

# MEETING MINUTES APPRENTICESHIP COMMITTEE



## DATE:

6/6/2024

## TIME:

10:00 AM

## FACILITATOR:

Heidi Jensen, WSDOT State  
Documentation Engineer

## IN ATTENDANCE

Heidi Jensen (WSDOT)  
Chris Christopher (Chair, WSDOT)  
Jon Deffenbacher (WSDOT)  
Bonnie Dressel (L&I)  
Travis Mahlum (WSDOT, OECR)  
Tyson Morris (Central Washington  
Asphalt)  
Daniel Villao (Intelligent Partnerships)  
Josh Swanson (Operators Local 302)  
Rebecca Howe (WSDOT)

## IN ATTENDANCE

Heather Kurtenbach (Ironworkers)  
John Hurd (Lakeside Industries)  
Michele Wilms (AGC)  
Valerie Whitman (Max J. Kuney)  
Jeffrey Vest (L&I)  
Billy Wallace (Laborers)  
Jim Kaltenbaugh (L&I)  
Mallorie Davies (Laborers)  
Lawrence Jacquot

## WELCOME/INTRODUCTIONS

Chris opened the meeting, and everyone introduced themselves. Heidi shared committee membership updates with the group: Heather Kurtenbach and Antonio Acosta are new members. The committee member listing has also been updated on the web site. <https://wsdot.wa.gov/business-wsdot/contracts/about-public-works-contracts/payments-reporting/apprenticeship-usage-reporting>

## PROGRAM UPDATE & REPORTS

Heidi opened the meeting sharing the Overall WSDOT Apprentice/Journey Level Participation Summary report. She briefly showed our current utilization at overall levels, for calendar levels 2022, 2023, and 2024. This report shows how many contracts we had, how many met labor hours, how many met through GFE/labor hours, and how many did not meet and received a strike letter. Out of 55 total contracts, 32 met through apprentice hours, 21 through GFE, and 2 did not meet goal or GFE. 2022's apprentice numbers appear higher due to the closeout of a large construction project. In 2024 we have over 15,000 apprentice hours and are currently at 13.8% utilization so far.

Chris asked to confirm that this information has been sent out to the group – Heidi said yes, all this information has been emailed out as well.

Heidi then opened the pass/fail report, which is a report of the same data that was on the previous report, and shared details on the presentation items from this view. We are seeing a trend of closing out more projects that are not meeting the goal through labor hours alone.

Heidi then shared the report showing contracts that have been physically completed but have not yet met contract completion due to missing paperwork. Contracts on this report with a contract completion date have filed all necessary paperwork and are not expected to have any changes and will be moved to the **Completed** report for the December meeting.

John asked if the GFEs were due to lack of apprentices, or what the story behind those were. Heidi said she reviewed with a focus under 10%: noticed a trend in lack of apprentices, trucking hours, contracts with specialized work, small work crews, and DBE requirements.

John shared that there are 40 active apprentices for Teamsters, and up to 25 will be graduating and starting as new Teamsters this year. He then asked about the code that was previously on the report showing reasons for GFE – Heidi said that this report did not include it today due to time constraints. **Heidi will update this report to include GFE reason codes for future meetings.**

Heidi said Andrea produces these reports six times yearly, so please feel free to contact either to receive updates. **John asked if he could be added to the distribution list for these – Heidi said yes, she will add John to this list.**

Josh asked how many projects are in the queue that are not yet completed, and then whether the utilization rates were affected by changes in the law. Chris noted that we are wanting to ensure everyone is on the same page, and how things have changed from the past to present day and how those affect utilization.

Michele asked about with 1050 going into effect July 1, will you be tracking impact from that on WSDOT projects? Heidi clarified that being the updates in law regarding apprenticeship on Local Agency projects (confirmed) – Heidi said yes, that is definitely on our radar. We should have some more information on this at our next meeting as the law goes into effect July 1.

Heidi then moved on to the full active project list, that includes projects without a physical completion date, so work is still in progress. This report only includes projects that

have the apprentice utilization requirement and is for reference only – utilization data is not calculated as these are still in progress.

Heidi then moved on to the completed projects report and shared that this includes projects that have received NOCs so far in 2024, for eight projects total. The four projects that submitted GFEs have the reasons listed at the bottom of this report. Heidi noted this report shows apprenticeship by both certified payrolls and by affidavits. There is a notable discrepancy between percentages shown in both areas – currently working with L&I to figure out why this is not matching up. The specifications/GSPs are being updated to assist in remedying this issue.

