts, stating that they were for informational purposes, while the committee asked questions for clarification. Dacia responded and noted corrections that needed to be made to some of the handouts.

There were no updates from the committee members.

### **Legislative Update**

There were no legislative updates from the committee members.

## Trucking Hours

Jeff introduced the trucking hours agenda item and gave a brief background of WSDOT's journey with this issue over the past 5 years. It is WSDOT's current position that the four hour on site requirement maintains strict compliance with the requirement in the law that the hours be on-site.

Tom George offered a written statement. (This written statement is included in the hand-outs posted on the WSDOT website).

Dave asked for an explanation of why WSDOT set the policy the way it did. Jeff explained that the policy was set in 2009 as an interpretation of the on-site requirement in the law as reaffirmed by an AAG opinion. Craig added that WSDOT doesn't have an ulterior motive for setting the 4-hour policy. He stated that WSDOT does what the citizens request and it holds all parties accountable to perform the duties that are given to us by the legislature – to the letter of the law. Craig walked the committee through all the responsibilities of a Project Engineer. He explained that Project Engineer Offices (PEOs) are challenged by having to monitor the on-site trucking hours when the nature of trucking is transporting materials to and from the job site. They need more practical method for tracking hours so that the data reported can be validated and accurate.

Kristina claimed that WSDOT has a narrow view of the RCW and that the legislature has provided a long explanation of the intent and implementation of apprenticeship. Kristina explains that there are two ways to look at the interpretation and she suggests that it would be discriminatory to not count a truck driver like you would count the hours of any other apprentice who does not spend their entire work shift on site.

Don McLeod agreed with the Kristina that the current policy doesn't make sense. Josh Swanson also agreed that all hours should be counted. He said that it serves the goal to have a trained and skilled workforce.

Lilly stated that the unions are willing to introduce new clarifying legislation to reverse the WSDOT interpretation of "on the site of the project". They would like WSDOT to reconsider the 4-hour policy to allow for more hours to be included and avoid the unnecessary effort to revise the law.

Darren also strongly supports interpreting on-site more broadly and allowing all hours.

Don wants WSDOT to include all working hours for the benefit of the project.

Terry says that this dilemma is exactly why we have this committee. Terry noted that the work the teamsters bring to the project is vital to the success of construction projects and the apprenticeship program.

Bob stated that this part of the Apprenticeship program is a gray area giving the example that that batch plants are not included yet they are also prevailed and part of the project.

Jenna stated that this has been a WSDOT policy for years and that it is just now being examined due to a prime's request on a recent project.

The committee members focused much of the discussion on prevailing wage and correlated wages to the Apprenticeship requirements and policies. However, it was stated that apprenticeship is not directly tied to prevailing wage which Bob points to as a flaw. Not all prevailed wage jobs count, foremen for instance; and not all prevailed hours apply to work on-site.

Jeff reiterated to the committee that the 4-hour trucking hour policy is not meant to be a detriment but to be used as a tool to logically interpret the law and apply it consistently to the projects.

The committee debated several ways that the RCW could be interpreted.

Dave questioned the process and what the committee needs to do to move this decision forward.

Kristina would like to meet with WSDOT's Attorney General as WSDOT progresses through the decision making process.

L&I stated that WSDOT is the only agency that has a committee and that others are looking to WSDOT as they make these types of decisions.

### **Compliance**

Jeff introduced the next agenda item to the committee as an idea of incentivizing the contractors to meet their goals. He introduced the draft DBE incentive GSP. Craig shared that it is a draft example to show what tools might be available to encourage compliance. The DBE draft GSP provides reimbursement for the DBE overhead effort once the goal is attained. Jeff stated that a "carrot at the end of the stick" for goal attainment is much more effective than a "club" at the end of the project.

Jenna shared the new draft Prime Contractor Performance Report and draft WAC. They are both in the public comment phase. The purpose of the updated report would be to measure contractors on their performance and make the scoring more equitable for prequalification purposes. The WAC provides WSDOT the authority to suspend prequalification status when they are not in compliance with laws and contract requirements. Apprenticeship utilization would have a heightened purpose and meaning. The score is not measured against the bid, but is a tool that impacts their ability to bid. Under certain circumstances such as a pattern of noncompliance their prequalification would be at risk.

Dacia shared the statewide goal attainment handout with the committee and the data proved to be incorrect. Dacia noted the errors and promised to work to correct the information before posting to the web with the other meeting materials.

### **Next Meeting**

The committee agreed that a semi-annual meeting of the committee was often enough unless pressing issues resulted in more frequent meetings. Terry reiterated that October, before Legislative session, was a good time for the committee to meet. Dacia noted the interest for future planning.

August 28<sup>th</sup>, 2013

1:30 – 3:45 PM

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

## MEETING MINUTES

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

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Committee Members: Jeff Carpenter (Chair), Bob Abbott, Dave Myers, Bob Adams, Pamp Maiers, Terry Tilton, Dean Smith, Tom Zamzow

Absent: Josh Swanson

**Attendees:** WSDOT Staff: Jenna Fettig, , Ron Wohlfrom, Craig McDaniel, Jackie Bayne

Meeting Observers: Valerie Whitman, Lorraine Lucas, Shelly Williams, Julie Printz, Van Collins, Jared Ross, Erik Sachstein, Ryan Goodman, Peter Lahman, Charlie Quigg, Roy Bauerle, Chris McClain, Vince Oliver, Don McLeod.

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### Meeting Overview and Outcomes:

#### Action Items:

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

1. WSDOT to provide a look at apprentice hours and journeyman hours by occupation.
2. WSDOT to share Alaska DOT study on OJT and apprenticeship with committee members.
3. WSDOT will provide a look at utilization by Physical Completion Year and the amount of participation required.
4. WSDOT will provide a look at utilization by contract duration as well as the cost of the contract and the work item type.
5. WSDOT to poll the committee once again regarding the policy for providing good faith effort credit for apprentice graduations. WSDOT will also provide data on how many reported hours were performed by graduates.
6. WSDOT to emphasize to Project Engineers that asking for good faith upfront is not a waiver but an opportunity to educate the contractor and look for ways that they might actually meet the requirement in utilization.
7. WSDOT will send the committee information regarding the prequalification of contractors.
8. WSDOT will send the committee samples of the letters that we are sending to contractors.

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### 1:30 WELCOME

Jeff thanked the group for attending, went over the agenda and committee members and observers introduced themselves.

### 1:45 PROGRAM UPDATE

**Apprentice Hours by Occupation:** Jeff went over the handout. Most of the hours to date have been worked by Laborers, Operators, Carpenters, Electricians, and Ironworkers. This reflects attainment as well as what occupations are most commonly used on projects. **WSDOT will provide a look at the total hours performed in each occupation and the percentage of apprentice hours achieved overall in each.**

### **Active and Completed Projects**

Jeff went over the active and completed project reports. The asterisk on the completed project report means the requirement was met in good faith. When the contractor is short of the requirement and there is no acceptable good faith effort WSDOT sends the contractor a notice of non-compliance. WSDOT begins with a warning letter that cautions the contractor to better on the next project and provides resources to help them succeed. If they contractor has already received a warning and is non-compliant on a future project, WSDOT makes the company submit a plan demonstrating how they intend to achieve compliance with the requirement. A third violation will result in some kind of bidding restriction however WSDOT has not seen a third violation from the same contractor to date. To date, 19 contractors have received letters with four of them having a second violation. All four contractors submitted acceptable plans and are actively involved in improving their programs.

It was asked how often non-compliance is due to subcontractor non-compliance and the prime is attaining 15%. This is probably the case 50% of the time.

Bob Abbott asked if the report could include a total overall percentage of female and minority attainment. While the state law does not have an EEO aspect, it is in WSDOT's interest to demonstrate how well Apprentice Utilization works toward accomplishing the goals of the Federal OJT program. Bob Abbott brought up a study from Alaska DOT that determined that state apprenticeship programs provided better career opportunities than in house training programs that would be approved under the Federal OJT program. **WSDOT will share this study with committee members.**

### **Apprentice Utilization by Work Class**

Jeff provided an overview of the handout. It seems to show that intricate work has higher apprentice utilization than straightforward work and that long term projects have better utilization than short term projects. These are the work classes that a contractor would need to be qualified to perform in order to bid on a project. Some contracts with multiple classes appear in more than one area. Some classes have just one contract, while others like asphalt paving have 73. Tom said what he would consider as a work class characterized by smaller crews with less labor intensive work seem to have a harder time meeting the requirement than work like bridges, buildings and earthwork. Slope stabilization and paving seem to stick out as areas where the requirement is not met as much. Bob mentioned that slope stabilization is an issue because it is an area where we see a lot of out of state contractors and Washington does not have a curriculum for it.

There may be other issues at play besides the type of work. Valerie suggested looking at utilization by the size of the requirement and the year of completion. **WSDOT will provide a look at utilization by Physical Completion Year and the amount of participation required.** Bob Adams asked if contract duration might also be a factor. **WSDOT will provide a look at utilization by contract duration as well as the cost of the contract and the type of work.**

Jeff asked the group for their feelings about lowering the requirement for certain projects and raising it on other projects. WSDOT seems to have types of projects that always exceed the requirement and types of projects that always fall below. Meeting or exceeding the requirement could be incentivized. Bob wondered if perhaps it may be the effort of the contractor, rather than a type of project. We need to consider if the contractor is having difficulty on one project or seems to be improving over time or seems to never be making an effort to improve.

Jeff mentioned that WSDOT's non-compliance letters are working on the outliers and those contractors that never improve. At the same time, he's also looking to make a program where the overall goal of 15% can be met programmatically. The committee cautioned that the overall goal of the program is to bring apprentices into the workforce and for them to graduate to journeylevel workers. If we see that out of state workers are coming to fill jobs that Washington State apprentices should have that is a problem we should be addressing. Terry mentioned slopescaling and concrete cutting as two areas to look at providing more training in. Dave asked how WSDOT would identify which projects would be reduced and which would be increased and if the committee would have a role in that. Just because there is bad performance today, does not mean we have to limit performance in the future. Jeff said he would like to get away from holding the contractor responsible for undergoing the effort to submit a substantial good faith effort package when we walk into the project knowing the requirement will not be met. Any decision would involve discussion of the committee.

### **Advance Schedule of Projects**

Jeff went over the handout with the group and emphasized there is not much in the pipeline for upcoming projects. The further out you go, the less there is. High cost projects give us the best opportunities for apprentices and there are very few of those left. Most of the remaining work is small preservation projects where we see the lowest rates of utilization. Pamp explained how even through the cost of a paving project may be a few million dollars, a huge amount of that is the paving materials themselves and there is relatively little labor hours on the project when compared with other types of work in a similar cost category. Only hours performed on the project site count, so paving projects aren't reporting trucking hours or hours worked at the batch plant which limits their opportunities to the laborers and operators on the project site, or traffic control.

Bob Adams asked about the total drop in construction spending and exactly how much that will be each year. Jeff wasn't sure the exact amount but explained that AWW and 520 are the last two large programs moving forward and without them there would be a lot less spending. In the regions, there is already much less money to work with and fewer projects. Even the preservation program is underfunded.

### **Columbia River Crossing**

As many members might be aware the project was cancelled when the Washington State Legislature did not pass a transportation funding package to provide funding and move the project forward. A large consultant and WSDOT workforce was lost. Oregon is trying to continue on their own and WSDOT has a small staff trying to close down the project and get documents into archives.

### **Member News**

Bob Adams mentioned there is a joint legislative committee that is studying cost drivers and efficiencies. This group is taking a look at 10 items including sales tax, apprentice utilization and prevailing wage. WSDOT was asked about Apprentice Utilization and our feeling is that it is cost neutral and that prevailing wages are appropriately set. This study should wrap up in the next two months. Data that would be helpful would be what the actual labor cost is on a WSDOT project, however this is not data that WSDOT collects. Dave asked if apprentice utilization could be looked at as a positive cost driver however WSDOT would like to remain neutral in this argument. Dave mentioned that there is a misconception that lowering wages on a project lowers the cost of the project by the same amount or percent.

Bob Abbott announced that he is now the International Representative for the Laborers Union Northwest area and is hoping to get a replacement. Additionally, two female laborers working on WSDOT projects received honors.

### **Legislative Update**

Ron Wohlfrom spoke to the group about legislation that WSF is proposing for the 2014 Legislative Session. This Legislation would increase the threshold on ferry vessel contracts from \$2m - \$5m so only contracts estimated at \$5m or above would be subject to the requirement. These projects in the \$2-5m range are short duration preservation projects which poses one challenge for success with the apprentice utilization requirement. In the current marine contracting climate, WSF is not getting adequate competition on some of these vessel maintenance projects. Only two shipyards can drydock ferry vessels at this time. Just one uses apprentices. When a vessel needs maintenance, Ron's group tries to get as much work done as possible during the opportunity.

WSF is reacting to a situation where there are just two potential bidders and one is not willing to participate if the contract has apprentice utilization. This leaves the other bidder knowing they will be the only bidder so they can bid non-competitively. There

are more than two bidders for some of the smaller size vessels, but for the large ships, just two shipyards have enough space. Committee members and meeting observers wondered why WSF would prequalify a bidder that has no interest in participating in training. Ron explained that the situation is unique because of the monopoly on shipyard work. When the law first took effect, WSF had 11 regular bidders. Now they have four. This isn't due to apprentice utilization but one large shipyard buying out their competition. The industry in Puget Sound is small and WSF needs special permission from the coastguard to take the boats out of Puget Sound, adding to the problem.

### **Crediting Apprentice Hours After Graduation**

WSDOT received a letter from the WSATC that informed WSDOT of the council's concern with WSDOT's practice of allowing contractors to credit hours performed by recent graduates as apprentice hours. While WSDOT did not intend to change the policy surrounding registered apprenticeship or the definition of an apprentice, it was clear that WSDOT needed to change the policy slightly so that only "good faith effort" credit can be given and the recent graduate is not reported on the apprentice section of the form. This change was agreed to by the committee through e-mail in the early spring.

### **Results of Survey on Apprentice Graduations**

After the May 2012 meeting, WSDOT sent a survey to committee members asking for their opinions on how to credit the apprentice hours toward a good faith effort. Respondents were asked if the policy should remain the same (hours may count toward good faith effort for one year or until the end of the project – whichever comes first) or change so that hours count toward a good faith effort for one year provided the apprentice remains continuously employed with the same contractor they graduated while working for.

The reason behind the proposed change is that many subcontractors complained that the current provides an advantage to large contracts on long duration projects. A subcontractor may receive a 90% complete apprentice from the union in the spring and that individual graduates prior to the end of the construction season. Meanwhile, they sub is working on 10 state projects and they'd like to keep the individual on but they may not meet their requirements without being able to count those hours toward the good faith effort. So far, graduates have accounted for about .03% of apprentice hours reported so the benefit is more to the apprentice than the contractor, however for some trades like electrical and paving if a contractor has a lot of work with WSDOT it could benefit them as well. Committee members discussed how WSDOT would verify continuous employment. It would be the contractor's job to demonstrate this as part of a good faith effort. **WSDOT agreed to poll the committee once more regarding this policy.** The results of the poll will carry.

### **New Reporting System**

WSDOT is working on a new and improved system for the contractors to use to enter their apprentice utilization monthly reports. The system will also take the plan and good

faith effort documentation. It is more user friendly and should be faster. There are other benefits as well. The system is about 50% complete and should be ready for testing in the next few months. After testing is complete it will be rolled out.

### **Non-Compliance Issues**

Discussed under Apprentice Utilization by Work Class topic.

### **Prime Contractor Performance Report**

This is a key report for contractors to keep their prequalification and increase their prequalification. WSDOT is looking to modify the report to bring it in line with issues that important to us today. WSDOT is looking at the overall project requirements to make sure the form reflects environmental compliance and apprentice utilization. If we are seeing repeated issues it could directly affect prequalification. This is part of the process of dealing with non-compliance with apprentice utilization. The other part is the letters WSDOT has been sending out.

Bob Abbott brought up that one of the Laborers employers that is one of the biggest users of apprentices received a letter for non-compliance with the apprentice utilization requirement. Bob asked if the letters WSDOT sends reflect at all the number of successful projects or companywide attainment. WSDOT is currently sending the initial warning letter if the requirement is not met on one project, regardless of the number of successful projects. The first letter is more a warning and explains why the contractor was non-compliant on a project and points them toward resources so that they might succeed on the next project. The second letter requires the company to submit a plan to WSDOT for how they will ensure success with the requirement in the future.

It was asked if there might be some contractors that put more effort into demonstrating good faith than meeting the requirement through utilization. Jared Ross was concerned that WSDOT is giving contractors the impression that they don't need to meet the requirement. He said that he was at a preconstruction meeting where WSDOT staff told a contractor not to worry and to just get their good faith effort together. Why would a contractor be asked to submit a good faith effort upfront?

Craig McDaniel reminded the group that you do not wait until the end of the contract to begin compiling good faith effort documentation. The expectation at the preconstruction conference is to make the contractor aware that either they achieve the specified percentage of apprentice utilization or there is a good faith effort. If you think there is a chance at the beginning that you will need to demonstrate a good faith effort, it is good to have an conversation about why and the expectations of what will need to be done to achieve this – what meets the intent of the requirement and what doesn't. The group was concerned that a contractor could go into a contract expecting to fail. Pamp Maiers explained that there are issues like TERO that can cause this situation when you are working with a tribe that does not use a state-approved apprenticeship program.

In the beginning, WSDOT asked for good faith effort at completion of the contract. This led to a situation where WSDOT was getting a lot of good faith efforts that weren't actually acceptable and there was no time to correct or educate the contractor because the contract had already ended. The intention of asking upfront is to determine why the contractor thinks they will not meet the requirement and see if the reason meets the intent of the requirement or not. If not, we still have a chance to turn the project around. This is the intention of asking upfront and **WSDOT will make sure that project engineers understand this and that they understand that effort is still required after the contractor enters the contract thinking they might not meet the requirement.**

### **Subcontractor Compliance**

The question is what to do when a prime contractor has a subcontractor that has committed to perform a certain amount of apprentice utilization and does not deliver on their promise. While the legislation only requires that the project as a whole achieve 15% and does not specify who or how it is achieved, right now it is the job of the prime contractor to manage how that is achieved and if it is not, they are on the hook for non-compliance. Right now, WSDOT allows the contractor to take into account the impact of DBE subcontractors that will not train as part of their good faith effort. Bob Abbott felt that until there is acceptance of the disparity study and a determination of how to move forward that we should not make any new decision about how to view hours performed by DBE subcontractors.

Valerie explained that with Federal programs there is a commitment that all the contractors participate however the prime and their subs are audited separately. The requirement is a project requirement like apprentice utilization, but ultimately each contractor is evaluated on their own unlike with the apprentice utilization requirement. Oregon had a rule that training only applies to subcontracts over a certain dollar amount. Bob asked if the legislation actually gives WSDOT the ability to do what Oregon is doing. He also asked if there would be any incentive for a subcontractor to become a training agent in that case. The program needs to provide an incentive for a subcontractor to become a training agent. In a lot of cases, there are actually a lot of labor hours involved in the work that has been subcontracted, it is labor intensive work and apprentices are losing a lot of opportunities. Valerie wondering if the DBE exception for a good faith effort might be adding to what makes people critical of the DBE program.

Terry wondered if an informational letter to subcontractors would help. Terry also felt that adjustments that WSDOT makes might be affecting the apprenticeship programs and how many people they bring on. These impacts should be considered. It was felt that a major issue is that there is no hammer to enforce compliance with. Committee members should put some thought into this and we can discuss it at a future meeting but they should note that WSDOT is not willing to look at request to sublet approvals as a way to enforce apprentice utilization.

**Next Meeting**

WSDOT will check in with committee members in the next six months to discuss meeting. Just after session is usually a good time. The decision to meet will be based on how many agenda items we receive and if there is nothing to talk about we will postpone meeting until a later date. Jeff brought up incentivizing compliance as a possible topic for a future date.

**3:45 - Meeting Adjourned**

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

May 24, 2012  
1:30 – 3:00 PM

## MEETING MINUTES

Mt. Rainier Conference Room  
WSDOT Transportation Building  
310 Maple Park Ave  
Olympia, WA 98504

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Committee Members: Jeff Carpenter (Chair), Peter Lahmann for Bob Abbott, Josh Swanson for Randy Loomans, Dave Meyers, Bob Adams, Tyson Morris for Pamp Maiers, John Littell, Dean Smith, Tom Zamzow

**Attendees:**

Absent: Craig McDaniel

WSDOT Staff: Randy Dubigk, Jenna Fettig, , Ron Wohlfrom, Brenda Nnambi, Jackie Bayne

Meeting Observers: Valerie Whitman, Lorraine Lucas, Shelly Williams, Julie Printz, Phil Meenah, Jim Prouty, Jerry Walker, Grant Youngren, Van Collins, Jared Ross, Julie Perez, Ted Lucas

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## Meeting Overview and Outcomes:

### Action Items:

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

1. Jenna to send out corrected version of Active Projects list.
  2. WSDOT to look into why the current participation percentage on the Alaskan Way Viaduct Holgate to King project is low.
  3. Jenna to add 'percent complete' field to active projects list which would be dollars paid divided by current authorized dollars.
  4. Jenna to look into completed contracts utilizing the NWCC program and provide information to the committee.
  5. Jenna to analyze contracts based on prequalification work classes.
  6. WSDOT to send out a survey on crediting apprentice participation after graduation for one year. The team will respond by the first week of July.
  7. WSDOT to attend WSATC meetings and present program data.
  8. Committee to meet prior to Legislative Session. Jenna will send handouts to team members prior to the meeting.
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## Meeting Minutes:

### 1:30 - Welcome

Jeff thanked the group for attending, went over the agenda and told the group what to do in the event of an emergency.

### Program Update

**Apprentice Hours by Occupation:** Jeff went over the handout. Most of the hours to date have been worked by Laborers, Operators, Carpenters, Electricians, and Ironworkers.

