

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

Thursday, July 26, 2018

BE IT REMEMBERED, that an Electrical Board meeting was held at 9:00 a.m. on Thursday, July 26, 2018, at the Red Lion Airport Hotel, 2525 North 20th Avenue, Pasco, Washington, before CHAIRPERSON TRACY PREZEAU, BOARD MEMBERS JASON JENKINS, JOHN BRICKEY, RANDY SCOTT, ALICE PHILLIPS, MIKE NORD, DYLAN CUNNINGHAM, DON BAKER, RYAN LAMAR, BOBBY GRAY and SECRETARY/CHIEF ELECTRICAL INSPECTOR STEPHEN THORNTON. Also present was ASSISTANT ATTORNEY GENERAL PAM THOMURE representing the Board.

WHEREUPON, the following proceedings were held, to wit:

Reported by:
H. Milton Vance, CCR, CSR
(License #2219)

EXCEL COURT REPORTING
16022-17th Avenue Court East
Tacoma, WA 98445-3310
(253) 536-5824

Thursday, July 26, 2018
Pasco, Washington

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

| Agenda Item | Page |
|---|------|
| 1 Approve Transcripts from April 26, 2018, Electrical Board Meeting | 3 |
| Motion | 3 |
| Motion Carried | 3 |
| 2 Departmental/Legislative Update | 4 |
| 3 Appeals | 13 |
| 3 A Kirby Electric, Inc., and Douglas E. Kirby | 14 |
| 3 B Angelo Payroll Partnership | 14 |
| Motion | 34 |
| Motion Carried | 37 |
| 4 Secretary's Report | 39 |
| 5 Certification/CEU Quarterly Report | 61 |
| 6 Public Comment(s) | 100 |
| Motion to Adjourn | 103 |
| Motion Carried | 104 |

PROCEEDINGS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON PREZEAU: So good morning. It is 9:01, and I would like to call the July 26, 2018, Electrical Board meeting to order.

1. Approve Transcripts from April 26, 2018, Electrical Board Meeting

CHAIRPERSON PREZEAU: And the first item on our agenda is to approve the transcripts from the April 26, 2018, Electrical Board meeting.

Motion

BOARD MEMBER PHILLIPS: So moved.

BOARD MEMBER JENKINS: Second.

CHAIRPERSON PREZEAU: Moved and seconded to approve the transcripts. All those in favor, signify by saying "aye."

THE BOARD: Aye.

CHAIRPERSON PREZEAU: Opposed? Okay. Terrific.

Motion Carried

1 Item 2. Departmental/Legislative Update

2

3 CHAIRPERSON PREZEAU: So Steve, you're going to give
4 our Departmental/Legislative Update?

5 SECRETARY THORNTON: Yes.

6 Good morning, Madam Chair, Board members. David's
7 not able to be here today, so I'll give the Department
8 update.

9 As of the first of the month, there will be a new
10 reporting system in Field Services and Public Safety. The
11 four technical programs: elevator, boiler, FAS and
12 electrical will report to Annette Taylor.

13 So next Board meeting, she'll be here, and we'll
14 introduce her. That will be my new reporting process.

15 So rulemaking. With the laws that passed last time,
16 we'll be looking at opening up the WAC rules and cleaning
17 up some things that deal with apprenticeship and the city
18 bill that allows them to do compliance along with any
19 cleanup we need to do in the WAC rules themselves.

20 Contract negotiations are going on right now with
21 the representative groups. So the inspectors are in the
22 process of going through the negotiation stages.

23 Hiring continues to be an issue with the Department.
24 We have our recruitments open continuously, so they never
25 close. About every 90 days we go through the list of

1 applicants and interview to try and keep up with our
2 vacancy rate.

3 In the packet of paperwork that I handed out, just
4 the spreadsheet like this (showing) shows our vacancies,
5 and it stays pretty consistent. It's at 16 right now.
6 It varies anywhere from 15 to 18. It's been pretty
7 consistent at that for over a year. As fast as we can
8 find people to hire, they retire. And we're just staying
9 just about even.

10 So we're getting ready to interview -- do interviews
11 again next week. So that number may go down for a month
12 or two, but then it'll probably go right back up with more
13 retirements.

14 We've started our virtual inspections, and we're in
15 the pilot stage. We've got four contractors that are on
16 the pilot project for looking at load banks.

17 Next week, we're going to look at adding probably six
18 more out of the group of 30 that have volunteered to be
19 part of this process. We'll expand the list of items that
20 we're going to look at with this new group. And then next
21 step will be to get the rest of the group on board.