Billy asked if the difference could be due to apprentices journeying out during the process, possibly resulting in a lower percentage. Valerie said she didn't think that would cause any issue in the numbers due to the way they are reported. Josh said he believes apprentice hours are still counted even if they journey out, but that there are possibly many contractors that are still not submitting certified payrolls but must submit affidavits for closeout.

Valerie said she's asked her payroll staff about why that would happen, and they aren't sure either. She said perhaps it's an inexperience issue where the affidavits reflect corrected errors that are not realized until the end of the project. Says it is concerning because if they're seeing a higher percentage during certified payrolls but suddenly not meeting the goal at the end after affidavits, is challenging and concerning as a contractor.

Jim said that there are a lot of reasons we see these differences. Sometimes the subcontractors do not submit certified payrolls or do not complete certified payrolls and miss weeks. Sometimes it's a bad affidavit where they submit something just to get paid. Frequently the certified payroll is incorrect – they will claim an apprentice on the certified payroll, but the affidavit will verify whether that is correct and update the percentages accordingly at the end.

Bonnie said that the subcontractors are not getting reminders about submitting certified payrolls, but the contractor and awarding agency can generate alerts. The prevailing wage program is beginning to more proactively enforce this requirement and enter these alerts to ensure these are submitted and filed.

Heidi asked if there was any information that we can share with our Project Engineers, to pass along to the contractors. **Bonnie said she would put something together to share regarding the certified payroll process, and will email to Heidi to distribute.**

John asked to clarify if they can generate the affidavit from their certified payrolls (correct). If they can do that, why the dual process?

Bonnie said it's to try to get all the contractors in the same loop. There are a lot of outliers, smaller contractors, who don't recognize this as being a requirement and may not work on any WSDOT projects but on projects for other agencies. This is an educational outreach issue that is currently being worked on.

John asked again about starting with an apprentice who journeys out, and WSDOT recognizes those hours as apprentice hours entirely – does L&I do the same thing and recognize those hours? Heidi said no, L&I views the documents at face value, but would be treated as a GFE to show WSDOT did count those hours toward the goal even if the documentation doesn't represent that.

John asked to confirm that if they receive a letter for an apprentice who has journeyed out, if they need to keep that information for submittal? Heidi said only if it's going to impact meeting the goal.

Jeffrey circled back to the automatic reminder issue – confirmed there is no automatic reminder, but if you go into your intent it will indeed show weeks that are not filed. A worker who journeys out, the way that would be represented – once he's journeyed, you would add an additional trade wage line for that worker. L&I encourages contractors to complete all certified payrolls prior to affidavit, so they have the option to generate the affidavit from those payrolls. However, they can click "No" and manually create the affidavit – this can contribute to the discrepancies between the two figures. To that extent, there is another problem they are running into – file on behalf of. If you have three contractors on a four-year project and they went out of business, and they hadn't entered their certified payrolls prior, that is causing major issues in the FOBO (file on behalf of) process. In some cases, they tried to submit the affidavit, but their contractor ID is no longer valid. We try to encourage people, if the contractor is closing as a prime, submit FOBO as quickly as possible to get that processed.

Jeffrey confirmed that FOBOs are entered as they are received, and they are required to enter what is submitted to them into PWIA.

Valerie asked if that is something that L&I can look at adjusting, to catch this apprentice trainee situation. It seems that it would be helpful to catch that earlier, do some training and education, rather than waiting until the end to realize those hours won't count.

Chris asked Heidi if she could provide an overview of the discrepancy issue, if there are a lot or a few projects. Heidi said we are seeing that more often, and of the 8 completed projects only 1 project has matching totals. We don't have all of this data for the active projects list.

Chris noted our entire process is built around certified payrolls, including strikes. So from WSDOT's view, we are seeing that there is no issue until affidavits are filed.

Jeffrey, looking at a project, noted that approximately a quarter of contractors on one project he was looking at are trucking companies and that may be a factor.

Heidi shared a view of the utilization tab in PWIA that displays percentages based on certified payrolls and affidavits. Hoping that the updates to the contract requirements will help to rectify this issue as well.