**Active and Completed Projects:** Jeff went over the active and completed projects. Overall, WSDOT is doing well. John noticed that on the active projects list three large active projects are listed one after the other: the SR 520 Pontoons, Alaskan Way Viaduct Holgate to King St, and the I-90 Hyak project. The Pontoons and Hyak are meeting the requirement to date, but Holgate to King is not and the project is wrapping up. WSDOT agreed to look into why the Holgate to King project is not meeting the requirement. The committee noticed that actual costs paid seemed high on some of the Design-Build projects that were just getting underway. Jeff and Bob explained that this may be due to Design work. It would be useful on the Active Project List to show contract percent complete based on amounts paid to the current approved amount. Jenna will add this to the report.

Members asked if there is a threshold that triggers WSDOT to respond to a contract falling short of the requirement. For instance, on an active project, is there are times that WSDOT asks the contractor why they are not meeting the requirement or performing differently than planned. Jeff explained that it is up the Project Offices to manage the contracts. Generally, the Project Offices use the plan and monthly reports to track how well the contractor is progressing. Jenna explained that the offices send letters to the contractor as appropriate, asking for updated plans or informing them that good faith documentation will be due by completion of the contract work.

**Good Faith Update:** Jeff informed the group of non-compliance letters that have been sent out. At the end of the last construction season, letters were sent out to each contractor that had a contract where the requirement was not met and no good faith effort was submitted. The letters received a large response and it appears that most of these contractors are adjusting their programs to increase their attainment. Dave pointed out that as you move down the active projects lists to the contracts that are just beginning there is a significant opportunity for corrective action to be taken. Jeff explained that further letters will be sent out at the end of this season and that if companies that did not meet the requirement in the past fail again, WSDOT will escalate the situation further.

Jared Ross informed the group that he is aware of a contractor that has taken their existing journeymen that did not go through an apprenticeship program and enrolled them in one for the purpose of meeting the apprenticeship requirement. He also believed that the contractor was taking these journeymen in and out of the apprenticeship program as needed when working on a contract with the apprenticeship requirement. Bob Adams told the group about a journeyman cement mason that applied as an apprentice laborer to get work. Most of the program representatives indicated that they would not accept a worker into their program that did not need training. They would accept a worker that had journeyed out of a different program. Generally, WSDOT believes there are very few opportunities for this type of fraud. While these issues are not WSDOT's

responsibility to police, WSDOT can provide data to bring to the programs or to the apprenticeship council.

### **Apprentice Utilization by Size of Requirement**

Jeff presented a handout that showed that regardless of what the contract requirement is, the program attainment is at 12%. On contracts that met the requirement, utilization has increased gradually. Members need to understand that WSDOT does not adjust the percentage on a contract when the requirement has been met by good faith efforts.

Jim asked the trades if they are dispatching union workers to non-union contractors. The Laborers and carpenters are, operators aren't. One trend has been that union contractors perform better, but we are still trying to educate contractors that they can use union programs without signing a collective bargaining agreement.

### **Apprentice Utilization Agreement with Oregon**

Jeff went over the agreement reached with Oregon. The contracting agency will include its requirements in the project, so Apprentice Utilization shall apply to all areas of the contracts that span Washington and Oregon if WSDOT administers the contract. It was good to reach this agreement prior to any Columbia River Crossing projects. Oregon also has a program but it is very different, as it is an incentive/disincentive program.

### **Maintaining an Apprenticeship Program when Employment Opportunities are Low**

Bob Adams discussed economic conditions with the group. He had expected to see less attainment, but the industry has done pretty well. During the life of this program we have seen one of the most severe economic downturns. WSDOT work was enhanced by the ARRA funding but now, the program is finally shrinking. After 2016 there will be no Nickel and TPA money left and the work will drop off. What we are starting to feel now is going to get much more severe in the next few years. There are opportunities outside WSDOT with Sound Transit and some private contracts, but these will create jobs mainly in urban areas.

Allowing contractors to count apprentices toward meeting their requirement for one year after graduation could help us meet these economic challenges. Currently guidance allows contractors to count apprentices toward meeting the requirement for one year or until the end of the project - whichever comes first. This has enabled the larger prime contractors to retain their recently trained apprentices but does little for the smaller subcontractors who may graduate an apprentice on a project and wish to keep them employed on a number of other WSDOT projects that summer, but cannot because their hours don't count.

Tom explained that as a shorter duration contract completes and apprentices graduate the contractors and subcontractors might wish to keep the new

graduate apprentice working on the rest of their jobs for that summer. Bob said it gives the contractor time to assimilate the worker into the company. Dean said that you don't want to punish the apprentice for graduating. John said he would support this approach. Josh would like to discuss it further before deciding. Peter agreed with the project approach, but wasn't sure about crediting the apprentice on multiple projects. Dave understands the balance of keeping the new journeyman employed vs. creating a training opportunity. Josh said he understands this on a paving crew but not for all work areas. As opinions were mixed, Jeff agreed to give the group some time to think about it. WSDOT will send members a survey and require their response by July 1st.

### **Coordinating Federal and State Requirements**

WSDOT received FHWA approval to use the apprentice requirement on federal projects as long as it remained separate from federal training goals. WSDOT would like to combine at least the reporting aspects of the two programs. The group disagreed with crediting federal trainee hours toward meeting the apprentice utilization requirement to ease into combining the two programs, but Bob felt WSDOT should continue looking for a way to coordinate the requirements.

### **Criteria for Adjusting the Requirement.**

One of the Committee's charters is to come up with criteria for adjusting the participation requirement, which has not happened. The committee needs more data to determine if a trend is occurring, however, WSDOT has not been able to find any such trend. Tom suggested looking at the prequalification work class. Tyson suggested looking through the various items of work on the project and setting a goal based on that similar to the DBE goal setting methodology. Peter asked about adjusting for a high materials cost to labor ratio. John suggested identifying regions of the state where we are having difficulty or certain times of the year that apprentices are not available. Bob felt the economy was having a large effect. Jeff pointed out that the 15% requirement was chosen in 2006 and now the economy has changed. WSDOT will continue to look for a trend among contracts that do not meet the requirement.

### **Frequency of future meetings**

The group will meet again prior to Legislative Session. A date and time will be determined through e-mail.

### **3:00 - Meeting Adjourned**

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

June 2, 2011

1:-30 – 4:30 PM

## MEETING MINUTES

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

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

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## Meeting Overview and Outcomes:

### Action Items:

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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.
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## 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 indicated 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**

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

November , 2009

1:-30 – 4:00 PM

## MEETING MINUTES

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

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Committee Members: Bob Abbott, Jeff Carpenter, Dave Johnson, John Littel, Randy Loomans, Dean Smith, Jason West,

Absent: Bob Adams, Tom Zamzow

**Attendees:** WSDOT Staff: Jenna Fettig, Craig McDaniel, Ron Wohlfrom

Meeting Observers: Van Collins (Associated General Contractors, Lorraine Lucas (Graham Construction and Management), Julie Printz (Scarsella Bros.), Jody Robbins (Labor & Industries), Valerie Whitman (Max J. Kunej Co.), Shelly Williams (Scarsella Bros.),

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## Meeting Overview and Outcomes:

### Action Items:

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**Future action is needed on the following items:**

1. Craig will address issues regarding plans to meet the requirement on short duration jobs at the upcoming Construction Engineers meeting. He will discuss specific upcoming projects with the Construction Engineers from the Advance Schedule of Projects.
2. WSDOT will keep collecting data from projects and look at trends on contracts that met the requirement and those that did not and try to find some early indicators of if a job will work for apprenticeship. If trends are noticed prior to the next meeting, WSDOT will set up an special meeting of the committee.
3. WSDOT will send reports to L&I to be shared at meetings of the State Apprenticeship and Training Council.
4. The Apprenticeship Utilization Advisory Committee will chair a workshop at the upcoming Apprenticeship Conference hosted by L&I on apprenticeship requirements.

### Date Setting:

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

- **Wednesday, May 19<sup>th</sup>, 2010 – 1:00 to 3:00 p.m. at the Apprenticeship Conference at the Tacoma Convention and Trade Center**
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## Meeting Minutes:

### Welcome

Jeff welcomed the group and reviewed the agenda.

## **Actions Taken Since Last Meeting**

Apprentice Hours by Occupation (handout)

The group reviewed the overview of apprentice hours by craft or trade

## **Active Projects (handout)**

The group reviewed the handout and began discussing issues on specific projects. Some projects have experienced issues due to the number of flagging hours on the job. Bob explained that there is not a flagger program but flagging is covered in the Laborers program, though apprentices must perform other duties as part of their training. The issue of rock scaling work came up as WSDOT has strict requirements about who can perform the work. Bob mentioned that the laborers created a high-scaling class that will need to be reviewed by WSDOT. They are working with Hi-Tech on this. Dean said that flagging was an issue on contract 7746 that prevented them from accomplishing a higher percentage due to complex traffic control. Craig mentioned that trucking has been an issue, too.

## **Completed Projects (handout)**

The group reviewed the handout and Jeff explained that overall there is compliance, though there have been some projects with issues.

- Dave asked if there was a reason there were no apprenticeship hours on 7461.
- Craig mentioned that it is a chip seal, which is a fixed mobile operation all over the state.
- Jeff mentioned that the company that was awarded the chip seal has been steadily improving their utilization.
- Craig said that he thinks seals will be a problem as well as pavers. The projects that did not have any apprentice hours were chip seals from all across a region combined together.
- Randy didn't understand why the nature of the chip seal work would make the contractor unable to use any apprentices and asked for clarification.
- Bob said he does not believe that the contractor is a training agent and thought that they were relying on subcontractors for all of the apprentice hours performed. He said there are programs available in the area the work took place in. The issue was would they become a training agent or not. Other non-union contractors have signed onto the program. Bob's understanding is that the chip seal contractor is accomplishing apprenticeship through the subs.
- Dave asked how they performed apprentice hours on their next seal.
- Bob said that they used subs that were training agents, but he felt you can't put the whole burden on the sub. He brought up that becoming a training agent doesn't mean you have to become union.
- Randy thought it was unacceptable for the contractor to have so few apprenticeship hours since they were awarded so much work.

- Dean said a region-wide seal is pretty unique in the way the work bounces around.
- Jason said if we want to regulate that we train, it will have to cost everybody money. Someone either has to not have a job or someone has to sit and watch somebody.
- Dave felt that any crews would have somebody that would actually qualify as a trainee or apprentice that could be enrolled in a state-approved program. He explained the benefit of using a state-approved program to train the individuals is that they can be paid a lower wage than the prevailing wage. He also explained that it provides high-quality training that helps the employer from the perspective of being more competitive. This could be utilized instead of saying they have set crews and have to hire somebody new. That is the answer to the problem. They are picking up some work off their subs. If they do have a trainee on their set crew it is to their advantage to fulfill these goals and to get them some training. It would be more beneficial to the company in the long run.
- Craig explained that the project with zero utilization slipped by the project office and HQ as it was completed before WSDOT could do anything to encourage the contractor to comply with the requirement, but he still thinks that the nature of the work being a mobile operation with cause issues meeting a 15% requirement. He said that truck driving is another area he is hearing about and they don't want to put apprentices in the truck. He thinks there are jobs that cannot make 15%.
- Bob felt the issue was about one contractor, not the type of work. He said that as long as they are not a training agent and put their full burden on subs they will not meet the goal. There is both a sub issue and a training agent issue.
- Randy brought up that of the projects that have been completed and didn't meet the requirement, three are from the same firm. She said more effort needed to go into asking them to illustrate a good faith effort and that more thought should be put into the situation before contracting with them in the future.
- Contractors have been having trouble finding people that are willing to travel and willing to work nights.
- Dave said his experience has been that they have people travelling all over the place, willing to go anywhere to find a job. Based on what we know in terms of the work situation, most people are willing to travel.
- Jeff said paving is a tough job. He appreciates the observations, but the utilization is improving. Jeff said the goal is to get them in compliance and do the training, rather than imposing penalties for not meeting the requirement.
- Craig pointed out that the jobs that did not meet the goal have much fewer hours than the ones that did.
- Jason asked what the repercussions are of not meeting the goal.

- Jeff brought up the performance review at the end of the job. Jeff said that if the contractor doesn't comply, it is dealt with in their performance evaluation.
- Craig said they also could be found in breach of contract. Craig said they try to encourage compliance. Otherwise the contracts would be full of penalties. Craig also brought up that for the majority of contracts, subs are diluting the hours, rather than being forced to perform all of them. Craig said he is concerned about what happens when we get to 15% and \$2 million.
- Valerie said the DBE firms are having a hard time making it. She said her company just absorbs their hours and uses more apprentices.

### **Advance Schedule of Projects (handout)**

The group reviewed upcoming projects. Jeff mentioned that if you remove 520 and the SR 99 Corridor from the Advanced Schedule, there is not a lot coming up, pointing to the small list of projects. He said that for the rest of the state, we are almost back to the 2003 budget.

- Dave said the good news is that he has visited other states that would love to look at a list like the Advance Schedule.
- Jason asked if the outlook will change with Federal Reauthorization
- Jeff said right now there is a six month extension that will likely last 18 months and then congress will decide what to do next, but the outlook seems to be similar funding levels.
- Dave asked what the funding looks like normally (without ARRA, Nickel and TPA).
- Jeff responded that the usual revenue is \$200-300 million from the Federal funding. Preservation is almost entirely funded from that. Everything else is earmarked.
- Dave asked what the state gas tax funds.
- Jeff responded that the state tax is basically funding administration, state patrol, maintenance and the ferries.
- Jeff responded that new construction is the last penny obligated.
- Randy asked how the funding changed in 2003, and Jeff said that was when the Nickel started. There is a sunset on the Nickel. The TPA could be reallocated. The Nickel is scheduled to go away in 20-30 years from when the last project is built. Jeff said they are hopeful for a new source of revenue in 2011.
- Jason asked if stimulus is in excess of the revenue mentioned.
- Jeff responded affirmatively. There was \$300-400 million spent mostly this year. The money was used mostly for overlays but also helped Tacoma HOV and the Bellevue Braids. Because of the requirements for being shovel ready, most of the projects were pavement.
- Jeff pointed out some of the projects that were funded by ARRA like the pavement repair jobs on I-90.

- Jason asked if any had apprenticeship requirements.
- Jeff responded that many did, and gave a few examples from the list of active projects.
- Dave mentioned that the paving industry was very happy to see the list of ARRA projects.
- Jeff mentioned there wasn't time to do other types of work like the fish passage barrier projects due to the requirement for the projects to be shovel ready.
- Jason asked if the federal government mandated training requirements in addition to apprenticeship.
- Jeff explained that the ARRA contracts were no different from other federal contracts, except the employment reporting that was added.
- Randy asked about the federal training requirement.
- Jason asked if the federal goals don't recognize white males.
- Craig explained the differences between the programs. The agreement with the feds is to allow us to put apprenticeship goals on the federal jobs.

### **FHWA Training Coordination Update (handout)**

Jeff went over the letter sent to FHWA on apprenticeship pilot performance. Craig mentioned John Huff has been working with the Feds to combine the programs.

- Jason asked if there has been any progress.
- John said they have an open ear on the national level, but he is not sure about the local level.
- Jason asked how the goal is determined on federal projects.
- John replied that every federal project is evaluated to see if it will have training hours and if there is no goal that is because it was not viewed as a project that would support training hours. In evaluating, they take geography, availability and duration into account.
- Dave asked if the state apprenticeship goals could apply toward the federal hours. He asked if there was a letter of confirmation approving this. If in fact, you ended up with 2,000 hours of apprenticeship utilization and 500 training goal hours they could be met with the 2,000 apprentice hours.
- Craig said most jobs have met the fed requirements that way, but pointed out that not every state-approved apprentice can meet federal training goals due to the affirmative action aspect of it.

### **Apprenticeship Participation Issues (handouts)**

Jeff went over the Apprentice Utilization Trends handout. He pointed out that generally contracts that meet the requirement have more working days and higher dollars than the ones that don't.

- Randy said that on the shorter jobs that are 90 days or less there was a project where the contractor did not recruit from the programs during the contract. Randy said that they need to let us know sooner than 30 days in advance how they will incorporate people on the short duration jobs. She asked how long they have to turn in the plan.
- Jeff explained that the plan is due within 30 days of execution of the contract and that the contract is executed within 21 days of being awarded.
- Dave pointed out that it is outlined in the pre-bid documents that there will be apprenticeship, so the contractor should know this before they submit bids for the job.
- Craig said originally the plan was intended as a tool for the project offices so they would know when the apprentices would be on the job and could track the contractor's progress. Craig said that it wasn't meant to be an enforcement tool as much as a planning tool.
- Randy said she was worried that on jobs with fewer days they may trend toward not being timely about making commitments with apprenticeship programs. She wondered if the window to turn in the plan is too big.
- Jeff also said that when this started, there were a number of contractors on a learning curve and now that the requirement is on smaller contracts, there are new contractors on the learning curve.
- Dave asked when the clock starts ticking in terms of them making phonecalls and contacts. When does that start. Dave asked if it was in the contract.
- Craig confirmed and explained the language in the specification.
- Valerie said that she turns in their plan when they get their hours, and adds to it as they get subcontracts. Smaller subs do better after they have had a subcontract on a job with the requirement before. As the cost goes down, you have whole new sets of contractors that are not familiar with the requirement. Valerie said the issue needs to be put down to the regional offices.
- Jeff explained how the process works through the regions and offices up to HQ.
- Craig mentioned that he can address plan issues on small contracts through the Construction Engineers during an upcoming meeting.
- Randy wondered if the smaller jobs might even be better for apprenticeship than the larger jobs.
- Craig said he will look at the upcoming projects and speak with the Construction Engineers about ones that might have issues.

### **Economy and Apprenticeship**

Craig asked how the labor groups are dealing with journeymen on the bench with current economic conditions.

- Bob said WSDOT work has been a big help. They do have journeymen busy, and are still hiring apprentices. There is a ratio of how many apprentices to journeymen can be on the job.
- Randy said that the ratio is their commitment to train the upcoming workforce, but also to keep apprentices from sitting on the bench.
- Dave said in the last few years, they have more apprentices than they normally take in.

### **Apprentice and Journeymen Hours by Craft or Trade (handout)**

Jeff went over the journeyman to apprentice hours by craft or trade handout with the group. The document is overall, what WSDOT is seeing as a percent of total hours for each occupation that were performed by apprentices. Some of the occupations with zero hours don't have apprenticeship programs.

- Bob mentioned that he doesn't want us to think that there aren't programs available for some of the crafts or trades listed. For instance, flagging is covered under laborers, as well as hod carriers and mason tenders. Laborers also can perform landscaping.
- Jeff mentioned that that what the committee sees on the handout has a lot to do with how it is reported by the contractor.
- Bob said with flagging that there may be 100,000 hours for contractors that don't use apprentices and they are just not becoming training agents.
- Jason asked Dean what they do for Teamster apprentices.
- Dean said if he was going to put an apprentice teamster on they would drive a water truck. Maybe they would do that for a year or two and then drive a mix truck.
- Jason asked why there are so few Teamster hours.
- Dean said Lakeside has downsized trucks.
- Jason asked if there is even a program for truck drivers.
- Dave confirmed there is a Teamster program and he explained that they let their program go for a while but are really ramping up now.
- Jason asked if operators can drive trucks.
- Randy said the operators train for CDL. They have mechanics and oilers. Randy said that they train them and test them.
- Jason asked about why the truck drivers have so few apprentice hours and so many journeymen hours.
- Jason said that in his work they do not use Teamster apprentices.
- Jeff mentioned there is a quality control issue with how it is reported.
- Dave explained the difference between operator and teamster activities.
- Jason said that there is a big opportunity there to get a lot more hours.
- Dave said that is a tricky area with the overlays. The Teamsters are in the same boat.
- Bob asked if the number includes owner operators. It should not, though there may be issues with how the data is reported.
- Jason explained that most are subcontractors. Jason brought up again that is the cost of apprenticeship and that is why the pavers have such a

difficult time, because you really have to have someone paid to watch the operation.

- Dave mentioned they invest in training for safety before they hit the job site.
- Randy mentioned the benefit of paying less than prevailing wage to apprentices.
- Jason said that apprenticeship should not be 15% across the board, it should be distributed based on the opportunity.
- Dave mentioned there had been discussion on that.
- Randy said that they had considered that, and apprenticeship has been working since 2000.
- Jason said he sees there is more projects that the committee will be unhappy with coming up in the near future.
- Jeff said there are opportunities. But there will be some issues as the dollars go down and the requirement goes up.

### **Number of Apprentice Occupation Per Job (handout)**

Jeff went over the handout on the number of occupations per job. This is an update to information the committee requested at the last meeting. Overall, the projects are doing well training multiple occupations. Just 3 contracts have only one occupation training. Most jobs have two or more. The job that had eight is a remodel of the Eagle Harbor Maintenance Facility.

### **Apprentice Utilization Compared to Cost and Time (handout)**

Jeff went over the handout on utilization compared to cost and time. It is not an issue of just cost or just time, but on jobs with a high cost and a small number of working days there are more issues meeting the goal. He brought up the criteria for making adjustments to the requirement and said that he isn't trying to say that smaller jobs shouldn't have goals, but the committee may need to consider adjusting them based on performance.

- Dave said that if you look at two jobs with similar dollars and similar days, some meet the requirement and some don't.
- Jeff said we aren't close to a criteria for adjusting the requirement, but asked how we can modify the requirement and look at how to adjust goals.
- Randy said that we have too little of a snapshot to look at how to make an adjustment. Randy mentioned the state has a ten year track record of success with apprenticeship.
- Jeff asked what data we need to pull together for the committee to look at. One criteria we have is geographic. What are our geographic training areas we need to look at?
- Dave said that if we go back to the original report, it shows all the geographic areas that are covered statewide. While the training centers

may be located in a specific area, the apprentices travel from a large area. The assumption is that there will be a certain number of apprentices in that area.