22 Right now the four that are there are kind of helping
23 us go through the growing pains of, you know, all of the
24 issues that come with all this technology.

25 I've watched a couple of the inspections. There's

1 some training issues with the customer themselves to slow
2 down. They've looked at what they're getting inspected
3 all day long. We're trying to do it as we go so they --
4 we have to slow them down a little bit. But other than
5 that, it seems to work well.

6 Customers are really happy with the fact that they
7 get to determine at what time they get their inspections.

8 But so far, it's been going good.

9 CHAIRPERSON PREZEAU: So before you leave that topic,
10 Steve, could you possibly expand on -- I think I heard you
11 correctly that you're looking to expand the types of
12 inspections that may qualify under the virtual inspection
13 program.

14 SECRETARY THORNTON: Right.

15 CHAIRPERSON PREZEAU: Could you give us a sense of
16 what you're considering?

17 SECRETARY THORNTON: We'll be looking at some of the
18 easier things to start with. Probably ditch inspections.
19 We may look at, you know, some HVAC stuff. That's pretty
20 similar to the load bank stuff that we've been looking at,
21 looking at name plates and that kind of thing.

22 And as much as anything, it's a learning process to
23 see what fits this type of inspection versus what doesn't.
24 Can we really see what we need to see? Like we've talked
25 before, you have to be pretty knowledgeable to know that,

1 well, maybe they didn't show you quite everything they
2 should have and ask questions.

3 And we have check sheets to make sure that all the
4 inspections are very similar. We ask them the same
5 questions.

6 And the customer doesn't understand that, you know,
7 we're going through a check sheet; we're not just looking
8 at this. And some have not turned -- or had their camera
9 on, and as they move, it's -- all of a sudden there's
10 trucks going by. So it takes some training for the
11 customer more than us.

12 So -- and that's it for the updates.

13 CHAIRPERSON PREZEAU: So Steve, I think if I recall
14 correctly, in the transcripts from the April meeting, you
15 indicated that with respect to the piece of legislation
16 that was passed regarding cities or authorities having
17 jurisdiction outside of the state and compliance, and the
18 record indicated that there had been -- up to that point,
19 there had been no real official talks with any
20 representatives of those authorities. But can you give us
21 a little more idea of what has happened since April?

22 SECRETARY THORNTON: And I haven't heard from anybody
23 asking anything about how we do the compliance, wanting to
24 use us as a model. Yeah, there's really been very little
25 activity on that. Only one city that I've heard of that's

1 even looking at it, and I don't know that for certain.

2 It's just what I've heard.

3 CHAIRPERSON PREZEAU: So is the Department having any
4 discussion around maybe reaching out to the cities and
5 convening an opportunity for them to come together with
6 the Department in a meeting just to sort of have that
7 conversation?

8 SECRETARY THORNTON: I haven't. But it's certainly
9 something that I can do.

10 I mean, I attend some meetings where some of the
11 cities are there. But I haven't been actively going out
12 and promoting that.

13 CHAIRPERSON PREZEAU: And then do you have -- I think
14 also at the April meeting we talked about training that
15 you guys were looking at beginning to author or at some
16 stage of development regarding development of leads and
17 supervisors. Do you have an update on that?

18 SECRETARY THORNTON: Okay. Bob Thomas is a
19 supervisor that's now retired. He's in Europe somewhere
20 running around. And he finished his project of going
21 around the state and collecting best practices. We have
22 about eight hours worth of notes and documentation that
23 he's gone through with our trainers and so that they have
24 all that information. And now we're in the process of
25 putting together the actual training plan itself.

1 Every month we take a particular item off of that
2 list and we go through it at the monthly supervisors
3 meetings to update a lot of our newer supervisors on just
4 how many different reports and stuff there are out there
5 that they can use to keep track of what's going on in
6 their individual offices.

7 CHAIRPERSON PREZEAU: So does that mean that that
8 cool graph -- wasn't that Bob Thomas that made that cool
9 forecasting graph?

10 SECRETARY THORNTON: Yeah. And they're in the
11 packet too.

12 CHAIRPERSON PREZEAU: So those graphs are going to
13 live on even though --

14 SECRETARY THORNTON: Yes. He has trained a
15 replacement. We'll see how good they do at it. But yeah,
16 it was kind of his baby, so he worked at it pretty hard.
17 We'll see if the next person works that hard.