## **STANDARD SPECIFICATION AND CONSTRUCTION MANUAL UPDATES**

Heidi shared the updated Special Provision for Apprentice Utilization. First change was that the decimal point (.0) has been removed from the 15% number on the provision.

Updated several items in definitions, and briefly described the revisions to each, shown in track changes.

John shared some concerns about changing exemption status and counted hours, especially when you get into more rural areas where you have issues with apprentice availability. Concerned that these revisions will simply lead to more GFEs rather than meeting the goals.

Heidi asked to clarify – the concern is that if we're including more hours doesn't that bring the utilization down? (Yes.) Heidi noted that all these revisions were done in

coordination with L&I, but that anyone not covered under prevailing wage laws would not have to be included in calculation.

Valerie said that prior to 2020, the spirit and intent of the language was that there was no such thing as an apprentice foreman, so there was no need to wade into this issue. However, after 2020, you have a bigger denominator due to the updates that have been made since.

Heidi continued to share additional revisions within the specification.

Heather asked about the disciplinary action portion of the provision, and how often it's enforced. Heidi said that disciplinary action only occurs in events where the GFE is not approved. The strikes are only effective for two years or until they have two contracts that meet the apprentice requirement. Heather then asked if it was well policed, or if people were falling through the cracks. Heidi said that it is well-monitored, and that strike letters are sent out from HQ Construction, so we keep track of them. Asked Heather if she knows of any that seem to be falling through the cracks though, to please let us know.

Heidi then continued to share revisions to the specifications, in the Good Faith Effort requirements specification. **Heidi will make sure to send this revised document out to the group.**

Heidi then shared the updates to the Construction Manual. Will not provide as detailed of an update here since the CM is more guidance to WSDOT employees, but asks that any comments on the updates to this manual please be sent to her as well.

Valerie asked if there could be additional historical documentation provided to see the changes and how that has affected rates of GFE submittals since and prior to 2020. **Heidi will put together information from 2017 forward and send out to the group.**

## CONSTRUCTION DELIVERY UPDATES

Chris noted some trends in rising costs in our projects, particularly in our fish passage program. We are in a situation where we have essentially already allocated for all the funds currently available – we've had one procurement we had to cancel due to budget constraints. We do not like to have to do this but are required by laws/funding. Presently, we are in somewhat of a pause until there is legislative action to allow further work to proceed. In addition to pausing one procurement, others are being scaled back and delayed as a result as well.

Heather asked if there are any federal dollars coming for that so far? Chris said no, currently at state funds only and not anticipating federal dollars at this time. It's challenging as we are in the largest program we've ever had in history, but facing challenges on multiple fronts as well as basic maintenance needs. It doesn't make a lot of sense but the money that comes into the agency is often earmarked and with rising costs we don't have much flexibility.

Move Ahead Washington was a \$17 billion funding program, and if 2117 passes there is a \$5.4 billion shortfall right at implementation. Possibly up to a \$10 billion shortfall overall. The preservation program has been really challenged as well due to competing priorities. Ferries is evaluating new vessels as well, also another costly endeavor.

Billy said he has met with local agencies, and they are concerned as well. Chris said at this time he's unsure what the ask will be officially yet, but outlined the programs that are in need and what will likely be prioritized in those requests.

Billy said there is some traction being made in moving sales tax from vehicles to enable a true funding source but will still be a difficult lift. At 10% a biennium, they may be able to adjust the budget on the backside so it's not as much of a hit to the bottom line.

Chris noted besides Washington, other states are seeing the same challenges: what are the alternatives to the fuel tax? Billy noted that Road Usage Charge is not a popular alternative at this time either.

Chris said it will be a bit of a tumultuous time as we consider projects and what the future will look like.

## **ACTION ITEMS**

- Heidi will update reports to include GFE codes
- Bonnie will put together information to share regarding the certified payroll process and will email to Heidi to distribute to Project Offices.
- Heidi will send out track changes copy of Apprentice Utilization GSP to the group.
- Heidi will put together historical data regarding GFEs from 2017 forward and send out to the group.

## **ANNOUNCEMENTS**

Please send any agenda items to [Heidi Jensen](#) or [Andrea Dahl](#) for the next meeting in December.

If there are any important issues relating to Apprentice Utilization, please reach out and let us know.

## **NEXT COMMITTEE MEETING**

December 4, 2024, 9:00AM-11:00AM | Microsoft Teams, invite to follow