- Randy said that they have halls across the state.
- Bob said that even Inland Northwest's program covers a whole side of the state and the apprentices are located wherever they are working.
- Randy asked if Jeff and Craig would be interested in a tour of any facilities. There are a number in the Olympia area.
- Bob said there are satellite office across the state.
- Jeff summarized by saying we will keep collecting data but we need to be prepared that as the percentage increases and the dollars decrease and new contractors come in, there will be less compliance.
- Bob said that he knows the high cost of materials to working days means a lot but cities and counties are going down to \$1million. It seems like it is a hard goal to reach, but a lot of it is education and outreach. Bob said that there is a big misconception with some contractors about apprenticeship.
- Jeff said that one concern is that the nature of how we deliver is a lot different from the cities. The legislative expectation is that we will deliver differently, faster.
- Some contractors on WSDOT jobs have said they have had a hard time finding apprentices who will work only at night.
- Bob said that was something that happened a couple years ago, but now money is the name of the game and apprentices must take whatever work is available.
- Jody said that in the standards, apprentices typically can't pick and choose where and when they will work, so finding the apprentices to work night, day and wherever shouldn't be an issue.
- Dean said his firm had two that refused to work nights.
- The labor groups said to contact the apprenticeship programs about these types of issues.
- Jody said there is language with regard to apprentices not accepting dispatches.
- Randy asked that we take a closer look at the smaller completed projects and if we see a trend, even before the next meeting, we meet again to discuss what they can do to meet the requirements.
- Bob said that one thing that came up at the State Apprenticeship and Training. Council would be that they would like to see WSDOT's report.
- Jenna will send the reports to Jody.
- John said with respect to apprentices refusing to work, right now people are going to FHWA and complaining for a variety of reasons why people are not being accepted into the program. John mentioned that you need to be able to show the feds the whole picture and from the industry side understand what is going on.

- Jeff said that as an action item we will look at the data and try to find predictors.

## **Outreach**

The group discussed what outreach actions they have taken since the last meeting.

- Craig gave an overview of apprenticeship at a DBE meet and greet
- Dave mentioned that they have produced a book to get into high schools and it has been adopted by skills centers. It is designed for soft skill training and goes into math and science. It is focused toward junior high and high school to get some familiarity into the school system and enforces you can have a decent career as a construction worker.
- Jason asked if there are some schools in Washington that are directing kids into vocational tech.
- Randy responded that there are community colleges.
- Dave mentioned there are not many schools with shop classes anymore. Dave said a whole class of students has been ignored and there has been a whole applied math and science focus that has been ignored. OSPI has been looking at the curriculum and has said that if the student went through the course, there is no reason they couldn't get their algebra credits that way. They will learn basic skills that you don't find in high schools anymore.
- Bob said they are doing soft skills training now – work ethic, financial.
- Jody said that May 19<sup>th</sup> and 20<sup>th</sup> of 2010 there will be an apprenticeship conference at the Tacoma Convention and Trade Center. He would like the committee to attend and give a workshop on apprenticeship requirements.

## **Date Setting and Topics for Next Meeting**

The next meeting will take place during the Apprenticeship Conference at the Tacoma Convention and Trade Center on Wednesday, May 19<sup>th</sup> from 1:00 to 3:00 p.m.

## **Meeting Adjourned**

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

June 9, 2009

1:-30 – 4:00 PM

## MEETING MINUTES

Commission Board Room  
WSDOT Transportation Building  
310 Maple Park Ave  
Olympia, WA 98504

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### Attendees:

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

WSDOT Staff: Melinda Capps, Jeff Carpenter, Jenna Fettig, John Huff, Marvin Jenkins, Craig McDaniel, Ron Wohlfrom

Meeting Observers: Van Collins (Associated General Contractors), Don DeMulling (PNW Ironworkers), Lorraine Lucas (Graham Construction and Management), Julie Printz (Scarsella Bros.), Jody Robbins (Labor & Industries), Tami St. Paul (Operating Engineers Regional Training Program), Valerie Whitman (Max J. Kuney Co.), Shelly Williams (Scarsella Bros.),

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## Meeting Overview and Outcomes:

### Action Items:

#### Future action is needed on the following items:

1. WSDOT will provide a report to the committee showing apprentice and journeylevel hours for each occupation.
2. WSDOT will supply a list of planned projects to the committee in July.
3. The Construction Office will work with Contract Ad & Award to ensure that apprenticeship requirements are shown in bold text on all bid announcements sent out.
4. WSDOT will continue to seek approval to place apprenticeship requirements on federal projects (currently, a memorandum of agreement allows this).
5. The agency will work with contractors and the IT department to develop on web-based tool for contractors to collect, compile and submit monthly apprenticeship data.
6. The Construction Office will work with the Highways & Local Programs Division to share WSDOT's approach to requiring apprenticeship as well as the agency's good faith effort with local agencies.
7. WSDOT will work to enforce consistency in what hours are reported on monthly reports (onsite vs. plant hours).
8. The agency will collect data from contracts containing the requirement and provide this to the committee for the future evaluation of adjustments to the requirement (planned for November 10, 2009).

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### Date Setting:

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

- **November 10, 2009 – 1:30 to 4:00 p.m.**
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## Meeting Minutes:

### Welcome

Linea Laird welcomed the group and introduced **Jeff Carpenter, the new State Construction Engineer and Committee Chair**. Jeff welcomed the group. Members and attendees introduced themselves.

### Actions Taken Since Last Meeting

Apprentice Hours by Occupation (handout)

Linea explained the handout to the group. Tom would be curious to see journeyman hours by craft or trade too. **WSDOT will supply a report showing the journeyman hours for each craft or trade as well as apprentice hours.**

Active Projects (handout)

Linea went over the table of active projects with the group. The goal is different for some projects because of the phasing-in of the requirement.

Completed Projects (handout)

Linea directed the group to the completed projects handout. **Two completed projects did not make their goals.** Bossburg to Canada had issues with subcontractors not meeting their goals. The NCR Seal also did not make the goal. Craig explained that due to the nature of the work, the goal could not be met and a good faith effort was approved.

Advance Schedule of Projects (handout)

Linea directed the group to the updated Advance Schedule of Projects. By January, **WSDOT expects 100 projects will have had apprenticeship requirements.**

Randy asked where the agency is at with stimulus projects. Linea explained how the stimulus projects were obligated and told the group about the WSDOT website at: <http://www.wsdot.wa.gov/funding/stimulus/> where they can learn more about the ARRA projects.

Dave Johnson asked about projecting out over WSDOT's entire program. Jeff explained the limitations of how far WSDOT can look into the future. Jeff says by July, the list will be out. **WSDOT will provide this information to the committee in July.**

Bob Abbott has noticed some larger contracts do not have the apprenticeship requirement listed on the bid announcement. **Construction will work with Contract Ad to ensure the requirement is listed in bold text on every bid announcement.**

### FHWA Training Coordination

Craig updated the group on where WSDOT is at with coordinating with Federal Training Goals and State Apprenticeship Requirements. Apprenticeship has been more successful putting women and minorities to work than the federal program. WSDOT is working to use apprenticeship to fulfill the federal requirements. **WSDOT is working under a memorandum of agreement** to allow apprenticeship on federal contracts until further data is available about any affects the requirement might have on the accomplishment of federal training goals as well as other federal programs can be determined.

### New Reporting System

The agency is working on a web-based reporting system to allow contractors to consolidate, edit, and submit apprenticeship reports. Valerie though a system might be helpful, but would need to allow subcontractors to enter in their data as well as the prime contractor. Dean suggested working with the contractors on the reporting system. **Jenna will work with contractors and IT on determining how to set up the system so that subcontractors as well as prime contractors can access what they need.**

Bob Adams asked what administrative issues had come up. Craig explained that the prime contractors were having issues getting subcontractors on board, and there are some issues getting timely submittal of the plan. Randy brought up an issue with one project where the contractor was not planning to utilize apprentices, but this has been resolved as they have enrolled in a state-approved program. Randy mention labor is planning to police the issues with WSDOT. Labor has concerned about the contractors letting a project finish without doing anything.

### Outreach

Linea briefed the group about her presentation at a recent WAPA meeting. Events like this are bringing up issues. Linea asked the group members to highlight recent or upcoming activities.

Bob Abbott said the Laborers are partnering with the AGC on a career day in Seattle.

- Dave Johnson said Helmets to Hardhats has expanded. WSBCTC is also working on a pre-apprenticeship program. Dave mentioned the economic situation has affected apprenticeship. They are trying to get projections together to see how to best meet their workforce needs.
- Randy mentioned that the Governor's Safety and Health Conference will be held in Tacoma on October 6 and 7<sup>th</sup> and encouraged the group to attend.
- Bob Adams mentioned recruiting apprentices was easier when the legislation passed than today due to the economy. Tom agreed and

mentioned Granite has journeymen sitting at home because apprentices are required. He also brought up that a number of cities and counties are requiring apprentice labor. The cities and counties are really struggling with how to define a good faith effort, etc. Contractors have struggled with Snohomish County in particular and Tom asked if WSDOT can do some outreach with the county and share the agency's approach. **Linea agreed to work with Highways and Local Programs to get the word out to local agencies about how WSDOT is administering the requirement.**

- Dave Johnson knew that 23 agencies statewide have goals in place. GA has been the primary contact for most of them. Bob Abbott was hoping if WSDOT got a web-based system in place that it could be utilized by schools and local agencies. **WSDOT will explore this after the system is developed.**
- Jason brought up the economy. His labor force has been cut in half. Hiring apprentices is displacing journey level workers, but the incentives are there since apprentices are cheaper. Jason mentioned you could hire someone just to observe the work and keep all the journey level workers, but he wondered what opportunity that provides the apprentice. Jason felt it is important for the agency to be able to reduce the goal for short duration projects, or projects with very small crews, especially during the economic downturn.
- Linea summarized by saying that she has heard from a few people about the economy. She asked the committee if they can discuss making some criteria for adjusting requirements. The committee will have time to do this during the open discussion scheduled for later today.
- Randy brought up that this biennium is the biggest biennium ever for WSDOT, and wondered why contractors would be struggling. Linea acknowledged that while there are some big projects coming up, there are still areas that are struggling. For instance, WSDOT's paving program was forecasted to be smaller this year than during the previous six years (though stimulus brought it back up to normal levels). Dave asked if the stimulus projects are primarily paving. Linea confirmed that most of it is, though some is concrete and some is asphalt.
- John said the carpenters have been distracted with the downturn in the economy. Their hours are down 30% from last October. He did note that training opportunities increase when the journeymen are out of work because workers seek training to make themselves more attractive for potential employment. They have been planning for future training and opened a new training center in the Tri-Cities. John also mentioned that the classes and shops are full six days a week. The Carpenters are trying to plan for waves of upcoming retirements. They are looking closely at who is interested in entering the industry and have decided that apprentice preparation is one of the best avenues. They are having an Apprentice Preparation Conference in September. The Committee is invited. They will set up direct entry agreements with the most successful pre-apprenticeship programs.

## **Budget and Program Update**

Linea went over the project delivery graphs (handout). The spending is broken down by region and by phase. The construction program drops after 2013. Linea explained WSDOT is reorganizing the agency and reporting. Jeff clarified that the charts are funded, not projected. Jeff explained how the curve is created. Bob Adams and Linea brought up tolling as a revenue source and public private partnerships. While the chart shows a drop in the future, it is good news that WSDOT is still seeing the construction program increase during the next few years.

## **Committee Discussion**

Linea reminded the group that when the committee first got together they decided not to do anything with geographical exclusions, high ratio of materials to labor or other exclusions. She asked the group if they would like to do any more work on these issues. Randy suggested waiting until more jobs are completed. Bob Abbot had the impression that on the projects that didn't meet the goals, it is more about educating the contractor. He also felt more data is needed. Dave Johnson agreed there had not been a reason to exclude any projects to date. He mentioned the work coming up will be more overlays and chip seals and thought that that the committee should wait for more data on these upcoming, smaller jobs. Craig mentioned that with \$2 million jobs containing apprenticeship, we might see what high ratio of materials to labor might be. He also expected to hear more about the economic issues when the contract size decreases. Bob Abbott and Dave said they also have a hard time putting journeymen out of work to hire apprentices. Bob mentioned the issue with paving crews that have been together for a long time.

Dean agreed that it is not time to make geographic adjustments. Tom mentioned the region-wide project might be a geographic adjustment. He also noted that the other that didn't meet the goal was in a remote location in Eastern Washington at the national border. Bob Adams thought the problem projects were mostly paving and that trend will continue. He mentioned looking at companywide utilization for paving projects. **Tom thought some contractors are already reporting plant hours and said the agency should take steps to make reporting more consistent.** Bob agreed with Tom that the reporting needs to be consistent. The group seemed warm to making an adjustment for paving projects that would allow a contractor to count plant hours performed by apprentices.

Bob Abbott pointed out that subcontractor participation and reporting seemed to be the most common issue. Valerie explained her firm's issue isn't in getting the reports, but subcontractors that cannot meet the goal. Linea felt that education has helped get more people familiar with the program. Dave mentioned the WSBCTC would like to see the requirement apply to all subs.

Linea asked the group for other items that need to be addressed as a committee. **Bob felt the committee should be sensitive to future economic issues. This will be discussed after reviewing data collected at the next meeting in November. The committee will also review the data collected to see if any recommendations about adjustments can be determined.**

#### **Date Setting**

The next meeting will take place November 10, 2009 – 1:30 p.m. Set up Meeting.

#### **Meeting Adjourned**

September 29, 2008

1:-30 – 4:00 PM

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

## MEETING MINUTES

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

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**Attendees:** Committee Members: Linea Laird (Chair), Bob Abbott, Bob Adams, Dave Johnson, John Littel, Dean Smith  
Absent: Randy Loomans, Jason West, Tom Zamzow  
WSDOT Staff: Jenna Fettig, David Jones, Craig McDaniel, Ron Wohlfrom  
Meeting Observers: Van Collins, Tom Gaetz, Chris Hansen, Emily Hansen, Allison Hellburg, Rich Henderson, Denise Roach, Jody Robbins, Valerie Whitman, Shelly Williams, Colin Wright

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### Meeting Overview and Outcomes:

#### Action Items:

Future action is needed on the following items:

1. Groups should provide feedback to Jody Robbins at Labor & Industries about the Apprentice Utilization Fact Sheet he created to assist contractors.
2. David Jones will add page numbers to future Project Update reports.
3. Jenna will check into adding ferry and rail projects to WSDOT future project forecasting.
4. WSDOT, AGC and L&I will hold a workshop for contractors in December. Gather feedback from the workshop for the January meeting.
5. Work on getting a draft plan and final plan into specifications, and other changes to make the specification more clear.
6. Coordinate with GA, King County and others to determine the best way to get the contractor's reports.
7. Invite someone from the Teamster program, possibly Rick Imes to the next meeting.
8. Invite a contractor that can speak to issues with the Teamster program.
9. Contractors should continue to try to come up with a definition for a ratio of materials to labor that prevents them from meeting the goal.

#### Date Setting:

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

- January 7, 2009 – 1:30 – 4:00 PM

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### Meeting Minutes:

Welcome

Linea Laird welcomed the group. She directed the group what to do during an emergency. Members introduced themselves to the group.

### **Actions Taken Since Last Meeting**

Apprenticeship Utilization Fact Sheet (handout)

Jody Robbins at LNI developed the fact sheet to assist contractors who have questions about the apprenticeship requirement. **Jody asked for feedback** on how to improve the document if anyone has any.

Project Update (handout)

Linea directed the group to the summary sheet. There are 27 contracts that have the requirement. Nineteen contracts are reporting to date. WSDOT has calculated a weighted average of the contracts that are reporting. The yellow areas show the individual results of the projects reporting.

- Bob asked about the weighted average.
- Dave Jones explained how that was calculated by adding the apprentice hours for each contract. He also explained that yellow shaded contracts have a 10% requirement, while the blue areas have a 12% requirement.
- Linea mentioned that the percentage of time charged column provides a good milestone for where the project is at.
- Dave Johnson asked about the Bossburg Rd to Canada HMA Paving contract and why it has 52% utilization.
- Dave Jones explained the 52% utilization reflects just 239 hours (one reporting period). He continued to explain how the reporting lags behind the time.
- Linea asked to **number the pages on future reports**.
- Dave Johnson asked about the Wilder project at the bottom of the list and why there is no data.
- Dave Jones explained they are not due to report until October.

Advance Schedule of Projects (handout)

Linea directed the group to the updated Advance Schedule of Projects. The report has been updated. Federal dollars are included, as well as the anticipated percentage of apprenticeship utilization required.

- Linea asked if ferry and rail projects are included. They are not currently included. She would like to see them on future reports.
- Bob Adams asked about the Mountlake Terrace Freeway Station and if it had any federal participation because of Sound Transit money. WSDOT staff was unsure, but will **check and see if Sound Transit dollars guarantee participation in federal programs**. Bob also asked about coordination with the federal and state program and what the status is with the 1 year pilot project.
- Linea responded that WSDOT wrote a letter requesting a continuation of the program. Absent an answer from FHWA, the program is continuing.

- Dave Jones said that 47% of all apprentice hours are female and minority. Dave said that compares well to the 30% in the programs that was in the report.

## Outreach

Linea asked for folks to talk about outreach efforts they are taking.

- David Jones met with contractors and project offices in Olympic Region to discuss the requirement and WSDOT's specs and reporting forms. In addition, in partnership with the AGC and LNI, Dave is developing a workshop for contractors in early December. Dave and Linea will speak with the TERO group about apprenticeship requirements next month at their annual meeting.
- Dave Johnson has a Pathways to Apprenticeship event in October and Construction Career Days at the Puyallup Fair Grounds following. The Helmets to Hardhats Liaison position is also in the process of being filled.
- Bob Abbott has been using radio ads this summer and they are working to get female and minority enrollment higher.
- John is adding a program to take 3<sup>rd</sup> year apprentices to the International Center for Carpenters in Las Vegas. There are about 9,000 3<sup>rd</sup> year apprentices across the county so it is a large undertaking. The international center has labs, shops and classrooms.

## **Apprenticeship Program Implementation Issues (Handout)**

Linea directed the group's attention to the implementation issues sheet in the folder. She said there have been issues with the more one-dimensional projects, or projects involving just one type of work. There have been issues with these smaller projects where there are no programs for the type of work involved like landscaping. The region-wide seal projects are not achieving hours due to the small crew sizes and the specialty nature of the work.

- Dave asked what Linea meant by the specialty nature of the work.
- Linea said that means a specific crew comes in to do that kind of work.
- Craig mentioned it is a small sample of projects to date and this year we are only dealing with good faith effort, but there are opportunities to look at exemptions.
- Bob Abbott asked what projects they were referring to that had a landscaping issue because the Horton Wetland Mitigation is currently achieving 20% utilization.
- Linea said that it is the specific work activities that have potential to cause a problem.
- Dave Jones explained that the wetland mitigation project is only digging (operators) right now. They are trying to achieve the goal through the operators. The landscaping labor will come in later, so to do, they appear to be doing well, but the landscapers haven't started yet. They anticipate not being able to meet the goal.

- Linea explained that with owner/operators there are hours, but no opportunities for apprentices.
- Dave Johnson asked how many owner/operator contracts there are.
- Scarsella's Contract Administrators explained that it is not contracts, but hours on a contract. On one job, most of the truckers are owner/operators. These hours do not count though, because they are not subject to prevailing wage.
- Dave Jones agreed and said that is the approach he has taken with the owner/operator issue to date. The hours do not count because they are not subject to prevailing wage.
- Linea said that contractors are having trouble obtaining Teamster apprentices.
- Dave Jones mentioned there are only 30 apprentices per year in the Teamster's program.
- Scarsella's Contract Administrators mentioned the liability issue with putting an apprentice on the road and the issues experienced with trucks and sweepers in the last season. These are concerns for the contracting community as well.
- Linea also brought up smaller business with few installers, like fence installers. This is one scenario that could be an exemption area.
- Dave Johnson thought that fencing and such would be where apprentices are typically used.
- Dave Jones said it is an issue of crew size.
- Dave also said that reporting is a challenge.
- Valerie agreed. Getting subcontractors to report has been an issue for primes.
- Scarsella's Contract Administrator's agreed that it is a huge time concern.
- Linea said that she expected some startup issues. The Teamsters is a challenge though. Startup with smaller crews is also a big challenge. Subcontractors do not have a clear understanding of the requirement.
- Scarsella's Contract Administrators mentioned that crews are not hiring because of the economic challenges.
- Dave Johnson asked if they don't employ apprentices anyway.
- Scarsella's Contract Administrators said the company does, when they can but there are problems with small crews that have little turnover.
- Linea said that right now there is not a no turnover exemption from this requirement.
- Valerie mentioned that is a departure from the federal requirement. With the federal requirement, turnover plays into good faith. Especially for smaller subcontractors.
- Craig said that we are pretty successful in putting people to work. With the smaller subcontractors, there are some issues. He asked what an appropriate application is and what to do.
- Scarsella's Contract Administrators pointed out that the requirement has caused a lot of extra work. They have hired a new employee for administration of the program.