18 CHAIRPERSON PREZEAU: Yeah, no, his effort is
19 definitely shown.

20 SECRETARY THORNTON: Yeah.

21 CHAIRPERSON PREZEAU: And then if I could -- unless
22 there's other Board members have questions -- this vacancy
23 tracking document, do you anticipate this is something
24 that we're going to -- because I find this to be really
25 helpful. I don't know what other Board members think.

1 And if it's not too much trouble, what I think would be
2 terrific is if it's not too burdensome to create, that
3 this could be sort of a standard document or piece of
4 information that's included in the Board packet.

5 SECRETARY THORNTON: Okay.

6 CHAIRPERSON PREZEAU: Because then we would -- the
7 Board members would have an opportunity to take a look at
8 it before the day of the meeting and maybe develop some
9 additional questions. Because I think of all of the
10 topics that you just covered in the department/legislative
11 update, this is a perennial issue, and it's of great
12 importance, and I would -- if it's not too much burden, I
13 would request --

14 SECRETARY THORNTON: No. We get it every week. So
15 it's a weekly report. So we can make sure and add that to
16 the packet when it goes out.

17 CHAIRPERSON PREZEAU: That would be terrific.

18 And then if I could ask you one additional question,
19 and then I'll turn it over to other Board members is: If
20 I'm reading this -- I'm looking to see if I'm reading this
21 graph correctly. There is currently seven vacancies in
22 the central office. Is that a correct conclusion?

23 SECRETARY THORNTON: Yes.

24 CHAIRPERSON PREZEAU: And then there -- so it's two
25 leads, two supervisors, and a technical specialist, and

1 then one -- is that a plan examiner?

2 SECRETARY THORNTON: Plans examiner, yeah.

3 And part of that is the promotional process. Tony
4 Bierwarden (phonetic) who was the supervisor in plan
5 review promoted out to -- or transferred laterally to do
6 virtual inspections. So then we hired his replacement out
7 of the plans-examiner ranks. Now we've got a vacant plans
8 examiner.

9 So that part of it will change because there's a
10 replacement in for the examiner. The two leads are our
11 ECORE people, and some of them have been hired. So that
12 number will change. The field number will probably go up
13 because of some of the vacancies and transfers that are
14 going on right now office to office. So ...

15 CHAIRPERSON PREZEAU: Do you know off the top of your
16 head what our -- I know you've reported to the Board
17 pretty recently about pending retirements or possible
18 retirements. If I remember correctly, at one point you
19 said I think that within a five-year period when you look
20 at the staff as -- or maybe it was just the inspector
21 staff as a whole in five years, inspectors would have
22 three or less years of experience with the Department?

23 SECRETARY THORNTON: Right now about 60 percent of
24 the inspection staff has been here five years or less. We
25 know we're going to have 20 retirements in the next three

1 years. So you put 20 on top of the 16, that means we're
2 going to have to hire 36 inspectors in the next three
3 years in order to just stay -- well, that would catch us
4 up because we'd fill those 16 vacancies. But that's --
5 you know what kind of luck you'd have as contractors
6 trying to hire 36 people in the next three years.

7 So yeah, we'll continue to struggle on the hiring
8 part of it. But these are all numbers and stuff that are
9 included in the bargaining that's going on right now to
10 try and show some of the issues we have.

11 CHAIRPERSON PREZEAU: So can we infer from that last
12 statement that -- because, you know, before Jose' retired,
13 you know, he helped update the Board about the class and
14 compensation process, which was I think an 18-month
15 process from -- really from start to finish. We know that
16 there's that lag to be considered when we're looking at in
17 three years needing 36 inspectors to deal with the
18 retirements plus the vacancies.

19 Is there -- in addition to, you know, obviously
20 tracking and monitoring, is there another longer term
21 vision about potentially another class and comp or ...

22 SECRETARY THORNTON: And I think long term there is
23 from the agency point of view. Right now, it's not;
24 they're dealing with some other issues.

25 This particular one will come from the ranks from

1 IBEW asking for those issues.

2 I mean, the other part of the hiring that goes a
3 little unnoticed is that until you've been here five years
4 you're not really vested in the retirement program. So a
5 large number of the new staff are still very susceptible
6 I'd say to the wages available in the field because
7 they're not really tied to the retirement program or any
8 of the benefits because they haven't been here long enough
9 yet. So I mean, it's conceivable to say that some of the
10 newer guys could go back to the field just because of the
11 discrepancy in how much they can make.