- Dave Johnson asked why it is time consuming.
- Scarsella replied that unlike the King County program, where each firm submits their reports, WSDOT requires the prime contractor to submit all subcontractor hours. The apprenticeship documentation is not completed by subcontractors, so the prime often doesn't have the data.
- Valerie said that there is a perception that subcontractors do not have to do the work. She said the specification makes it sound like it is the prime's responsibility.
- Scarsella said that the subcontractors do not want to supply the estimated hours either. They do not complete the apprenticeship utilization plan. The documentation is tied into payment, but they do not complete the plan.
- Dave Johnson asked if the apprenticeship hours come up on the certified payrolls and if apprentices can be tracked from the certified payrolls.
- Scarsella mentioned that this misses the plan for how to meet the requirement. This information is needed right away to submit the plan within thirty days.
- Valerie also mentioned that from the certified payrolls, you can't tell who is a foreman or exempt, so while you can see apprentice hours, you cannot see journeyman hours. Additionally, it is a labor intensive process and is the subcontractor's responsibility. Both Kuney and Scarsella are looking for a faster way to get the data.
- Linea said she isn't hearing about anything different that WSDOT can do to make this easier.
- Valerie said it is in the spec that subcontractor hours are included, but it isn't coming across.
- Dave Johnson asked if it is a contract requirement with the subcontractors.
- Valerie said it is a separate addendum, but there needs to be outreach. The biggest pushback is from non-union subs.
- Dave Johnson asked if they do not submit the plan, in the contract language if they can be deemed not responsive.
- Bob Adams said the issue is the early start up of the plan when they may not have all the subs in line and suggested an early plan followed by a formal plan.
- Dave Jones said he has been getting revised plans and the first is usually more a draft plan. They have already evolved that way. Dave has encouraged offices to accept the draft plans.
- Bob said that Atkinson's system shows the information needed for the report.
- Valerie said the problem is excluding the foreman and others. The problem is getting the correct journeyman hours.
- Tom said that the issue is the prime contractor receiving verbal bids and the prime is not going to sign a contract because of a verbal disagreement about apprenticeship requirements. It falls on the back of the prime contractor to backfill these issues. Economics plays a significant role in the process as the prime makes agreements with subcontractors.

- Linea said it is important to note that the spec does not address a preliminary plan. These issues are not significant changes, but small adjustments. There will continue to be startup issues. We are trying to look at good faith documentation as the program is implemented. Linea suggested a workshop with the contractors.
- Dave Jones mentioned the one scheduled for December.
- Bob Adams asked Scarsella if their King County projects are working better.
- Scarsella said that it does on their side, because they do not request the information from the subcontractors. They submit their payroll sheet to King County on an online reporting system that the subs report directly to. They don't know if King County is successful getting the documentation from the subs.
- Dave Johnson asked if we can adopt anything GA is doing to make it easier. His understanding is there is supposed to be communication between the agencies and a model to follow.
- Dave Jones mentioned that WSDOT initially consulted with GA, but we need new contacts, as all the initial contacts left the agency.
- Linea will check with GA to see what system they are using.
- Craig mentioned that WSDOT reports to GA manually.
- Dave Jones said that we haven't started reporting to GA yet, but he is expecting contact in the future.
- Linea summarized by saying that **WSDOT should work on the contractor workshop at AGC in December, think about what is needed to get to the draft and finalized plan and take a look at what GA and King County are doing differently.**
- Valerie asked if the good faith documentation from subcontractors should be submitted at the end of the project, or throughout the project.
- Dave Jones said that the information should be submitted as it comes in.
- Jody said that as a result of this effort, he is seeing a landscape technician program come through.
- Scarsella said that the biggest complaint from the subcontractors is that they cannot get a program approved.
- Dave said that they can enroll in the existing programs. He has heard this is an issue, but there aren't a lot of contractors trying to get their own programs approved. Dave also said there is a fear element of getting close to an established program. Any program in the state has the obligation to take an apprentice in as long as they pay the training costs. The average training cost is \$2,200 per year. Some training is more or less. That can be prorated by hours, or for short jobs. That short-circuits the issue of starting your own program.
- Linea asked the group to look at the Q&A from L&I and get back to Jody if their questions are not answered. Linea is seeing a training opportunity for outreach and an opportunity to make the specs easier to use.
- There was a question about why small non-union programs are having difficulty using existing programs.

- Scarsella said there is fear of getting too close to union programs, or the burden of paperwork. Some of the subcontractors don't have an office staff.
- Bob Abbott said that there is an opportunity for more education and outreach. In his program, a coordinator turns in the documentation and paperwork, not the contractor.
- Dave Johnson said that the built in advantage for the smaller contractors is that on a prevailing wage project the cost offset that you get actually helps or helps them get onto projects based on their bid numbers. Since you can pay less than journeyman wages it is an incentive to use apprentices. Not many non-union firms sign up for the programs. They get some, they graduate them out.
- John Littel said that the carpenters probably have 3 or 4 apprentices that work for non-union contractors out of 150.
- Dave Johnson said it isn't common, but it does occur.
- Tom mentioned that right now WSDOT is only looking at compliance, non-compliance and good faith. He asked what happened to the ratio of materials to labor exemption.
- Linea answered that nobody has been able to define it.
- Tom said that when the bill came into play, the idea was to expand the economy and incorporate apprenticeship into the growing economic. Now that the economy is declining, he wonders how the apprenticeship program will respond.
- Bob Adams said that hasn't happened in WSDOT yet. There are declines in commercial, residential, and real-estate, but not WSDOT.
- Tom said that in the follow up and 15% year, one may have to be sensitive to where the slowing economy and the new hire issue could be challenged.
- Bob said that this is a reason to get the apprentices in while there is an opportunity.
- Dave Johnson said that the language for the ratio of materials to labor wasn't so much for paving, but the example thought of was something like an expensive piece of art that takes 4 people to install. He discussed the new hire situation, but hasn't seen this occurring yet.
- Tom said that the numbers show success, but one needs to be sensitive to dynamics in the market place.
- Dave Johnson asked if the primes require all subs to fill out the same documentation.
- Valerie responded affirmatively. There are no exceptions.
- Dave asked if in the end, it is the percentage that counts, rather than the individual hours for subcontractors.
- Scarsella responded that if the subcontractors do not complete their hours, the prime has to make it up. They asked for how the good faith effort will be evaluated.
- Dave Jones responded that in the end, they will look at what was achieved and what the good faith documentation effort is.

- Bob said one problem in particular is landscaping and the wages. The workshops coming up should have a big impact on the subcontractors. Bob asked about the NCR seal. It has 2% utilization and is almost done; he wonders what the crew size is and how many subcontractors there are.
- Tom said they are a fixed group that is traveling and it is very specialized. There are probably no subcontractors except a striper, unless the region is completing the striping.
- Dave Jones said that since they are near the end of the contract, WSDOT will be asking for documentation from them.
- Valerie asked what WSDOT wants to see for good faith efforts.
- Dave responded that WSDOT tracks what trades and crafts are utilized. There are many that aren't utilized heavily. He said that Teamsters, Laborers and Equipment Operators are the biggest now. There are some ironworkers, carpenters and painters.
- Bob Abbott asked about the subs that are not participating and if WSDOT is keeping track of subcontractors that are not complying.
- Valerie said that her firm is keeping track.
- Scarsella said that they are performing a disproportionate number of apprenticeship hours as the prime.
- Linea summarized by saying they are hearing about startup issues, outreach, reporting, specs, and where is the good faith documentation for smaller types of work.

### **Establish next topics**

- John Littel suggested **inviting representatives from the Teamsters** to talk about their challenges since there are issues with enrollment in the program and issues with insurance.
- Bob mentioned there are programs on both the East and West side.
- Jody said that Rick Imes is the program coordinator.
- John also suggested **inviting an employer representative to speak to the Teamster problem.**
- Linea said that **feedback from the contractor workshop** should be used.
- Dave Johnson asked if between now and the next meeting if there will be an opportunity to **talk to GA.**
- Linea responded that Craig will take that on.
- Dean said that as far as a **material to labor ratio issue**, they will keep working on it and see what happens.
- Linea thanked the group for their feedback and asked them to keep it coming.

### **Date Setting**

The next meeting will take place from 1:30 – 4:00 p.m. on Wednesday, January 7, 2009.

### **Meeting Adjourned**



# 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

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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

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## Meeting Overview and Outcomes:

### Action Items:

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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:

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

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

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## 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**

September 24, 2007

1:00 – 4:00 PM

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

## MEETING MINUTES

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

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Committee Members: Linea Laird (Chair), Bob Abbott, Bob Adams, Dave Johnson, John Little, Randy Loomans

Absent: Butch Brooks, Tom Zamzow

Vacant: Contractor representing firms with 30 or fewer employees

**Attendees:**

Meeting Observers: Valerie Whitman (Max Kuney), Cathy Nicolas (FHWA), Alice Curtis (L&I), Van Collins (AGC), Adam Lawrence (GA), John Lynch (GA), Bob Scott (Puget Sound Metal Trades Council), Cody Arlene (Sheet Metal Workers), Al (Puget Sound Metals Trades Council), Ship Building, Alison Helberg (See sign-up)

WSDOT Staff: Jenna Fettig, Paul Ganalon, Dave Jones, Craig McDaniel, Ron Wohlfrom

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## Meeting Overview and Outcomes:

### Meeting Outcomes:

**The committee made the following decisions:**

1. The committee agreed with the approach taken by WSDOT to gain interim approval to place the state apprenticeship requirements on federally funded contracts. WSDOT and FHWA have implemented a memorandum of understanding for the next year that allows WSDOT to utilize apprenticeship specifications on federally funded contracts. WSDOT will provide quarterly reports to FHWA detailing the number of federal training hours and apprenticeship hours achieved per contract requirements. The intent will be to determine if the two programs work harmoniously together. This issue will be revisited if issues come up.
2. The committee generated a number of comments and proposed changes to the first draft of the committee's report to the legislature (see minutes). These edits, as well as any other edits that are submitted, will be incorporated into the next draft of the report. WSDOT expects to provide a second draft of the report by late October. The committee will also discuss the report at the next apprenticeship meeting.
3. Trades associated with shipyard work will approach Todd Shipyards, the contractor for WSDOT's new ferries, regarding their desire to include apprenticeship requirements on the ferries contract. Since the contract was advertised before July 2007, State law does not require the specification be used on the contract.

### Agenda Items:

**The committee established the following topics for discussion at the next meeting:**

1. Overview of actions taken since last meeting
2. FHWA approval of state requirements
3. The committee's report to the legislature
4. Requirements for new Washington State Ferries 144 car ferry boats

### Date Setting:

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

- **November 8th, 1:00 PM**
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## **Meeting Minutes:**

### **Welcome**

Linea Laird began the meeting and sent around the sign-in sheet. Linea debriefed attendees on safety issues, what to do in the event of an emergency and the safe way to exit the building. Attendees began introductions.

### **Agenda Overview**

Linea provided an overview of the agenda for the meeting. The meeting will touch on actions action since the last meeting, the usual update, reviewing the draft report and discussion the agreement reached between WSDOT and FHWA. Linea emphasized that the draft report is still a draft and that there is still time to incorporate comments before it's submittal to OFM and then to the Legislative Committees. After the report is discussed, there will be an opportunity for round table issues or anything else. The shipyard discussion can occur at the end.

### **Actions taken since last meeting**

#### **Vacant Seat on Committee**

Since our last meeting, committee member Nick Tommer representing small contractors has resigned due to his heavy workload. Linea has tried to find a few other members, but everyone has been busy. Linea is looking for another representative to represent those interests. Right now the committee is unrepresented, but the committee will continue on until the replacement member can be found.

#### **Pilots Update**

The handouts show the results of the two pilot projects. Cornwall to Hatch dowel bar retrofit is substantially complete. The apprenticeship hours percent of achievement is 19% and below is a pie chart representing utilization by trade. This was a federally funded contract and they also achieved the federal training goal required for the job. The breakdown of women and minorities is over 50%

The second project, SR 9 Schloman Road still has another year before it is complete. Currently they are at 25% for their percent of apprenticeship hours. The breakdown of women and minorities is 76%. Since July, there have not been other projects advertised that meet the apprenticeship utilization requirement, though as of this afternoon there are several projects that are being advertised.

- Dave Johnson asked if on the Cornwall to Hatch project, the 200 federal training hours, were met by apprentices.
- Dave Jones responded affirmatively.

#### Advance Schedule of Projects

In past meetings the committee had asked for the potential work coming up that would have apprenticeship requirements. Linea went over the Advance Schedule of Projects (handout) with the group. The list tries to capture those projects that meet the intent of the legislation and identify which have federal funds and those that have the goals. There are two projects going on ad today and one is federally funded and one is not. The rest of the information breaks down the projects into smaller sizes to give you a view of what is coming through February. The next implementation phase is next July. The 10% over 5 million is the current phase. On occasion, some of the projects on the Advance Schedule are moved around, however this is the best guess now of what is coming.

- Bob Adams asked if all the projects are funded.
- Linea replied they are all currently funded however it depends if estimates change or if bids come in higher than expected.

#### Outreach

Linea asked the committee to share outreach efforts that might be underway.

- Dave Johnson said that he just completed an outline of state approved apprenticeship programs and all the criteria required to apply for a program. It is general information to go to schools, OSPI, and L&I have quite a few copies they are getting out to different agencies. He also gave a presentation to the council of Western States on apprenticeship in Washington and the other states were excited to see what we were doing.
- Bob Abbott says they have completed their DVD and they are in schools and job fairs. They also have a radio ad in the Puget Sound area. Starting in the spring, there were ads in May. They had over 500 contacts off those radio ads so far. The campaign has been very successful. In the last year they have increased by almost 500 apprentices or 50%. They are graduating 20 a month and bringing in 40 or 50 a month and don't see that trend stopping.
- Randy Loomans said that the Operating Engineers has tripled in the last year and expects the trend to continue. It's never about a pool of applicants. It is about applicants that are ready.
- Linea asked if the trades are graduating them.
- Dave Johnson said that the percent varies from craft to craft.
- Randy mentioned that the workforce board does a compilation program to program. Apprenticeship has the best training program in the state. The community colleges use our numbers to make all their numbers look good.
- John Littel said that from the carpenters' standpoint they are growing at a historic pace. The program size has doubled, and they have expanded

training centers and merged our committees into one statewide committee to have one uniform recruitment procedure. This has been a very effective tool. They are examining streamlining the process for interviews and testing. Having enough interviewers on call is the biggest challenge. Contactor partners are as busy as we are. The carpenters continue to focus on veterans' re-employment. The focus is on the Helmets to Hardhats program. They just formed a national workforce development committee. Part of it is to look at best practices around the county. They are also looking at minority outreach. Who has the best reference in veterans' re-employment? Since they have formed one national group, they are also looking at bringing people from low-demand areas into high-demand areas.

- Bob Adams said Atkinson continues to reach out to the high schools and community colleges and has had pretty good reception and requests for follow-up visits. They have had presentations at Shoreline and a number of schools. They are getting a somewhat better response than in the last couple of years.
- Dave Johnson mentioned that both he and John Littel are members of the Correctional Industries board and one of their missions is a pre-apprenticeship program. They are looking at inmates in the re-entry process and getting them plugged into pre-apprenticeship programs and pre-apprenticeship training. There has been a positive response. California has a good program. This will address industry issues and significant social issues. It has some clear positive social impacts.
- Bob Adams said the union contractors in WA with the basic trades have formed cooperative committees that meet quarterly and go over apprenticeship utilization by contractor. That seems to be helping.
- Randy said that about four years ago, she got funding from LNI and employment security to go into jails and talk about apprenticeship. A lot of people are in and out. They had someone go in and speak and talk about it. They said that 12 in one year went into apprenticeship programs and didn't go back into jail. A program like that could be put back in place. It would pay for itself. That is something we can look at.

### **FHWA Approval**

Linea reminded the group that WSDOT left the last meeting with a task to meet with FHWA on allowing apprenticeship utilization requirements on federally funded projects. WSDOT and FHWA have developed a draft agreement, to potentially allow the apprenticeship requirements to be included in federally funded projects. This agreement is currently under review by FHWA DC legal departments, but that we are hoping to move forward in the interim. Cathy Nicolas from the Washington division of FHWA is here today to help answer any questions regarding this approach. .

- Cathy Nicolas told the group that FHWA hasn't heard back from D.C yet but has agreed to allow WSDOT to move forward in the interim. .

- Linea said that WSDOT requested to be allowed to move forward for one year to see if there were potential impacts on the projects. The Construction Office put together a memorandum of agreement. It is under legal review and this legal review is required for approval. This approach allows WSDOT to gather data regarding how the two programs work together.
- Dave Johnson said that in reading the draft report, he is trying to understand where we are trying to get to if state approved programs can address the federal training requirements.
- Linea said that what we are trying to get is federal approval to use the requirement on federally funded projects. We will look at the data to see if the two programs can work in harmony. This law could be implemented on state projects only, and not on federal projects.
- Randy asked how mixed money projects are affected.
- Linea said that most contracts with federal funding have a little state funding too. Any contract with any federal dollars will be a federally funded project. WSDOT will use the requirement on federally funded projects as a pilot program.
- Randy said that she thinks what Dave is saying is that this has been going on a long time.
- Dave Johnson said that in his experience, the federal requirements for trainees can be met by state approved apprentices.
- Linea replied that not all apprentices are minority and female, which they must be to meet the federal training requirement.
- Dave Johnson said that not all trainees are minority and female. He thinks the two programs already do work harmoniously together. If you go to get a state approved apprentice if it is a female or minority they meet the federal training requirements.
- Cathy said that the overall civil rights goals of the federal program is to promote minorities and women, and to requirement fairness in contracting competitiveness. . FHWA approves trainees from both union and non-union programs. FHWA is concerned that apprenticeship requirements may impact the competitiveness of non-union contractors, and that contractor's may not be able to meet both training and apprenticeship goals.
- Randy asked if FHWA is working with federal CFRs for apprenticeship. She said there are two federal agencies and they should be able to work together. FHWA has a union non-union concern, but the folks that are coming to your door, what happens in the federal program, how do they get to complete their training?
- Cathy said that some of the contractors here set up a program and how many hours they are going to do and how they will meet the requirements. That is submitted to WSDOT and then to our office.
- Linea said she thinks the apprenticeship and training programs can work in harmony. The agreement is an approach, at least for the next year that

- will set the stage to work together and collect the data. We have agreed to provide data quarterly to FHWA.
- Bob Abbott said that in reference to union and non-union programs, contractors don't have to have a non-union apprenticeship program available. Union programs are open to non-union contractors and that needs to be very clear here. It is available to non-union shops. We have apprentices running through our programs now. It is about becoming a training agent.
  - Cathy said that is what FHWA wants to hear. FHWA does not want it to impact the program.
  - Bob Adams asked for clarification on the agreement between WSDOT and FHWA. Will the federal contracts have both the federal and state requirements or just the state requirements?
  - Linea said that apprenticeship requirements as well as federal training requirements will be placed on federally funded projects.
  - Craig said that FHWA is concerned about competitiveness, and if it places an advantage or disadvantage on any contractor. WSDOT is saying we don't think that will happen, but let us show you the data.
  - Dave Johnson said he can understand specific requirements. He has run into that before. Approaching this from the perspective of training and what we are really trying to do here, we are a SAC state and this allows us to adopt a set of standards that go above and beyond the federal standards. They have to be as good as or better than the federal requirements. To my knowledge, an approved state apprentice meets the federal requirements.
  - Rick Slunaker said that the On-the-job training requirement can be met by apprentices that aren't women or minority only if there has been a waiver granted. That would be the exception to the rule. That is the confusion. An apprentice satisfies the federal requirement if they are women or minority. You can have a federal trainee that isn't an apprentice.
  - Linea thinks that is why we are where we are at. The data shows that we think the two programs can work harmoniously together. Right now we will move forward with the placing the requirement on the federally funded projects and track the data.
  - Randy asked if the On-the-job trainees get paid prevailing wage.
  - Dave Johnson said that they get a trainee wage unless they are in an apprentice program.
  - Cathy said that if FHWA needs to come back and have a separate meeting they can do that.
  - Linea thinks we should see what results from the data show at this point. .

### **The Committee's Report to the Legislature**

Linea said that WSDOT sent out a very rough draft of the report. Her intent is not to go over it word by word but make sure we are in agreement and have covered appropriate topics. As an example, the report does not address projects that will

be going on ad. Things could be organized differently. Have we captured appropriate information?

- Dave Johnson said there are some elements that are really encouraging in terms of the increase in apprenticeship and enrollment. The problem he sees initially is the delineation between union and non-union programs. What the legislation outlines is the availability of apprentices and availability of programs. The Ironworkers in Lewis County did apply for standards. Lewis County is listed on the request. With the exception of cement masons in Columbia County, every other county is covered by the programs used primarily by the DOT. To document a debate about union and non-union differences is inappropriate and outside the scope of the legislation. Dave thinks that any references to union and non-union programs should be stricken and removed from the report. Graphs should include the availability of programs and number of apprentices in each county. We should clarify apprentices are registered in state approved programs throughout the report.
- Linea said that at this point it is just data.
- Bob Abbott said that the labor side of the committee had a meeting before this and all agreed that we would like it removed.
- Bob Adams would like the opportunity to get back to the group on that topic.
- Linea asked for any other feedback on the union/non-union issue.
- Dave Johnson said the report should specify that apprentices are registered and approved in Washington State. It was encouraging to see the number of bidders, but in the last paragraph there is an ongoing disagreement in terms of what employing apprentices on jobs actually does. We have heard it increases the cost. There is no agreement on this issue. The apprentices are the only workers on the job that can be paid a lower wage rate. We do not believe the contractor would have hired apprentices in addition to journeymen. I think it is misleading to say that they have to hire additional journeymen because we have seen no evidence of this. There is always someone that will fill that slot. It is counterintuitive to think that employing apprentices will cost more money. Not to mention a lot of the apprentices are sharp. We have a problem with calling up contractors and telling them they can't employ enough apprentices on the job. You could contact apprenticeship programs and get information from sources. This nameless contractor makes a comment that we have heard before, but the report is not the right place for this.
- Bob Abbott said the program they are stating should also be contacted for reference to confirm this.
- Dave Johnson: We have been through this process with GA and although some of these elements are unique to DOT, we have been doing this for 7 years and some is historical background. A lot of what I'm saying comes from experiences taken. Dave said that he was encouraged when reading the report that if a state approved apprenticeship program had all the

- ingredients of the cake a female or minority apprentice could be used to satisfy the federal requirements. There seemed to be some doubt as to whether that had ever occurred in past meetings, but the data in the reports confirms that many on-the-job trainees fulfilling the federal requirement were apprentices. Dave also said that maybe statements could be used until we get to the memorandum of understanding between FHWA and DOT. Increasing the number of trainees/apprentices, may not be increased necessarily. I think that language should be removed.
- Bob Abbott said that in section three on the statewide availability of union and non-union programs. We should remove the language about how contractors can create their own programs.
  - Alice Curtis mentioned that you cannot become a training agent, you become a sponsor.
  - Randy said she thinks there is an error in the cost of the federal highway program and how much is put in by state you reference that in two places. I think it is the opposite when the program comes in. Just before section three starts.
  - Alice said that most trades in Pacific county cover only half of the county.
  - Linea said that what she is hearing is that we should focus on just the first two pages of the report.
  - Alice said that Lewis County is taken care of for Ironworkers, Cement Masons are taking care of and the painters are covered in Columbia County.
  - Dave Johnson said that programs exist for all the crafts that DOT uses in all the counties. If you go back to what the committee was assigned to do according to the report, there are programs available everywhere.
  - Randy said all the report needs to do is put the numbers out here and the availability of programs can be put aside.
  - Dave Johnson said that as a State Apprenticeship Council member, he reminds anyone that looks at this from a union non-union view that except for the committees that represent plant programs, all programs are expected to allow other employers to allow them to participate in the program. That is a good way to show that the program is focused on training.
  - Linea asked what is missing in the report.
  - Randy thinks more about what the committee has done should go into this report. She thinks the legislature wants to know what is in place.
  - Linea said there is stuff in the back about agency adjustments and asked if the committee wants to keep that.
  - Bob Adams asked if it is possible to have significant data about trends.
  - Linea asked the labor groups if they have the trends about what the program sizes were in 2005.
  - Dave Johnson said there is data in the report.
  - Linea said that the report can show how many people have graduated as well as how many that have come in and that Alice Curtis can help.

- Dave Johnson said that until there is more data, under the availability of apprentices by geographic area the report puts a solution in place to a problem that we don't know exists. I think it is premature to make the suggestion that it is desirable to reduce or remove the requirements.
- Rick does not think adjustments can be ignored because the legislation requires the adjustments to be made.
- Linea said that maybe it can be tied down to what the law requires.
- Dave Johnson said the same goes to the concept that is in the next paragraph. If a contractor is doing work in a specific area where they just couldn't find apprentices and if they made a good faith effort to find apprentices, they are covered. Dave doesn't think that based on the criteria of what establishes good faith and if they have established good faith, that should be a negative mark on them (in references to contractors being concerned how they would be viewed if they consistently use good faith to meet the goal). If you met the good faith effort, you shouldn't be viewed any differently from anyone else.
- Linea said that if there truly isn't anyone available in a certain area then there are actions that could or should be taken. The data is useful to have.
- Dave Johnson said that if there are areas where labor cannot meet the demand they want to know about it.
- Bob Abbott suggested that the last paragraph of that section replaces the part about if areas can be identified.
- Randy mentioned a typo in this section and said to add contract after WSDOT.
- Linea summarized the discussion by saying that WSDOT will make sure apprentice is tied to the language from the law about approved programs. In section two, WSDOT will update for something more current, try to tie in to some trends in effects or availability. The results of pilot projects will be kept together. WSDOT will make sure we validate cost associated with recruiting and get input from apprenticeship programs. The statements on quality of construction will be dumped.
- Randy if in the section on the concerns of the cost, there was anything similar about the cost of a trainee to apprentice.
- Bob Adams said that the only cost that is important is the cost to WSDOT and if contractors are saying they will increase their bid price that is important to WSDOT. To the extent that they have interviewed contractors and they are making statements that they are going to increase their bid prices it is important.
- Dave Johnson said that just because a contractor says it is going to increase their cost does not necessarily establish that the contract as a whole will cost more. It is counterintuitive for the labor side to believe that statement. They have run into contractors that are going to bid higher because of this, but there is no evidence that it is going to be true.
- Bob Adams said it needs to be worded more appropriately.
- Dave Johnson asked is it or is it not. It should cost you less. The argument that comes up the most often is that lower skill sets produce less and they

are not producing enough. That you can pay them less is the offset. Why does it cost more?

- Linea mentioned the administrative effort associated with recruiting, tracking and reporting.
- Dave Johnson said that they have all that information anyway. Everything is on computer anyway and they are all listed as apprentice hours. It is on the timesheets.
- Randy said that looking back to 1998 when we were talking to GA, they thought we would never have enough, but we do have enough.
- Bob Adams said it might be appropriate to include cost information from GA.
- Dave Johnson said WSDOT can check with John Lynch.
- Adam Lawrence said that GA believes that it is going so smoothly because the contracting community is putting the data in public record and will look into it. It also depends on how many subcontractors they have. There can be significant time concerns with getting all the data in one place and making sure it is there.
- Valerie Whitman thinks that is something that you should be looked at. Getting the data from subcontractors is not something the contractors currently do. Will it need to be transcribed manually onto a separate form? When a cost is unknown, contractors add a cost.
- Dave Johnson mentioned that GA has offered their online reporting system as a prototype.
- Linea said she would like to move the meeting along. She continued summarizing changes that will be made to the next draft of the report. On the federal program, WSDOT will look at percentages and if they are appropriate. The language about the federal negotiations will be modified to say that we are moving forward, not that we aren't and that there is potential for working together. In section three, there will be more feedback from contractors, but the proposal is to speak to apprenticeship availability on a statewide basis and dump all union non-union data. In section four the high ratio of material costs viewpoint will be used for the geographic topic. The report will speak more to work the committee has done together. It will include trends, data from 2005. Hopefully, some conclusions will surface. We need to talk about how we want this report to be submitted. There were three areas identified as interest groups for submitting the report.
- Rick asked if the report can be put in track changes format the next time that the draft goes out.

### **Requirements for New Washington State Ferries**

Dave Johnson said that John is a representative to the metal trades and invited Bob Scott. When the legislation was passed, the trades had some discussions with Doug (MacDonald) about the ferries falling under the requirements. There was a consensus that they would. Now that WSDOT is building ferries it seems

like an appropriate time to bring folks to the table and have that discussion. That is included in the resolution.

- Linea asked if the question whether ferries are a public works contract. Any contracts after July 2007 would be under the same implementation program as the rest of the state.
- Ron Wohlfrom said that that is why he came down. The ferry system has no objection in putting the language into the existing new build contract, but it went on ad before the legislation, so there has to be agreement with the shipyards.
- Bob Scott believes that this legislation was enacted at the same time and not after.
- Linea said that legally and contractually the requirement does not apply to the ferries contracts because they were advertised before July 2007, so the question is can you develop a partnership with the builder.
- Bob Scott introduced himself and said that the trade gone from 3,000 maritime workers in this area to 4,000. They've worked with the contractors to come up with the documentation for the new build. They believe it is intended in the program that is it all for future state work and we've heard some muttering that the legislation applies to them. We would like to make sure for future reference that they intent and work that went into this committee is solid.
- Linea said there is a great opportunity there to work with the builders and the owners.
- Bob Scott said he is asking for support from the committee and that this was the intent of the committee.
- Linea said that the committee generally doesn't engage in the contractual negotiations. This committee will not take contractual action.
- Randy asked if the ferries are under the same requirement.
- Linea said that the legislation applies to all public works contracts advertised after July 2007.
- Rick said if the contract was advertised after July 2007, the requirements apply.
- Ron said the contract went on ad and was held due to court action. Ferries did not re-bid it. It originally went on ad in 2003.
- Linea said that it still sounds like there is a great opportunity. For the legal aspect it is contracts that go on ad after July.
- Dave Johnson said if it was advertised for bid in 2003, even though legal wrangling went on between 2003 and 2007 but based on that it cannot be put in the contract based on law, however if everyone agrees that it should be put in place, it can be.
- Bob Scott asked what action needs to be taken to assure this.
- Linea said he needs to work with the contractor and the owner.
- Bob Scott doesn't expect them to stand up and volunteer. How do we go forward with what we are gearing up for?

- Ron said that Bob needs to approach Todd (Shipyards).
- Randy said he should take a more proactive role and say it would be appropriate to put in the contract.
- Ron said Bob needs to lobby the contractor.
- Rick said if the department has agreed, you need to put out a change order and see if there is additional cost.
- Bob Scott said there was a snafu as it would be there was a change in what the state wanted as a ferry, they changed their request from a 133 car boat to a 144 car boat and it got changed, that is what caused the delay.

### **Next Topics, Next Meeting Date**

Linea said at the next meeting there will be a typical update of where we are at. If coordination with FHWA becomes a problem, we will tackle it. The report will also be discussed.

### **Meeting Date**

November 8<sup>th</sup> at 1:00 p.m.

**Meeting adjourned.**

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

May 3, 2007

8:00 AM – 12:00 PM

## MEETING MINUTES

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

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**Attendees:** Committee Members: Linea Laird (Chair), Bob Abbott, John Little, Randy Loomans, Dave Johnson, Tom Zamzo  
Meeting Observers: Adam Lawrence, General Administration; Valerie Whitman, Max J. Kuney Co.; Rick Slunaker, AGC; Alice Curtis, L&I  
WSDOT Staff: Kevin Dayton, Craig McDaniel, Todd Lamphere, Jenna Fettig  
Absent: Bob Adams, Butch Brooks, Nick Tommer

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## Meeting Overview and Outcomes:

### Meeting Outcomes:

**The committee made the following decisions:**

1. The committee decided that at this time there will be no geographical area exclusions. The committee will wait until there is data showing that a geographical area consistently cannot make the goal and at that time, the requirement could be reduced.
2. The committee decided that absent the data, at this point, there will not be exclusions due to a disproportionately high ratio of materials to labor. At the request of the committee, WSDOT will look into allowing a contractor to report before the pre-construction meeting, why they will not be able to make a goal due to a disproportionately high ratio of materials to labor. If data shows certain types of projects that continually cannot meet the goal, criteria can be developed by the committee based on that data.
3. WSDOT will meet with FHWA to discuss coordination with Federal training requirements.
4. WSDOT will produce data on how many Federal training hours are met by workers who would also meet the state apprenticeship requirements.

### Agenda Items:

**The committee established the following topics for discussion at the next meeting:**

1. Overview of actions taken since last meeting
2. Feedback on where we are with pilot projects
3. Feedback on where we are with implementation and projects awarded utilizing the requirement.
4. Feedback on discussion with FHWA and coordination between Federal requirements and the state program.

### Date Setting:

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

- **Thursday, September 13th, 8:00 AM – 12:00 PM**

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## **Meeting Minutes:**

### **Welcome**

Kevin introduced Linea as the new chair of the committee and announced that Bob, Butch and Nick are absent. All attendees introduced themselves to the group.

### **Agenda Overview**

Kevin gave an overview of the agenda. On geographical exclusions, Kevin provided an overview of the discussion at the last meeting, saying that the group mostly agreed that it would be worked through with good faith. Kevin gave an overview of disproportionately high ratio of materials to labor discussion and said that it would be revisited at today's meeting. There have been developments with FHWA that need to be addressed.

### **Actions taken since last meeting**

#### **New Committee Chair**

A couple changes are underway. MacDonald will retire July 2007. The committee chair is the spokesperson on this committee on behalf of Doug. Kevin said he does not know how the new secretary will weigh in. Kevin hopes that the new secretary will weigh in but not sit in on the meetings. Linea Laird will chair the committee unless the new secretary has another idea.

#### **Pilots Update**

WSDOT piloted two jobs, not to test making the goal, but to test the reporting. Do we have the right specs? Is it biddable? Can we administer it? Does it correspond with GA reporting? Kevin provided an overview of the two pilot projects (handout). One of the projects ended up getting federally funded at the last minute and Federal training goals were added on to it. The Construction Office missed this.

- Linea told the group that jobs can get Federal funds right before ad, like the Cornwall to Hatch pilot project.
- Craig mentioned that the training goals can be removed from the pilot if the committee wants them removed. Craig recommends leaving them in, but it depends on what we want to pilot. Do we want to pilot having Federal training on the apprenticeship projects?

*The Committee jumped into an early discussion of the 10:45 agenda item:  
Discuss coordination with Federal training requirements at this time*

- Dave said something that came up before was if apprenticeship utilization under state statute can replace the federal training requirements.

- According to Kevin, the state program cannot replace the Federal program. The Federal is affirmative action program (female/minority). The state apprenticeship program is not an affirmative action program, but a jobs program.
- Dave said that an element of state apprenticeship programs requires affirmative action according to federal guidelines meaning that under the State Apprenticeship Training Council, there is a linkage. These hours could actually be supplemented by the state program.
- Kevin used prevailing wage as an example. According to Kevin, for years Washington has said that we have a state prevailing wage program that could replace the federal, but they have not allowed it.
- Dave said that the state standards clearly have a higher threshold than the federal standards. A higher threshold parallels the prevailing wage. Looking at the Cornwall to Hatch pilot, he said it is concerning that you have 200 hours of Federal training. And all they have to be is a woman or minority (not an apprentice in an ongoing career oriented program) and once those hours are fulfilled they are not engaged in any ongoing training. It is counter to what we are trying to do in terms of a long term program. The folks that fulfill these requirements can't be used on another project for some amount of time.
- Valerie said they (Max J. Kuney Co.) have female operators that move from job to job.
- Rick said that if they meet the requirement on one job, after they finish that job they can move to another.
- Tom said if it is a different job and said that you could double count a female minority apprentice for the state requirements and the federal requirements.
- Linea said you can double count, but still have to manage and report them separately. They are two different goals that have to be met.
- Bob said there is no reason why they can't commingle. If you have a female or minority apprentices you can count them for both.
- Linea said this is a discussion we have to have with the feds.
- Rick said this discussion took place a few years ago. Apprentices who met the federal requirement could meet both requirements on the job.
- Dave said in other areas they do commingle. They will get requests for female or minority apprentices. They are commingling in other areas.
- Rick said the bigger concern is projects with trainees who are not apprentices. Contractors are not allowed to have people doing the same job if one is an apprentice and one is a trainee. This violates Labor and Industries regulations. They don't allow an employee to have an apprentice carpenter and trainee carpenter on the same job.
- Randy asked if we can work with the feds for the apprentice hours to meet the federal hours requirement. She said they (apprentices) will get a career out of it (the state program).

- Dave said there needs to be clarification more than an exemption. He said other public agencies have these same requirements and there is already a process to address this.
- Bob said we already have examples of how they successfully commingle. The best thing is to get Jody in the room.
- Linea said the fact that a contractor cannot have apprentices and trainees seems to be a barrier.
- Alice clarified that if it is a carpenter you cannot have an apprentice carpenter and trainee carpenter. But an apprentice can achieve the trainee goals. The trainee cannot necessarily achieve apprentice goals.
- Tom further clarified. A contractor may be engaged in a training program for one class or craft and an apprenticeship program for another. The department needs to understand how labor relations work with various contractors.
- Kevin is having a hard time understand how a single contractor could want to have an apprentice and a trainee.
- Tom said though this program does not talk about crafts, a contractor can be engaged in an apprentice program for one craft and a trainee program for another.
- Tom said this is where it will be difficult for some contractors to work in training with apprenticeship.
- Kevin clarified that a contractor cannot have an apprentice and trainee carpenter at the same time, but this does not affect the subcontractor's program. The prime could have apprentice carpenters and the sub could have trainee carpenters.
- Bob said an employer who is not a training agent can do what they want, but those that are can use the apprentices to meet both goals (state and federal).
- Dave said that once the federal requirements are addressed, they can address the state requirements. You can double count them. Another thing is that with one craft to another craft being allowed to use trainees, we get into the general contractor to subcontractor relationship. They would filter that down to other crafts and subcontractors if they cannot meet the quota. That's why the total number of labor hours is so important instead of craft by craft labor hours.
- Bob said that the subcontractors will be responsible for laying out the hours and a lot of hours will be double counted. He asked what the feeling was from the feds on the program.
- Kevin said his sense is the feds are not inclined to mix and match from a competition standpoint and have told local agencies no.
- Bob asked if that means that an apprentice cannot be used for trainee goals.
- Kevin clarified that is not the issue. The feds issue is that additional requirements will drive the price up costs by reduce competition because contractors will be reluctant to bid on these projects.

- Dave said the decision has been done on other projects with federal funds.
- Kevin mentioned that the problem is not federal money period. It is specifically an FHWA issue, not just the feds in general. A Grays Harbor county requirement was not allowed into a contract utilizing Federal dollars by local programs.
- Randy said that it might be helpful if Linea sees how apprenticeship really works in getting careers started that it might meet the federal requirements. Randy said that she worked under a lot of minority contracts and contractors were taking women and people of color off the street. The apprenticeship programs bring them in a train them up. She can't see why they can't work for both the state and federal requirements
- Kevin thinks apprenticeship will work, but what the feds are saying is that if not all contractors are signatory, that is a narrowing of competition. FHWA said WSDOT cannot put a county clause in the contract that narrows the requirements and makes some firms unable to bid on the job. The feds allow any program they approve and the state requirements allow only a state approved program.
- Linea said the problem is that certain contractors can bid on the jobs and some can't. That is the discussion that has to occur with Jody.
- Bob said he has heard the argument before and it has not been a problem. Even contractors with no program can meet it through the subs. That is what we need to demonstrate through Jody.
- Kevin said they did not want to ask (FHWA) permission but show them what they had to do.
- Rick mentioned that the federal project on the pilot sheet only had two bidders.
- Dave said the reality is there are other federal agencies that are allowing it. The concept of what this is about is ongoing training and career opportunities. (For the Federal training goals) All they have to do is go to Labor Ready and hire someone and send them right back when they are done. It is superficial and doesn't do much.
- Randy said the bill says that the state will invest their dollars in companies that will grow the labor. To get these training hours all you have to do is put one on the job and send them right back when the job is done.
- Kevin said if it is a state approved program, we approve it here, if not, Jody approves the requirements
- Valerie asked what happens if there is a subcontractor with a lot of hours and they don't have a state approved apprentice program. Will they not meet the requirements? Does that work into a good faith effort?
- The committee said no, it does not.
- Kevin said this is exactly what the feds are concerned about.
- Bob said there are no barriers for a contractor to become a training agent for a particular craft and get state approved. There are opportunities with no barrier and no increased cost. The apprenticeship program has a cost savings.

- Tom said he is tracking the cost and it is a separate issue.
- Rick asked if the contractor is having a difficult time meeting the requirements but has another program, can that be used as part of the good faith effort.
- Craig said at this point we are talking about State approved apprentices only.
- Valerie said the whole point is to utilize them whether they are approved or not. It is a global concept of good faith. Not having a state approved program doesn't mean you aren't meeting overall good faith.
- Adam said with the GA public works jobs the only numbers that count are state approved. We don't have currently a definition of good faith. Basically if the project is not meeting the requirement, we contact them and document why not.
- Bob said he is hearing that if a contractor doesn't have a program and doesn't want to start one they can prove good faith by having something they provide training wise. He said they have stayed away from this and said that it is not a good faith effort.
- Kevin mentioned that in WSDOT's specification, good faith steps 4, 5, and 6 that is a state apprenticeship program we are looking at.
- Dave said one reason that a non-state approved program wouldn't be considered part of a good faith effort is because Dave has sat down and talked to some contractors who have their own programs that aren't very credible. Another issue is without working through this part of it with the feds. Would they hold a project hostage and give no federal money for a project that has this requirement?
- Kevin said it isn't withholding money, it just isn't approving the plan set. Kevin said we will not wind up not participating. We are not being held hostage. Kevin also brought up that in the next three biennia, the big ticket jobs are mostly state funded, the Nickel and TPA projects. There will be fringe jobs that end up with both state and federal money, if we call it a pilot we can sneak it under. This is a small element to work out and is not going away. The feds have already weighed in on county programs. It isn't going to kill the entire program if we have to separate the state requirement from federal projects.
- Bob said at 2 and a quarter bidders per project last year, he doesn't want to see it go to under two bidders and have that blamed on apprenticeship. There are a huge number of elements to think about.
- Kevin said when you put out a huge volume of work, the competition decreases. When there is less, it spikes. This is FHWA and FHWA is different, they have specific rules than other Federal agencies.
- Dave said his point is there are examples of other federal agencies have worked through these issues.
- Alice said sometimes all you need to do is get them talking and asked about a contact.
- Kevin said WSDOT works with the division office and that there are contacts for specifications, civil rights, etc.

- Alice asked who would be the ultimate approver of a federal grant.
- Kevin said we have a network of people we need to bring it and get comfortable with it. It is getting the entire division comfortable with what we are doing.
- Craig said we aren't saying we are not going to work this issue. It is a concern. We can give them more information after the pilots.
- Alice said that Labor and Industries or the Council would be happy to help with any of this.
- Bob had some discussions with FHWA on training issues and they aren't unreasonable. Initially their reaction is to say no. We have to spend a lot of time discussing this with them. They changed their position and reached common ground, eventually.
- Linea said this is not the end all. We are just barely underway in terms of information gathering.
- Tom said that federal training is not training but equal opportunity. It isn't training. I don't disagree that it should be training and apprenticeship provides a higher level of training. If you are going to administer both separately, every apprentice must be a woman or minority to meet both goals so it either has to be administered differently or interpreted differently.
- Kevin said the Federal program is basically an affirmative action program.
- Randy said that the December 4<sup>th</sup> Federal specification answers the question and it is the same affirmative action that is done by the state approved programs while administering their apprenticeship programs.
- Dave said it is a 'what if' and he doesn't think there will be problems meeting the requirements. If you are in a state without an approved council the training hours become more critical. We can't technically call it in this state affirmative action. Every state has requirements that need to be met. Do the EEO standards established for SAC states meet the requirements for the federal program in a non-SAC state?
- Rick said that is the federal good faith effort.
- Linea mentioned that the group had gotten off track and they should address some of the other actions taken since the last meeting before continuing the federal coordination discussion further.

### Project List

Linea called attention to the advanced schedule of projects that is updated every month (handout). It was updated this morning and is what is anticipated to go on ad, though the ad dates can move around, or projects could be dropped or delayed. This is an idea of the size of the program. The federal dollars are not determined at this point.

Kevin said it seems odd that we don't know which have federal funds, but we really don't. In Washington, the state jobs are about the same as federal and we can at the last minute make a switch. It is just a few extra papers in the contract. We are prohibited to some extent for pulling federal funds into Nickel and TPA jobs, but even that is becoming more relaxed.

Federal Funding Projects to all projects from 2006.

Linea brought up the list of projects executed in 2006 that show which were state funded, which were federally funded and which federally funded projects had training goals. She said this is historic data.

- Kevin said this is the level of reporting that we can give to this committee after we award the projects, exact and specific data.
- Dave asked if we can find out whether or not training goals were met on the 2006 jobs and if so, how many were met by state approved apprentices.
- Linea said we might be able to look at that.
- Dave thinks it would be useful information. With a job with thousands of hours, some of those requirements had to be met by state approved programs.
- Bob said that based on these 17 projects, none of these 17 would qualify if we cannot mix apprenticeship into Federal jobs. Bob said very few projects would qualify, looking at the spreadsheet. That is a very large concern if all these projects would be excluded.
- Linea said more projects in the future will be TPA and Nickel.
- Bob said there are still state funds in the federal requirements. On the second page, even without federal funds there are not that many projects.
- Kevin said you have to realize that 2006 is 6 months after the TPA passed. He said we aren't out there yet with the TPA projects.
- Linea said we will try to determine the amount of apprentice labor in those federal training hours that were met.

#### Legislative Activities

##### SB 5242

Linea introduced Todd Lamphere to go over SB 5242.

Todd said this applies to the internal DOT program. Senator Hobbs spearheaded this bill (Virginia has a similar program). Todd said we have been trying not to separate this program from other programs in the DOT and the bill was incorporated into the internship program. They got money to do it. It pays salary and benefits for two FTEs a biennium. It is new funding to the budget. The FTEs are earmarked directly for the apprentices. It covers salary and overhead. It talks about the great steps we have had. Kevin and Steve Roark were instrumental in getting the changes.

- Kevin said that a concern is the language relating to our apprenticeship bill, but these programs are totally separate. Kevin said they will get the language cleaned up, because there is no crossover.
- John asked if they defined wounded veteran.
- Todd said there is already criteria defined by the current RCW governing veteran's preference (it is referenced in the bill).

#### Outreach

Linea said there has been a couple of things the office has been involved in, but asked what has been going on from a broader perspective?

- Tom said AGC brought in open shop contractors and CITC and discussed the program and this helped. One contractor came in saying that they wouldn't bid the projects and we were able to describe what apprenticeship was and what resources were there.
- Linea said it provided the opportunity to get the information out and brought forward the fears.
- Bob said the laborers will have a DVD so they can go into the schools with the building trades. That will be going out in the next month or two.
- Randy said last week was the Women in Trades Fair at Seattle Center and all the trades were represented.
- Valerie said everyone is overlapping trying to do the same thing and are aware of the upcoming goals.
- John said carpenters are having a workforce summit to talk about immigrant workers in the industry and create programs collaboratively.
- Dave said they have a print piece going out and are working with CTE and councilors for OSPI. The print item is basically 'Apprenticeship 101,' and describes it in basic terms. On the school facilities advisory board, they have been discussing the barriers in the public school system. There is becoming a certain path to follow to get at the students that is effective that deals with pathways to apprenticeship. The CTE instructors are getting excited about the programs. The counselors really need the information right now.
- Bob mentioned another program that is meeting with the school districts.
- Valerie said she likes that the program is not an affirmative action program. She said it provides a reason to talk to everybody in the trades.
- Craig said that Dave Jones made the rounds and went out with OEO and Civil rights to talk to a number of organizations about the apprenticeship requirements (handout).
- Valerie said that the meeting went well and it was nice that Dave was there to explain it. A lot of people in Spokane looked at it and didn't feel affected by it with the \$5 M threshold.

## Reporting

Linea went over the GA reporting with the group (handout).

- Adam said they average about 17% on all jobs, but the requirement is 15%.
- Dave said when we look at this report one of the things to keep an eye on is the female apprentice hours and total minority apprentice hours. When you get into situations there are certain flags that we look at – on one project, GA had 66.52% - that is a flag.
- Adam clarified that 66.52% is the percentage of the apprentice workforce that is minority.
- Dave said there are flags on the high end that we should look for.
- Linea asked if we will be feeding into the GA report.

- Adam said the WSDOT reporting will be similar, but there is a trade breakdown in the Governor's report, but not the quarterly form. This is not the report WSDOT will be spilling into. Adam doesn't expect to see something like the quarterly report, yet.
- Rick asked if the minority status was a reported number.
- Adam said they match the database to L&I.
- Kevin said that is not information that WSDOT is asking for on our forms.
- Linea pulled out the reporting package with the forms and directions (handout).
- Kevin mentioned that the forms and specs are not a locked document. It is just the current edition.
- Randy asked if GA put out something on a CD
- Adam said they have set up an online process for the contractor to submit the paperwork.
- Randy said maybe they could share it with the DOT.
- Linea said WSDOT is working on an online process.
- Valerie said right now she understands it will be with the bid forms on the CD.
- Rick asked why the GA system is proprietary.
- Adam said they just don't have access to WSDOT's system.
- Valerie asked about the plan. She said she thought the point was to help the project office out, but there is nothing about timing. She said it could be done in a narrative.
- Rick asked if the contractor is required to estimate the number of apprentices and hours.
- Craig said yes and emphasized that it is an estimate.
- Valerie said it is a conceptual plan.
- Kevin mentioned it is not a pre-bid form.
- Rick asked how practical it is to estimate not only the bodies but also the hours.
- Dave said you can divide the total number of hours by the shift and get an estimated number.
- Valerie said at least it is identified as just a plan.
- Dave said in the end it will be the reporting that is an indicator.

### **Geographical Area Exclusions**

Linea mentioned that there is not full representation for a committee vote on this issue. Folks were supposed to take this item home and think about it after the last meeting. She said that looking at the past minutes, it appears to be a good faith effort item, though there was no formal agreement or vote.

- Tom said it appears to be a post-award, good faith effort item.
- Linea said we could make it a pre-bid item at the point we have data. So far we don't have the data support. I think we can still be in compliance with the state law by not making a pre-bid exclusion yet.
- Rick said the legislation's intent is to do it on a case by case basis.

- Linea said the language is shall, not may. I look at it absent of data show me the situation and it will apply.
- Dave said that at the end, after completion if they have done the good faith effort, it will apply. The department has the authority to adjust the requirements.
- Craig asked if that would be a reduction, or removal of requirements.
- Dave said maybe they can't meet 10 percent, but they met 8 percent.
- Kevin said it is a concern that this is a post execution item. We will not be comparing what other contractors say in their bids. Ultimately we could remove it completely.
- Dave said a concern is that prior to a reduction, they would like to have a way to follow up on the good faith efforts. If a contractor said they contacted the programs and none were available, they would like to check it.
- Kevin said that at the time that information is available, the decision has already been made.
- Valerie said the project office will determine if there is good faith or not.
- Dave said that they must verify that they made the good faith effort.
- Randy said others were able to meet and exceed goals. Randy said if they didn't make the effort that could be used to make a decision not to award to them again.
- Rick said the contractor would be careful the next time.
- Kevin said if the evaluation is poor twice, they could screen out contractors.
- Linea asked if this is a post-execution item to be determined by good faith and if WSDOT will report to the committee on a quarterly basis on the results.
- Tom said if there is a particular geographic area where good faith is consistently being used, it could be done potentially pre-ad. The requirements could be adjusted to reflect the good faith effort.
- Kevin asked if that is a Linea decision or a committee decision.
- Linea said she thought it would be her decision to report to the committee and she is held accountable to it.
- Dave said as long as contractors are not penalized for good faith, we need to focus on the problem geographic area and focus as a council on what we can do to enhance opportunities.
- Linea said we do not want to set an unrealistic goal driving paperwork we don't need.
- Valerie likes that approach. If there is an area where we cannot hit the goal, we can reduce it. Set a goal that is meetable and the contractor will strive to meet it. Set an unrealistic goal and everyone gets by on good faith.
- Linea asked if we need a summary or if we are comfortable with that approach.

- The committee was comfortable with deciding to leave it up to good faith until there is consistent data for a problem area and then adjusting the goal. The committee is ready to move on from this item.
- Kevin said that geographic areas will not be on the agenda again.
- Rick said that there should be an agenda item on a report of performance, rolling it up to talk about geographic problems. What we see is this GA report that is interesting but not useful. We don't want a situation where the committee is surprised by 6 or 9 months of no discussion and the committee is surprised when they wave the requirements on a job.
- Linea said there can be a quarterly rollup.
- Kevin asked if Rick wants to know highlights in the last quarter. He said they can show how many jobs had it, etc.
- Rick said he wants to hear about how the contractors are performing on apprentice utilization. The question it really begs is what happens after you make the determination. We don't want to find ourselves in a situation where nothing happens. What has been done so we don't have that problem in the future?
- Dave said the concept of the department being able to adjust the requirements permanently in a particular area should be an ongoing discussion. We shouldn't say we know we will never make it here so we will reduce it based on history. The contact is going to have to be made with the local programs to see if they can come up with apprentices.
- Bob said we can push more for outreach in the areas we have problems in.
- Dave said he knows there are apprentices in certain areas and there are no opportunities there. If there are opportunities there will be apprentices.
- Randy said that we know where they live and can target that.
- Bob said there is good faith on the part of the contractor and committee to make apprentices available when there is a problem in an area.
- Randy summarized that there is no vote and we have agreed that this is how we want it to be.

### **Define Disproportionately High ration of materials to labor**

Linea mentioned that the committee was to bring information forward on suggestions for the requirements.

- Dave said the one area we were looking at was paving, if there was one out there, it would be highway paving. The amount of material for an overlay vs. the labor burden, that industry lent itself to running into the issue of a high amount of material to the labor costs.
- Linea mentioned that you are still only tagging the percentage to the hours on the job.
- Tom said with asphalt there may be 8 placing the materials and 10 or 12 driving the trucks. Generally these apprentices are started on a water truck, or a dump site, not on a paving project backing into a paver or working at night. There is very little opportunity to utilize the apprentices on the production laydown or hauling on these jobs. From a quality

perspective we need highly skilled people operating that machinery. This is not the place from a safety perspective and quality perspective that a contractor would put these apprentices. The challenge is how the DOT will describe these hours, whether you are talking about the paving portion of an overall project. Conceivably, on a 10 M job, the paving portion would not have an apprenticeship utilization assigned to it but the rest would. I don't know how you would make that determination of what hours are for what activities. You also get into how you define a paving project. My method is the tonnage of asphalt multiplied by \$150 and if the total contract value is less than 150 a ton it is a paver, if it is more it is a construction project. That is the only objective criteria I've come up with. If it is less, it is a paver and is disproportionately high.

- Rick asked if the department has taken a look at a couple of year's worth of projects and materials cost and labor hours. Look at this list here, and the projects that are defined as the projects that the ratio is.
- Linea said we don't have labor hours
- Rick said you could get it from Labor and Industries on prevailing wage jobs. This would give you an idea for the future if you get a project with one crew. That's the only way you can do this and will be the same with geographic exclusion.
- Kevin said the issue is not a material issue, but a craft issue.
- Valerie said there are certain crafts where you get to an imbalance. It is the size of the crew versus the hours. The 5 M is supposed to be a threshold to have to meet having a lot of crafts and now pavers are up above 5M.
- Bob said when we talked about the legislation, you get into a crew continuity issue and if you displace someone on that crew, you get into a problem. They don't break that crew up and have 7 or 8 people. The crews are consistent, and that is where the pavers have a concern.
- Valerie said they are training, but are not training on state projects. So as a company they are meeting the goal.
- Kevin asked if it is a pre-award or post award decision. The way the legislation was set up drove us to a pre-award situation, but it looks like we are in a post-award situation.
- Tom asked how you demonstrate it.
- Kevin said you can show it in the plan. If you have a paving crew and truckers and can't plug the apprentices into the plan.
- Tom pulled up the plan form that the contractor submits and asked if they will show it on the plan.
- Bob said that if it is a strict overlay project, they may not have opportunities for apprentices, but they may get some in the subs.
- Rick said if you make it a post execution issue, you are really causing problems and making it a challenge. You may limit the number of bidders. You can't go in just hoping that you can get that consideration.

- Bob said he would still like to see the number of hours reported, even if a project is excluded to see if there are any apprentices out there and what percentage of the hours were worked.
- Linea asked if Bob already knows this information since he supplies folks.
- Bob said he knows who he supplies to, but not what projects they are on. The paving crew moves around.
- Dave said the paving issue was discussed pre-leg and was always out there. That is the one area we can look at and say it is reasonable to address here.
- Linea asked if what the group is saying is that absent of data you cannot just exclude the pavers.
- Randy said you can't.
- Linea said that according to the language of the RCW, they can exclude.
- Randy said that you need to define what a high ratio of materials to labor is.
- Valerie said Oregon has a post award form to fill out for the pre-construction meeting if you cannot meet the goal for this, or if there is a safety exception. They have a procedure in place for exemptions.
- Randy said the pavers opposed the bill all the way, but we should see if there will be a problem.
- Bob said that Tom Gaetz came in and the concern was addressed. Is the concern breaking up the crews, or the availability of apprentice teamsters?
- Dave agrees with Randy. We need to focus on paving and know that is an area where we may run into making adjustments at some point. What concerns me is you can carry this to any degree with any contract. The folks that show up here are not the ones we are concerned with meeting the goals. Originally, the provision was put in the bill and the conversation was about the hammering man in Seattle. What do you do when you have a \$7 M piece of art and it takes 3 people to put it up?
- Valerie said with small crews you either get 50% or 0%.
- Rick said take a look at the past projects and see the proportion. What about bridge painting?
- Linea said we look at 40 – 60% of a project being labor.
- Bob asked if we can look at a paving project and asked if we could look at one of Tom's projects. I-5 project with mostly paving about 10M.
- Kevin said if what we are hearing is that paving is having a difficult time and one third of the job is paving, we could have a problem. If it wasn't excluded pre-award, the contractor will have a problem with journeymen on the other portion of the job.
- Kevin said he is having a hard time with the exact criteria for what will define it.
- Valerie said a problem is when you identify subs that have 2 or three folks on the job.
- Tom said landscaping is a concern, too. It is difficult to come up with the apprentices. The landscapers are very concerned.

- Rick asked about bridge painting.
- Bob said if you keep excluding industries the only thing you will do is end up with a major construction project and cutting out industries saying that they won't need training.
- Rick said you get back to companywide ratios.
- Tom said that is part of good faith, and doesn't meet the goal.
- Linea asked if the group wants to consider a post-bid adjustment and look at Oregon's program and see if it works, but we want to be careful and not have everyone adjusted out.
- Bob said they need to demonstrate how they cannot meet it.
- Linea said you need to develop it within the 30 days you have to develop the plan.
- Rick asked where you want your headache, pre-bid or post-bid. Think about where you want it. Is there a way to develop criteria to make the adjustment pre-bid?
- Valerie said that pre-bid it will be harder for both the contractor and the DOT to identify where the problem is.
- John said he agrees with Rick in terms of the concepts, but in absence of historical data it is up to this group to observe where we have those issues and post-bid makes sense until we have enough data to move it to a pre-bid discussion.
- Valerie said once you have a stack of exemptions for the same thing, you can look at that for pre-bid.
- Bob agreed that post-bid is the way to go. We will know the problem areas in 6 months to year. You still have the ability at that time to make the decision. Regardless, if there are exclusions we still need to track the hours. Once we have collected data do we make an exclusion or an adjustment?
- Tom asked how DOT would deal with a contractor coming in and saying that they cannot meet the goal due to having a large portion of paving, where is that determination made (statewide consistency) are you going to be able to do that, or is it going to be like a lot of other things where we have consistency, but it is really regional.
- Kevin thinks it has to be at the state level. Craig should reside over this. Kevin said it needs to be a central focal point.
- Linea agrees, at least starting out getting the program underway and until we have a better definition.
- Valerie said that from a contractor's perspective, they get difference answers from different levels.
- Linea said it would still go through the project to us.
- Craig mentioned the DBE program and said apprenticeship could go to that level.
- Kevin said as time goes on it could change.
- Tom said different contractors will say different things and that will be a challenge.

- Kevin said there are very few things that have that consistency and come to Craig's level for approval.
- Craig said the construction manual can be updated with some guidance.
- Linea summarized saying there is a concern with paving and some other types of work. We can look at a post-bid pre-plan discussion, but right now we are looking at a post-bid item to establish some data. Absent the data, this is better post-bid.
- Craig asked if Butch will be concerned with this decision as he is absent.
- Tom said that he did not think Butch would be too concerned.
- Rick mentioned it is a post-bid, pre-execution item.
- Linea summarized that Craig or Dave would execute the changes if there were any.
- The committee did not have anything else and agreed with this approach.

### **Discuss coordination with Federal training requirements**

Linea said they will try to get Jody to attend the next meeting.

- Bob asked if the feds have made a decision as far as the county requirements go.
- Kevin said there was a job that had them and the comment was we don't know if that is allowed. The feds said that it was not allowed, but it could be allowed. We haven't had our requirement okayed by the feds. The county requirement was stricter than the state requirement.
- Rick asked what that means. They are concerned it will reduce competition, but not enough that they will not give the money.
- Kevin said that they can refuse the money. They have to approve the specs.
- John asked what about a separate meeting with the FHWA, WSDOT staff and Alice, perhaps some others. Is this important enough?
- Linea said it depends on how many of the upcoming projects over \$5 M have federal funds.
- Kevin said we have to define what we are going to argue – that we have two equal programs or that it will not reduce competition.
- Randy said we need to show that the apprenticeship requirements would satisfy their requirements.
- Tom said what he hears is that they want to get rid of having the two programs and just have an apprenticeship program. He does not want to do that.
- Bob's concern is having a contract that doesn't get the state requirement because the two programs cannot coexist. He would like one contractor to meet the federal requirements with their female and minority apprentices. Bob would like to see how many training hours we have on past projects.
- Kevin asked if we pull the data and it is 50-50, that could cut out the non-state approved programs because half the bidders might not be able to bid on the jobs.

- Bob said it would be good to see how many hours were worked by workers that were qualified for each program.  
Rick asked if half the projects on the ASOP will be federally funded.
- Linea has identified one project in august that has federal funds.
- Bob said the problem with excluding is not knowing right before advertisement.
- Linea said they can pull the data and have a discussion. She said they will send the data out and talk to Jody about potential dates.

### **Date Setting**

The next meeting is tentatively scheduled to occur on Thursday, September 13<sup>th</sup> from 8:00 a.m. to 12:00 p.m.

### **Meeting Adjourned**

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

February 9, 2007  
12:-00 – 3:00 PM

## MEETING MINUTES

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

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Committee Members: Kevin Dayton (Chair), Bob Abbott, Bob Adams, Randy Loomans, Dave Johnson, Tom Zamzow, Butch Brooks.

**Attendees:** Meeting Observers: Rick Slunaker, Tom Gaetz  
WSDOT Staff: Craig McDaniel, Ron Wohlfrom, Todd Lamphere, Jennifer Brown, Jenna Fettig,  
Absent: John Littel, Nick Tommer

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## Meeting Overview and Outcomes:

### Action Items:

**The committee compiled the following list of issues to work through:**

1. Define/develop disproportionately high ratio of materials to labor: criteria and guidance.
2. Define/develop criteria for excluding geographical areas.
3. Discuss coordination with federal training requirements.
4. Talk about Washington State Ferries apprenticeship utilization.
5. Touch base on report to Legislature.

### Date Setting:

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

- Thursday, May 3rd, 8:00 AM – 12:00 PM
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## Meeting Minutes:

### Welcome

Kevin Dayton welcomed the committee and gave an overview of the agenda. Items on the agenda are touching on actions taken since the last meeting, defining disproportionately high ratio of materials to labor and developing criteria and guidance for excluding projects for that reason, developing criteria for excluding geographical areas, discussing coordination with the federal training requirements, coordination with Washington State Ferries (WSF) and setting a date for the next meeting. Kevin announced that he accepted a new position. The Committee chair at the next meeting will be the new State Construction Engineer.

## **Actions taken since last meeting**

Finalization of Specs (handout)

Kevin asked the group to take a look at the final apprentice utilization specification in their packets. At the last meeting, the group discussed the specifications and made recommendations. The specification was revised to reflect the comments and emailed to the committee for review and comment. It has been finalized. It is a locked document, not available for regions to tweak. If people are seeing different versions of specifications out there, the Construction Office needs to know to get it fixed. It is in two pilot jobs: [SR 9/ Schloman Road to 256th Street E](#) and US 195 / Cornwall Road to Hatch Road dowel bar retrofit and Paving. [SR 9/ Schloman Road to 256th Street E](#) is on ad now with a bid opening date in mid March. US 195 / Cornwall Road to Hatch Road dowel bar retrofit and Paving will go on ad in the middle of February. Kevin mentioned that it is a few weeks from the bid opening, nobody who is looking at the job has complained about the requirements.

New Committee Member

Kevin announced the appointment of Randy Loomans to Apprenticeship Utilization Advisory Committee. Her appointment is in place of Alan Darr. A letter was sent out announcing her appointment in December.

Project List

Jen briefed the group about the advanced schedule of projects that is being developed to assist in providing a look ahead for which projects will have the requirements. She said there are a couple things to talk about that feed into reporting. She wants to provide a watch list of upcoming projects that would have these apprenticeship requirements. What she has found is that WSDOT can come up with pretty reliable information looking 6 months into the future. The list she has today goes to July so it is not helpful for phase one implementation. This list may be helpful in the future. It could be provided to the committee monthly or quarterly. She is trying to get to a projected project amount, which is different than what the line item budget is provided in the 6 month look ahead. We have had to draw some really broad conclusions to get to a projected project amount, taking off 27% of the budgeted cost (this 27% being the projected costs for construction engineering, sales tax and contingency with 8% removed for sales tax, 15% for CE, and 4% for contingency). If the requirement was in place right now, based on the current approximate outlook through July, we would be looking at 11 projects that could potentially have apprenticeship requirements.

- Rick Slunaker asked how often the list varies. When you make that number, does it change?
- Jen replied the ad date would vary most
- Kevin described the budgeting process using Tacoma HOV as an example. The line item budget is basically a corridor. As WSDOT designs the projects, we begin to know with certainty.
- Bob Adams asked if generally, it becomes known 6 months ahead.

- Kevin said there is not a system he knows of that can generate project amounts 6 months ahead.
- Butch said that whenever the advanced schedule is updated it would be nice to get that as a look ahead.
- Bob Adams said what needs to be looked at is if we are picking up the best opportunities for apprenticeship. What areas, what projects?
- Jen said this is the forward looking list. She thought what Bob was talking about is the second report that could be a report to this committee on a quarterly basis. We want to be reporting back to this committee on a quarterly basis on which projects had the requirement. She said they could be provided the look ahead and a look back each quarter.
- Rick said he doesn't think it is useful to see a changing list. It is confusing information.
- Kevin said that everything in a report on the look back is our data, we can tell you anything. The futuristic look forward, we have a very difficult time coming up with it. We are not any closer today being able to forecast into the future. Pin level dollars are not the contract dollars. That is where we run into difficulty. We really need to look at the engineer's estimate; that is when it becomes real.
- Bob Adams asked when the engineer's estimate is developed.
- Kevin replied that the engineer's estimate is developed about 3 weeks before the ad date. 6-12 weeks ahead, they start looking at what goes into the estimate.
- Bob said during that 3 week window then you make the decision if it has the requirement.
- Dave Johnson agreed with Bob. If it is not a huge inconvenience, it would be nice to see the 6 month look ahead. There is no assumption that this will be real. It would be helpful just to see what is actually taking place. The final report back would be useful as well. As long as it is not overly time consuming. As long as it is known that the look forward is not a definite list
- Kevin said if we report the engineer's estimate as the budgeted amount minus 27%, we need to make it obvious. He mentioned there are also planning studies on this list, and money that we give to local projects. We can't stand behind this data to the absolute degree. When it goes on ad, we can hold it accountable to the exact numbers.
- Jen said next month, if she provides the 6 month look ahead it will be through August.
- Dave said that will be useful. No one will hold WSDOT accountable to doing apprenticeship utilization on a planning study.
- Kevin said WSDOT will get to a better future look within the next 6 months to a year.
- Craig mentioned they are putting a system in right now for consistent reporting across the state.
- Kevin said that the Statewide Program Management Group (SPMG), a consortium of consultants helping.

- Bob Adams asked how well WSDOT is doing lately at hitting bid amount with the estimate.
- Jen said we can send the quarterly update to the apprenticeship committee that goes over those items.
- Kevin said that in January, WSDOT had an average of 3.9 bidders and was 0.4% below the engineer's estimate for the 10 highway projects awarded.
- Craig said we are really only concerned about the projects with estimates landing right at the threshold.
- Bob Adams asked if the legislation prohibits WSDOT from putting it in smaller jobs.
- Kevin said it does not.
- Rick said it seems that these three different reports would be beneficial to post somewhere on the web.
- Jen said the future look ahead should not go on the webpage, but there is an advanced schedule of projects on the contract ad and award web page.
- Rick said that flagging possible apprenticeship projects on advanced schedule of projects report may be useful.
- Kevin said there is nothing in the report back to the committee that we wouldn't want to have available.
- Jen said we will not post all the names and numbers of apprentices, which is required in the reporting to GA. Another item is the upcoming report to the legislature.

## Outreach

Jen said we have continued to do some outreach. The committee is getting the updates quarterly that are sent to interested parties. If committee members know anyone who should be added to that list, please let her know. The notice to contractors was posted on the website to let them know what is coming up (handout).

- Kevin asked if there anything else that anyone knows of that has been done for outreach. He said now is the time we need to advertise this program and get people at the high school college level to be interested. WSDOT would like them to say that there are two avenues: owner or contractor. He said we need to advertise working for transportation in either avenue. There are those that want to be part of public service and those that want to be in the trades
- Randy said everyone worried about this when apprenticeship utilization started in 2000, but when you look at it, there was only one job that was not able to meet requirements.
- Bob Abbott said that every apprenticeship program is going through an outreach effort. His group is creating a CD.
- Kevin said that is exactly what he wants to hear. We cannot wait until tomorrow to do things that we need to be doing today.

- Bob Abbott said he is looking at the running start program for the apprentice programs. That's where a lot of the outreach has started to happen.
- Dave said that Labor & Industries OSPI Two agencies? Which one? L&I and OSPI? has budgeted for an apprenticeship position. They have full blessing from the superintendent.
- Randy thinks the legislature is going back to envisioning apprenticeship attached to the K-12 system rather than community and technical colleges. Hopefully they will have the people in the pipeline eventually.
- Kevin said WSDOT is hitting their goals and introduced Todd Lamphere to talk about WSDOT's Apprenticeship and internship opportunities.
- Todd Lamphere told the group about WSDOT's apprenticeship programs and recruiting. He said WSDOT has a pretty good broadband approach. He has an employee working on a program called engineers in the classroom. Massachusetts has a robust program and is sharing resources and notes. A resource in Oregon is helping WSDOT develop the programs. One is geared at engineering – the entire engineering approach. WSDOT is saying that like the housing market if we continue to starve ourselves we are not going to be able to do any work anymore. The apprenticeship program just closed a recruitment effort successfully. WSDOT is growing its own diversity. Eventually the WSDOT apprentices will be trained to become engineers. The program requires 2,090 hours training, tech 1 or tech 2. They are not targeted toward a specific project; they are targeted toward disciplines so they cannot account for apprenticeship utilization hours. If WSDOT charged them to one project, they can only work on one aspect. WSDOT received 300 or more applications for 7 positions. They ask for science and math to ensure their success. They used to mandate that they spend 6 months in construction engineering, design, environmental and traffic. Now they do 6-8 months in construction and preconstruction. That is the interest of this committee. They are state employees. With the internship program, they have to be enrolled in a school's engineering program. They are employed for summer, winter or spring break. Comments were overwhelmingly positive. If WSDOT waits to recruit the engineers until they graduate, they have already accepted a job as juniors.
- Tom Zamzow said Wilder hired 4 engineers who were previous interns.
- Kevin said legislative activity that relates to apprentice utilization is 5242 which encourages the department to hire veterans. He wants to be careful that WSDOT does not take this bill and say that it is meeting the intent of this apprenticeship utilization effort. He thought we have to be careful that we not combine the two. They are two different work units.
- Todd said he put that in the bill analysis and that this crosses over.
- Kevin said this has moved out of transportation.
- Randy thinks if you stick with the work internship, you are covered.

- Rick said there are two additional apprentice utilization bills that will increase competition if they are introduced. One is for school districts and one for the port of Tacoma.
- Kevin said outreach should be targeted to get folks into transportation.
- Todd is watching the 5242.
- Dave is watching from the perspective of Helmets to Hardhats. It seems like a great bill.
- Rick said it is really not limited to the apprenticeship program either.
- Kevin said it could be engineers, apprentices, or interns.
- Todd said that implementation is subject to receiving funding.
- Dave said we have always said that there are the people that want to get into apprenticeship and we need to provide them the opportunity to make sure that they can do that. I don't see that there is going to be a great competition out there to get into the apprenticeship programs.
- Bob Adams mentioned that the carpenters have added 630 apprentices in the last year. They are pleased with the radio advertising around the Seahawks games.
- Dave said they are looking at TVW and are pleased with the commercials aired during the Seahawks games. As long as the work is out there we are getting the message out that is fine. The biggest problem we have is if we don't have the work and are trying to recruit. If you don't have the work, you lose them and lose them for good. We have more of an issue with our long standing members who see the apprentices as a potential for losing their jobs. I've thought about that a lot and looked at how many people are going to be retiring. I don't think we run the risk of taking on too many apprentices. Even in a flat economy. It is something that we need to keep an eye on.
- Butch thinks the only place that gets a little tricky is that if the goals we need to achieve are company wide that would make it a whole lot easier.
- Bob Adams said that carpenters indicate 20% natural attrition in the first 12 months.
- Dave said that the average apprentice is 26 years old. I think the military initiatives in the end will be our best recruiting tool. Returning veterans have skill sets that we can utilize.

### **Define Disproportionately High Ratio of Materials to Labor and Develop Criteria for Excluding Geographical Areas**

Kevin Dayton

Right now the bill allows us to exempt jobs for having disproportionately high ratios of materials to labor or to exempt geographical areas. We don't have a procedure for exempting jobs. If we can establish some criteria to exempt jobs based on these items, we can exempt jobs. If we don't, all projects at that dollar amount or above will have the requirement. What is a job that we would like to look at and take off the table? The worst case scenario is that if apprentices are not available in an area, good faith will cancel that out.

Define disproportionately high ratio of materials to labor

Craig McDaniel

I consider my role as a facilitator to help us come to a conclusion. I bring perspective from the DBE program, a parallel system to this. I can give you some background. Look at the actual law that is describing this (handout). Look at the definitions. It talks about awarding agency directors and the transportation secretary. Several things need to be defined in my mind. Is adjusting the requirements making it 10%, 8% or taking them away? What about high material costs drives apprenticeship availability? What tells us that there is an area where we will have difficult time?

- Butch said many have been targeting paving as the typical job we are talking about with a disproportionately high ratio of materials to labor. More so than the cost of material is the transportation of the materials. The Teamster program lags behind the other crafts. I went back and looked at two projects we have done for WSDOT in the last few years (handout). The first was 507 Tenino with 16,500 tons of asphalt. I think it is inline with the jobs you are talking about. Over 30% of the hours were on the trucks. A large portion was with laborers (flaggers). The next project, a little bigger, 30,000 tons, you can see that once again laborers have highest percent of hours, teamsters are 37%. I would think there are projects out there, a large fill project with a whole bunch of dump trucks on the road. With a paving project we have a foreman, topside, street, 3 rollers, material transfer, raker and one other. In a paving operation, the roller operator is a big part of it. They directly determine pay factors. I called locals from the laborers and wasn't sure whether or not laborers provide apprenticeship flaggers or not. They do, although there was a concern for supplying enough. I'm concerned about the nomadic nature of the work. Come in for two days, go away for six months. Talked with teamsters, they currently bring in about 30 apprentices a year. There are 5 six-person classes. This (paving projects for WSDOT) is not exactly the spot we would like to put apprentices in on that craft. I think that to me when the legislature was looking at this, these are the types of projects we had in mind. How to define that is very difficult. The emphasis should be on the cost of materials to projected labor hours, not on just the cost of materials.
- Bob Adams asked what the duration of these projects was.
- Butch said the first was 1 month and the second was 6 – 8 weeks. On these projects where they were the prime contractor it would be easier to make the goal than on a project where they were the subcontractor on someone else's schedule. A couple years down the road when we start integrating people it may be easier, but right now it would be hard to find an apprentice raker. No one wants to take those risks because it is a major pay risk. The majority of the pavers in the state of Washington who do paving work run multiple projects at one time. The goal is to get

- apprentices educated, not footballing where you take them from one job to another to fulfill the goal. A lot will be timing to see if they are available. Until we get to the point where we fully implement apprentices into crews, it will be difficult. At the time we are doing the majority of the work, we are really busy and it is going to be hard to document at that time as well.
- Dave has discussed this with the Teamsters and they are getting that picture. They understand that they need to expand. That will be a moving target as we move forward. I know there have been a lot of conversations about this. They are committed at least to bringing that up. When I see that there are 37% teamsters, where would you normally put an apprentice and how hard is that to reach?
  - Butch replied that it is against his nature to do this. I think apprentices should move their way up. There is so much risk on a paver. There is no going back. Typically we would like use apprentices on a project without as much risk, or in a position with less risk. They would direct trucks, flaggers, possibly a topside operator. I have never seen an apprentice street operator. They are going into places that are quota fillers, menial positions.
  - Bob Abbott said you might say they are menial positions, but they are also learning experiences. You get them familiar with the construction industry.
  - Butch said he is all for this. I think the flaw is that we are putting apprentices on the worst place that we can put them to start out.
  - Bob Abbott said he doesn't want to put anyone in an unsafe position. How many strictly paving projects will we run into at over 5 million at this time?
  - Butch said he will be doing a lot as the subcontractor.
  - Bob Abbott asked if Butch is looking at exempting paving.
  - Butch said want the goals to be lower.
  - Craig asked how good faith will fit in.
  - Kevin said good faith is making or not making the goal.
  - Bob Adams said good faith is defined as efforts to find apprentices, though.
  - Butch said in a perfect world, I would like to say that paving is exempt. When we are working as a prime contractor, what we need are realistic or lower goals, not an elimination of them. We are not going to come up with our goals. Every green dump truck we have has an established seat in it. We subcontract the flagging. So the laborer or operator goes way down and teamsters goes way up. We would need an entire fleet of apprentice drivers.
  - Craig said it is the nature of our work, in and out. We are going to be challenged.
  - Tom said it seems that one of the most difficult things is how to capture this discussion and put it in the statute. Does what Butch explained fit within a definition of disproportionately high ratios of materials to labor that isn't defined yet?

- Rick thinks you could use this to develop good faith. You can come up with a formula approach that says pavers would be required to use less than 10 percent.
- Dave said there are Teamster apprentices out there. We have always felt the number was too low. You have to remember that you are talking about 1 out of every 10 workers on an aggregate basis. We are getting away from the disproportionate materials and how that is addressed and what this committee will supply to the director. We also have other criteria the awarding agency director deems appropriate. That could be the safety issue, putting people in harms way. On this project the only place I can employ them are flaggers on the freeway? Maybe that could be criteria for exemption.
- Kevin said we need to go back to pre-ad issues. The only thing we can do once we award it is the good faith. We either have to do it or don't do it. We have to be very consistent on when we grant you a variance or don't accomplish a goal on the project. I don't think you use any of the criteria for exempting a project post-ad or post-award, it has to be pre. If we advertise and Butch calls and complains, so we reduce the requirement? We need to avoid making an arbitrary decision while the project is on ad.
- Rick said these criteria are taken in total, not one or the other. Prior to ad everyone knows going in. Prior it looks like there is going to be a disproportionately high ratio of materials to labor so it is exempted, The concern that it will be just one craft when there is no viable alternate can be seen prior to ad. One of the things this group can do is help you come up with these broad guidelines. At least you know going in that criteria has been applied and applied uniformly. Not uniform in each case, but a broad set of guidelines.
- Kevin said that the way we have defined good faith is a demonstration that the contractor has tried and failed, but if the contract is such that you did not make the requirement then you have sections 1, 2, 3, 4 and finally 6.
- Craig mentioned that with the DBE program, today we don't have any data that shows where there may be a geographical area where we are lacking.
- Dave said I know that all of our crafts cover all geographic areas. We can't carve out parts of the state and say that you can never get them there.
- Kevin: So we are done and do not need to carve out criteria for exempting geographical areas.
- Butch said most projects of that size have opportunities, unless it is a preservation project. When you get into something specialized is when you get problematic geographic areas, but that works out through good faith.
- Kevin thinks geographical availability is a pre-ad issue and once contract is active the only thing is good faith.
- Rick said that there could be an assessment pre-ad to see if the geographical area will be a problem.
- Kevin said geographical areas will be covered by good faith.

- Bob Abbott said that what he has seen on the GA projects it was in the bid at the time, when they got there they asked for a waiver, by the time they got to reporting they were at 17%, not five percent. You don't give them a waiver from using apprentices; you give them a waiver from the percent of utilization.
- Rick said there is going to be competition for the apprentices. There are a lot more projects out there. The legislation and specifications are to develop a two stage program. Going in if it looks like there is going to be a problem, DOT can address that. After, good faith can address that.
- Dave said the geographic concern is a lot clearer to address. Timing is everything. If you have a project of over 5 million, I don't see the need to ask the department to call and see if they are available at the time. Lack of availability directly goes to good faith. Any pre research is an exercise that DOT doesn't need to do. When the contractor calls, we do everything we can to find them, even pulling them in from other areas.
- Randy asked Butch how he brings people in and trains them up if they do not get to work on the paving projects.
- Butch said he doesn't use them on public works in the beginning. They are not going on I-5. We don't have teamster apprentices. Operator starts out as a grade checker and works up to a roller, dozers to excavators. Apprentices on paving crews typically start out as rollers on private projects where requirements are lower and it is not a direct pay factor. Butch asked Tom about geographical areas and if there were problems.
- Bob Adams said that it is not a geographical problem, it is timing.
- Kevin said if we do not develop criteria, we do not use that as a screen to exclude. If there is a geographical timing issue you prove it to WSDOT through good faith. He said he has no problem dropping geographical areas from pre-screening.
- Tom said there are geographical issues at play. Portability is an issue when you have a short frame project in a remote area. That could challenge good faith.
- Dave said that an easy way to fix that is waivers. Contractor calls, if we can't supply them apprentices we fax them that verification. Once the contractor has that, they have their good faith.
- Kevin mentioned that is only step 2. After that the contractor will need to show that they updated their plan and tried to solicit apprentices in other trades, demonstrate that they required subcontractors to solicit and employ apprentices and finally that they have met company wide goals.
- Tom Gaetz said he looks at it from the perspective of trying to invent the event on non-compliance. Everyone will take a lot of time to document. I'm not saying we don't have apprentices. The contractor is having to defend themselves from being non-compliant to compliant. Look at the disproportionately high ratio of materials to labor. Are there industries, or segments that categorically fall into that realm all the time whether they are prime or subcontractor? When they are subcontractors it becomes

- difficult as well. The prime wants everybody to feel their equal share. Is there an industry that hits it all the time?
- Butch said that on the Tacoma Narrows where they are a subcontractor, they have 30% operators and laborers to 70% teamsters?.
  - Kevin said that good faith should very seldom be used. If it used on 50% of projects, we have failed.
  - Tom said that they tested on one of their projects. They did have some guys on the project, but didn't make 10%.
  - Bob Abbott asked how we monitor some of the projects to see if there is a real issue and track and see how the infusion of apprentices will transform that or not. Asphalt is the number one glaring problem we have in front of us right now. We can track to see where we are at on those projects and adjust the ratio. Right now we are talking about 10% on projects \$5 M or greater, eventually it will be 15% on projects \$2 M or greater. There was voluntary reporting showing apprenticeship at around 12%.
  - Jen said that the committee is running out of time for this conversation. Ron Wohlfrom from WSF would like 5 minutes or so.
  - Randy mentioned that she knows there is a lot to worry about but hates to see exemptions before we put it out there and see what we can do.
  - Rick said this comes down to what kind of system you want to have, exception based system, guidelines of best assessment, exceptions to overall requirements prior to getting down the line. If WSDOT staff feels that they have enough input from both sides of the table, they can draft something to bring back to the committee for approval
  - Kevin doesn't think we are going to have a whole lot of answers. What if nobody ever claims good faith, what if everyone cannot make the goal?
  - Dave said we haven't seen a specific industry that may have the impact we are talking about on pavement. He said when the disproportionately high materials to labor criteria was developed, what they anticipated was what to do with a \$750,000 turbine that takes 4 people to set up, or an expensive piece of artwork that takes one person to hang. That is what was anticipated. There is no specific industry that this applies to. You have to define disproportion using material costs to labor hours.
  - Butch said that when they were sitting around crafting this the paving came up. The freeway is not a place for apprentices considering the insurance, deaths, and the safety issues. In the last 10 years, we have had two paving machines crashed into. The one thing you (WSDOT) have been concerned about for the last 5 or 10 years is diminishing bid returns because compared to the private sector you are a pain to work for. This is one more thing that you are required to do. Contractors are not going to want to bid the jobs. We are throwing state jobs away because there are better things to do. We want to train and provide tomorrow's workforce. It is important, I just cannot overemphasize that the paving industry on public works projects is the wrong place to do it.
  - Bob Abbott asked how big of a problem is it right off the bat? to bid a paving project with the requirement and see what happens. I don't want to

- see us exempt everything right now. We talked about how to address the paving industry, the duration of project, night work, a lot of in and out.
- Dave said if there is a specific paving job, no other elements, straight overlay, dangerous area, that may be the first area of exemption we come across for an entire industry. What you are saying makes a lot of sense. I think it is going to have to be clear if we do that, why we do that.
  - Butch mentioned that safety is not one of the outs that we have.
  - Kevin said that the director is the same as the secretary and we have other criteria deemed appropriate by the awarding agency director (subject to review by the office of the governor).
  - Bob Abbott said that in the Yakima project, the exemption was not from having to use apprentices, but from having to get the percentage. There is still a tracking mechanism to see if there is an infusion and track the industry. Not exempting the whole project if it is just an overall overlay.
  - Butch said the hope is that 4 or 5 years down the road we are not having these conversations because there are integrated and initiated.
  - Bob Abbott said he doesn't want to throw a 60% apprentice outside on I-5
  - Kevin summarized that his sense is that the committee is not getting to a definition of disproportionately high ratio of materials to labor, or geographical areas to exempt, or the criteria for exemption projects for these reasons.
  - Bob Abbott thinks we need to have a lot of discussion with the asphalt industry. Hopefully we do have a paver over 5 million dollars.
  - Butch said that a \$20M project with 2 million in paving can achieve the goal in other parts of the project. It would certainly make it nicer for the general contractors if there was something there about the paving. It sounds very simple for us in this room but I can see what happens when we send out an HOV job to some big contractors and exclude the use of apprentices on this project.
  - Bob Adams would prefer WSDOT to look at contractors' overall companywide effort. The clause should say we anticipate providing apprenticeship on a companywide basis.
  - Bob Abbott said that maybe that is the exemption for the paving industry, what is your overall companywide utilization on the paving. If you are utilizing you are in compliance with the requirements.
  - Dave said that company wide number should not be allowed to dilute what happens on the project.
  - Kevin asked if Bob Abbott meant that he wanted contractors to document attainment even if there is not a goal on the job. We are not set up to do that. If we don't put this GSP in there is no requirement to report. We have no instrument to report that. If that is the desire we can work on that. Potentially on a 5 million dollar paver on a big road, we could exempt the project out and bring to you guys.
  - Butch said when he called about flaggers he was reminded you can only have so many apprentices per journeyman.
  - Tom Gaetz asked what the life of the committee is.

- Kevin said he intends to have quarterly meetings throughout the life of the implementation.
- Tom said the committee does not die on July 1.
- Rick pointed out that the committee makes a report in January 08.
- Tom said the agenda is too big for the committee to die on July 1.
- Kevin said we thought this would be a contentious issue and would take some time.
- Rick asked how portable all of the trade and craft programs are and if a contractor working in King County from Pasco can use the King County apprentices.
- Dave said they just need to call and say what they need and where they need it.
- Kevin said this is a good time to move on to the WSF discussion.
- Randy Loomans left the meeting

### **WSF – Implementation of Apprenticeship Requirements**

Ron Wohlfrom

The ferries issue is that there are two fronts; vessels and terminals. On terminal type projects, the reporting process will be the same. Vessels are a problem, they are a unique area. I put vessel repair opportunities Puget Sound-wide. Prevailing wage is subject to different counties. Vessel repair facilities are in Seattle, Anacortes, Bellingham, Port Angeles, etc. The contractor has an advantage because of the prevailing wage in the county. There are six different labor pools and labor sheds. Some represent 6 crafts, some represent just boilermakers. Is that contractually giving some an advantage? The firms more or less have apprentices. Some are not state approved and that would not qualify.

- Dave said that the contractor is not prohibited from being a state approved program.
- Ron said that it is a unique situation. We take the boat to the yard and are dealing with 7 potential bidders. We may have too many apprentices in Seattle and none in Anacortes.
- Butch asked if they typically work on more than 1 job at a time.
- Ron said some have a wide range of projects. Everett will only have one vessel in the yard at a time. Anacortes will have 1 or 2 new jobs, a fishing boat and a state project.
- Butch asked about the firms that WSF does business with currently, what percentage of their labor hours are apprentices? Especially yards that are working on multiple projects, there is nothing there to say that they are working on your project.
- Dave said that other than the one that doesn't have a state approved program, it would be nice to know what the numbers have been. His expectation is that they are meeting or needing their goals on a companywide basis.
- Ron mentioned there will probably be 4 – 6 contracts over the 2 million dollar threshold in the next biennium. New interior, topside, etc. New

construction is not an issue. The first batch of new vessels is already on ad.

- Rick asked if ferry work is considered public work. The statute that defines public work is very specific.
- Ron asked how apprenticeship utilization will be applied to a unique situation where WSF takes the boat to the contractor. If you are taking the boat to Bellingham, am I going to get a different bid from Bellingham because they know they cannot meet the goal? Are they geographically exempt, or do they use the good faith?
- Dave said they wouldn't be geographically exempt because there would be apprentices available in whatever trade they are looking for in that area. They are not going to be geographically exempt because they choose not to participate in the program.
- Tom said that this legislation makes the assumption that you as a bidder on public works will have an affiliation with some apprenticeship labor program. It makes the assumption you are affiliated and if you are not, you can't make a good faith effort saying that you are not willing to do that.
- Butch asked what kind of dollars WSF spends at these yards during a typically year.
- Ron said that is in the millions
- Butch asked if it is a significant portion of their work.
- Ron said he has no idea whether they lobbied for or against this bill. WSF has an honest concern that when we have only two bidders, one may opt out.
- Butch supposes this is also something that Doug has to look at. It would be good to gather information from those yards and take a good look at it. It sounds like there is one company that does not have an affiliation.
- Kevin asked Rick if he has any sense that ferries are not public works.
- Rick doesn't remember ferries being public works. Maintenance is an exemption. But the ferry vessel work is preservation. Why would these projects be any different than highway work? If you put a project out in North Central Region and only one contractor bids on it, what is the difference?
- Tom said if there is only one bidder, DOT doesn't have to award.
- Ron said that WSF wants it on the table that vessel construction is a unique set of crafts. Picking and choosing how we are going to grant exemptions I want to bring that out to the table. Maybe it works well for terminal but vessel cannot comply.
- Dave said we need a sense of how they are able to perform.
- Ron said that the first year we are going to be out of it.
- Tom asked if Ron would be able to bring historical information about the number of bidders.
- Dave said they are talking about the Seattle metal trades they got us a metal trades agreement. They all have apprenticeship programs. The metal trades get their laborers through the same sources as we do.

- Butch said something helpful would be a list of the state certified programs.

### **Disproportionate Ratio of Materials to Labor and Geographic Exclusion**

- Kevin said the committee is not going to deal with geography. Do we want to hone in on criteria before phase one? We do not have any numerical analysis of the hours. Do we have the ability to look at what we would see exempted.
- Bob Abbott said it would be nice to see the list of the projects before they go to ad.
- Kevin suggested getting together a week into the final approach and look into that
- Craig said he could put together some historical data for the group to look at. Use good faith, and then sort out the geographic area exemptions. If good faith is starting to be used too often, than we go back. We need to have a proposed system in place to train our people on. We need to define pavers that would be exempt. The 6 month list is provided to the committee. In the fall, we will have data from the summer to report back.
- Bob Adams said the examples that Butch brought up do not present enough labor dollars to make up a definition. As one way of measuring them, see how many labor dollars there are. A million dollars or more labor in it, don't put the requirement on it.
- Dave thought folks should have some input on what they think the disproportionate ratio is and bring it to the next meeting.
- Bob Abbott understood from talking to Kevin that WSDOT has no understanding of labor dollars on a project.
- Kevin said he cannot pull hours.
- Ron said that the affidavit on wages paid gives the total labor hours.
- Bob Abbott said they even have the number of apprentice hours on the prevailing wage.
- Butch said if you look at the breakdown on his projects, it is rare that he has the opportunity to employ union trucks. They often use independent workers.
- Bob Adams asked if the WSDOT reporting form is new.
- Kevin replied that it is.

### **Discuss Coordination with Federal Training Requirements**

Kevin Dayton

- Dave brought up an email he intercepted from Brian Moorehead to Grays Harbor that was a response to a request for apprentice utilization in Grays Harbor. WSDOT told Gray Harbor that they cannot use their county apprentice requirements on jobs with federal funding. It said you cannot include your counties regulations to any projects with federal funds.

- Kevin mentioned that WSDOT has not formally asked the feds. They have approved WSDOT's specification, but they have also said it could be a non-competition thing. The letters comes from WSDOT local programs funding to the counties.
- Tom said there was just a ruling that came down on a statewide or national level in California.
- Kevin said WSDOT has avoided making them make a decision. If all of a sudden we implemented this and had a single bidder on every job, they would pull it. Those projects are county projects with federal funds.
- Dave said project labor agreements are a whole different thing.
- Kevin said WSDOT has not thought of these being exempt from federal jobs.
- Rick asked if he was saying that the apprenticeship program laws will not allow mixing.
- Dave said that if it has any federal funds you cannot use the apprenticeship program.
- According to Kevin, If FHWA says no that is a no. Maybe someone who deals with local programs thinks that this will limit competition. This does not limit us from using it on state projects.

### **Date Setting**

The next meeting will take place from 8 – 12:00 on May 3<sup>rd</sup>.

### **Meeting Adjourned**

November 8, 2006

1:-00 – 4:00 PM

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

## MEETING MINUTES

Commission Board Room  
WSDOT Transportation Building  
310 Maple Park Ave  
Olympia, WA 98504

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Committee Members: Kevin Dayton (Chair), Bob Abbott, Bob Adams, Randy Loomans for Allan Darr, Dave Johnson, John Littel, Nick Tommer and Tom Zamzow.

**Attendees:** Meeting Observers: Van Collins, Duke Schaub, Rick Slunaker, and John Quigg.  
WSDOT Staff: Jennifer Brown, Jenna Fettig, David Jones, Craig McDaniel and Ron Wohlfrom.  
Absent: Butch Brooks.

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## Meeting Overview and Outcomes:

### Action Items:

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**The committee compiled the following list of issues to work through:**

1. Define/develop acceptable good faith clause.
  - a. The committee agreed that the draft specification shall be revised to lighten the plan contractors will submit after award. 1, 2, and 3 will be revised to eliminate the training agent language. 6 will be added to talk about company wide attainment.
  - b. The committee will be provided the updated specification within the next two to three weeks and will have 24 hours to return comments for consideration.
2. Define/develop disproportionately high ratio of materials to labor: criteria and guidance.
3. Define/develop criteria for excluding geographical areas.
4. Discuss coordination with federal training requirements.
5. Talk about Washington State Ferries apprenticeship utilization.
6. Touch base on report to Legislature.

### Date Setting:

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

- Friday, February 9<sup>th</sup>, 12:00 – 3:00 PM
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## Meeting Minutes:

### Welcome

Kevin Dayton welcomes the committee members on behalf of Doug MacDonald and thanks them for participating. He mentions that the size of the group has grown and asks committee members for their opinions about having other interested parties attend the meeting. The committee finds the observers

acceptable. Dave Johnson suggested that meeting observers should be allowed to comment after the committee has gone through the agenda. The committee agreed this is acceptable and proceeds with introductions.

### **Agenda Overview**

Kevin tells the group that one of the key decisions to make today is whether we can finalize the apprenticeship specification in time to get it into the contract for the two remaining pilot projects. There were originally three projects, but one project was advertised before the committee had an opportunity to come to an agreement about the language of the specification, so the specification was not used. Kevin said that coming to an agreement about the specification is the one thing the committee needs to do today. Good faith is absolutely critical in the specification, and the committee will need to come to an agreement on the definition of good faith before the specification is used in a contract.

### **Actions taken since last meeting**

#### **Pilots**

Two pilot projects have been selected. The specification team has been working on a draft specification for use in the pilot projects. They have also discussed the roles of the specification team and the committee in developing the specification. The draft specification has come back from the specification team and is 80% done. Industry feels comfortable with it. Today is the day for the committee to look at it.

#### **WSDOT Outreach and Education**

Jennifer Brown passes out the apprenticeship folio that WSDOT has developed. The folio was created for the Governor's Economic Workforce Summit and was distributed there, as well as at the Tribal State Transportation Conference and a number of career fairs. WSDOT is planning to do outreach with contractors over the next couple months and will provide more information later. Quarterly updates to interested parties are ongoing, and more information can be found on the apprenticeship web page at:

<http://www.wsdot.wa.gov/biz/construction/Apprenticeship.cfm>.

#### **WSBCTC Outreach and Education**

Dave Johnson provides media campaign materials to the group. A 30 second spot has aired during several Seahawks games and an 8 minute spot for educators and students about jobs available in the construction trades has been developed. If you are interested in viewing the spot, Dave Johnson can provide a copy. A print piece providing a historical perspective about the construction trades is under development. Dave Johnson can also provide information about the helmets to hardhats program.

- Dave Johnson suggested adding more trades to the WSDOT brochure and website (electricians, cement masons, and any trades that WSDOT would typically use) and changing truck drivers to teamsters.
- Randy Loomans suggested adding a link to the WSDOT Apprenticeship webpage to the LNI booklet about all state apprenticeship programs.
- Kevin offered WSDOT support and participation to the various construction trade organizations at job fairs and road shows.
- Rick Slunaker suggested more actively working with community colleges to generate interest from students.
- Randy suggested using Worksource to advertise WSDOT's Transportation Technician apprenticeship program.
- The presentation at the recent Tribal State Transportation Conference might be beneficial.
- Bob Adams suggested looking in non-traditional places to promote apprenticeship like areas with high percentages of groups that might be looking for jobs in the construction industry. Southeast King County is an example. The Hispanic community looks like a good source for future workers.
- Dave Johnson mentioned a group called Sound Alliance comprised of educators as well as religious organizations. The group is affiliated with the Industrial Areas Alliance on the east side of the state. WSBCTC has been getting into the churches, and that has been effective.
- Randy mentioned that recent statistics from the Brookings Institute show that the construction workforce needs 180,000 new workers each year, and that 90,000 workers retire from the trades each year.

### **Issue List**

Kevin and the group outline committee "to-do's."

1. Develop a process and guidance to adjust the requirements (RCW 39.04.320, 2 states: Awarding agency directors may adjust the requirements of this section for a specific project for the following reasons:
  - a. Define: The demonstrated lack of availability of apprentices in specific geographical areas (RCW 39.04.320, 2a),
  - b. Define: A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation (RCW 39.04.320, 2b),
  - c. Define: Participating contractors have demonstrated a good faith effort to comply with the requirements of RCW 39.04.300 and 39.04.310 and this section (RCW 39.04.320, 2c), for use in the specification,
  - d. Define: Other criteria the awarding agency director deems appropriate, which are subject to review by the office of the governor (RCW 39.04.320, 2d).

3. Talk about combining apprenticeship requirements and federal training goals on federal projects.
4. Talk with Washington State Ferries about apprenticeship requirements.
5. Touch base on the report to the legislature.

### **Good Faith**

The group jumped into a discussion about the definition of good faith. Kevin clarified for the group that he views RCW 39.40.320 2a, 2b, 2c and 2d not as being a part of one (to define good faith), but independently. He said that 2a, 2b, and 2d the demonstrated lack of apprentices, disproportionately high ratio of materials costs and any other criteria deemed appropriate by the awarding agency director are items that will surface prior to project advertisement, so the specification will not be included in the contract. 2c, the good faith effort, he views as a post execution item. A contractor can bid the contract, thinking that they can fulfill the apprenticeship requirement, but they may not. This is where good faith will come in. Good faith needs to be defined so that it can be demonstrated that it was followed.

- Dave Johnson said that good faith needs to be backed up with some kind of paper trail.
- Kevin mentioned certified letters
- Rick was concerned that WSDOT may have to regularly check to make sure the letters are valid.
- Dave Johnson suggested mirroring the process for the federal requirements.
- Kevin suggested that we not mirror the Federal process, as in addition to a letter indicating lack of availability, further documentation of effects in community based organizations is required. The Federal program is an affirmative action program and apprenticeship is a jobs program.
- Bob Abbott was concerned that a contractor working on a yearlong project could submit a letter saying no apprentices were available on the first week of the job and be off the hook for the duration of the project.
- Kevin said that WSDOT will ask contractors for a plan within 30 days of contract execution that will show how many hours will be worked by apprentices from the prime contractor's firm and subcontractors' firms. WSDOT will manage the plan by keeping track of how well the contractor is meeting the goals set out in the original plan.
- Dave Jones mentioned that the specification itself will list contacts for Labor and Industries.
- Bob Adams mentioned that it might also be appropriate to look at the company as a whole, on DOT jobs and non-DOT jobs. He added that there may be examples where they are training, but not on the site.
- John Littel mentioned that the contractor is a training agent for the next generation of the construction workforce and that they heard a lot of folks talking about how they didn't want to be training agents.

- Kevin said that the way he looks at this bill is that if you don't want to be a training agent, you have a slim chance of working on a state contract. He mentioned that it may decrease the number of bidders, which is already lower than it was historically.
- Dave Jones mentioned that there are contractors who are not training agents, but can subcontract. The spec does not say that the prime contractor must be a training agent.
- Tom Zamzow mentioned that there is concern over paving and guardrail work.
- Dave Johnson said that he was concerned that a paving project was chosen as a pilot, because that was one of the things discussed that was seen as an ongoing problem.
- Kevin said that the pilot projects are to test the specifications and process. He also mentioned that the other pilot project will utilize more trades.
- Nick Tommer was concerned that small contractors will be required to staff up because they will spend a lot of time changing and jockeying and shuffling workers around to meet the requirement.
- Dave Jones said that he doesn't want the contractors to be in an administrative burden so much so that they don't want to bid the job. He said the way GA takes care of it is simpler: the contractor understands that they must provide the number, if they don't, they must provide documentation of what they did to try to meet the goal. He said the notification letter is something that WSDOT could use.
- Bob Abbott agreed. He did not want to get into a situation where every week, the contractor is reporting and putting out a year long plan of what they are going to be doing. He liked the federal reporting form, but didn't want a way for the contractor to be off the hook for the duration of the project.
- Craig McDaniel said that the project managers need guidance for how the contractor can meet the guidelines. The guidance would be most likely a once-a-month item.
- Bob Abbott liked the once-a-month federal reporting form.
- Kevin said that if WSDOT used a similar approach and saw a form come in not meeting the requirement, it would be the cue to do something about it.
- Craig saw apprenticeship as a pre-construction meeting item.
- Dave Jones clarified that the draft specification requires monthly reporting, good faith documentation and an adjustment to the plan when apprentices are not available.
- Dave Johnson asked how often inspectors on site and if rather than a full blown plan, a gentle nudge from the inspector may be successful.
- Dave Jones said a plan will help inspectors know when there should be apprentices on site, so that WSDOT can be more proactive.
- Kevin said the plan could be revised or excluded

- Craig suggested that the reporting could trigger a response. If the contractor is reporting zero, WSDOT can ask for good faith documentation.
- John said that there is no consensus in the industry about what good faith is.
- Bob Adams asked about number five on the specification and past performance and company wide performance.
- Kevin asked the group if it would be just as easy to ask on previous contracts.
- Tom mentioned that there are other projects, an example being King County projects, which utilize apprentices.
- Dave Johnson was concerned that taking into account past performance would create an unlevelled playing field in the contracting community.
- Kevin reminded the group that the contractors would still have to do 1, 2, 3 and 4 on the specification before they would be providing information about past performance. It is not instead of, but in addition to.
- Bob Adams said that he heard the pavers would like to do it instead of the other items.
- John said that with the plan, you could use the apprentices on another project, instead of the paving project.
- Dave Johnson was concerned that creates an unlevelled playing field. He was also concerned that contractors would be using apprentices to perform low level tasks that do not give the apprentice any real-time on the job training. If the contractor could use past performance or off site work, the contractors would not be supplying the training and some contractors might have an advantage over others.
- Randy said that the good faith effort is for the specific contract, so the apprentice should be on site.
- Kevin mentioned that Butch Brooks had said his company has a lot of yard work that is preparatory for the project.
- Dave Johnson said you have to ask how that apprentice gets out of the yard or away from the crusher.
- Bob Abbott said there should be no argument about breaking up a paving crew when you are building a workforce; building a crew.
- Kevin gave a summary of where the committee is at in terms of making a decision about the good faith element. He said that the plan can be simplified and asked if 1, 2, 3, 4 and 5 can stand as written.
- Rick asked if the language on 3 and 4 was requiring every contractor to be a training agent.
- Dave Jones said the intent of the language is that a contractor goes to a program sponsor and see if anyone is available.
- Tom said that the premise is that they are signatory with a crew.
- Kevin mentioned that a prime contractor could accomplish the requirement through subcontractors, and he asked if one cannot provide the goal, do we ask them to become signatory with another craft?
- Duke mentioned that the grammar of 3 needs work.

- Nick asked what WSDOT would do if a contractor submitted a plan to meet all the requirements with operators and none were available, but a large number of laborers are available and the contractor knew this going in and submitted a plan to use operators knowing that they could demonstrate good faith.
- Kevin asked the group if they are going to ask a contractor to be a training agent for another craft, if there are no apprentices available in the craft they are a training agent for.
- Bob Abbott thought the plan should be more than just allowing the contractor to be signatory with laborers, and letting them off the hook if no laborers were available.
- Tom said that the real issue would be if a contractor, over and over, was off the hook because they planned to use apprentices in a craft where apprentices were not available.
- Bob Abbott thought that when WSDOT sees the contractor's plan, they will have a good idea of whether or not it will work.
- Kevin summarized the decisions of the committee. He said that the requirements of the plan will be softened to decrease the burden of managing the plan for both WSDOT and the contractor. 1, 2, and 3 will be revised to eliminate the training agent language. There will be a six added to talk about company wide attainment. This only applies if the contractor has missed the mark after doing 1, 2, 3, 4 and 5. This will cover the pilots. WSDOT will make the changes and they will go to the specifications committee. Apprenticeship Utilization Advisory Committee members will send a copy of the updated specification and will have 24 hours to return comments. Kevin mentioned that the process will continue. Some contractors may expose loopholes in the specification, but there is no way to close them before they happen. Getting the specification in the pilot projects will be useful. There is always an opportunity to revise the specification.

### **Geographic Areas to Exclude**

To be discussed at the next meeting of the committee.

### **Disproportionately High Ratio of Materials to Labor**

The committee will discuss this issue further at the next meeting. Until then, the committee has been urged to think about what disproportionately high material costs might be.

### **Federal Requirements**

The committee briefly discussed coordinating the federal and state requirements. Kevin said that because WSDOT could potentially now have three definitions of good faith on one contract, it may be confusing to mix the definitions. The committee was concerned that putting more hours in fewer projects would limit opportunity. The group eventually agreed that the goals of the programs are

different. The group discussed this briefly, to be further discussed at the next meeting.

### **Other Criteria**

Kevin asked for some criteria for evaluating emergency contracts and other criteria for allowing the awarding agency director to adjust the requirements of the apprenticeship bill. The group mentioned that while emergency contracts may not go to bid, and may not be the best places for apprentices, they sometimes end up being long term contracts. This issue will be discussed further at an upcoming meeting.

### **Upcoming Meeting Dates**

The committee agreed on the following date for the next meeting:

**Friday, February 9, 12 - 3 PM.**