12 CHAIRPERSON PREZEAU: Thanks, Steve.

13 Any other questions from Board members?

14 Okay. So with that, we are -- thank you, Steve.

15

16 Item 3. Appeals

17

18 CHAIRPERSON PREZEAU: We are under appeals. And
19 before -- Board members, the agenda that was -- that I
20 think went out with the electronic Board packets, you
21 might have noticed that if you reconcile that agenda with
22 today's agenda, I just want to give you an update.

23 The agenda that was sent out electronically contained
24 under appeals an additional agenda item which was Husky
25 Injection Molding Systems, which was an appeal that the

1 Board heard last quarter. And I'm pleased to report to
2 you that we don't have to go through the process of
3 presentment of proposed final order because the parties
4 were able to reach a decision on the actions that this
5 body took in April.

6 And as the Chair, I have the ability to sign those,
7 right? after obviously our assistant attorney general has
8 had an opportunity to review it to make sure it's
9 consistent with the actions taken by the Board. So I --
10 and the parties were in agreement. So I after Pam's
11 recommendation signed that proposed final order. So
12 that's why it's not on the physical agenda that you
13 received this morning.

14

15 Item 3.A. Kirby Electric, Inc., and Douglas E. Kirby

16

17 CHAIRPERSON PREZEAU: So additionally, as you can see
18 the appeals, item A, the Kirby Electric, Inc., that's
19 been continued to the October 25th meeting which is no --
20 it's no news flash. That was I think even on the agenda
21 from the April meeting.

22

23 Item 3.B. Angelo Payroll Partnership

24

25 CHAIRPERSON PREZEAU: So -- and it's my understanding

1 that -- so we're going to undertake the Angelo Payroll
2 Partnership appeal, and it's my understanding that the
3 parties who represent both the Department and Angelo
4 Payroll are present this morning.

5 And so I would certainly invite those respective
6 parties to come up to the tables in front of the Board at
7 this time.

8 MR. CALDERBANK: Thank you, Madam Chair.

9 CHAIRPERSON PREZEAU: Absolutely.

10 So I'm going to read a procedural announcement and
11 how the process goes. And then at some -- one point I'm
12 going to ask you to introduce yourselves and state and
13 spell your name for our court reporter. But procedurally
14 I'm going to read an opening statement.

15 So good morning. My name's Tracey Prezeau. I'm the
16 Chair of the Electrical Board.

17 The matter before us today is an appeal in the matter
18 of Angelo Payroll Partnership versus the Department of
19 Labor and Industries, docket number 04-2017-LI-00437.

20 This hearing is being held pursuant to due and proper
21 notice to all interested parties in Pasco, Washington on
22 July 26th at approximately 9:19 a.m.

23 This is an appeal from a proposed decision and order
24 issued by the Office of Administrative Hearings on April
25 16, 2018.

1 It is my understanding that decision upheld citation
2 and notice EJORP07054 and EJORP07058 issued by the
3 Department of Labor and Industries on September 14, 2016.

4 It is further my understanding that the appellant has
5 timely appealed that decision to the Electrical Board.

6 At this time, the appellant, Angelo Payroll
7 Partnership, is represented by Mr. Timothy Calderbank?

8 MR. CALDERBANK: Yes, ma'am.

9 CHAIRPERSON PREZEAU: And Mr. Calderbank, will you
10 just spell your last name for the record?

11 MR. CALDERBANK: Sure. It's Timothy Calderbank --
12 C-A-L-D-E-R-B-A-N-K.

13 CHAIRPERSON PREZEAU: Thank you.

14 And the Department is present and represented by
15 Assistant Attorney General Mr. Timothy Kidd.

16 ASSISTANT ATTORNEY GENERAL KIDD: That's correct.

17 CHAIRPERSON PREZEAU: And your last name is spelled
18 ...

19 ASSISTANT ATTORNEY GENERAL KIDD: K-I-D-D.

20 CHAIRPERSON PREZEAU: Thank you, sir.

21 The Electrical Board is the legal body authorized by
22 the legislature to not only advise the Department
23 regarding the Electrical program, but to hear appeals when
24 the Department issues citations or takes some other
25 adverse action regarding electrical license or

1 certification or installations, et cetera. The Electrical
2 Board is a completely separate entity from the Department,
3 and as such will independently review the action taken by
4 the Department.

5 When the Department issues penalties that are
6 appealed, the hearing is assigned to the Office of
7 Administrative Hearings to conduct the hearing pursuant to
8 the Administrative Procedures Act. The ALJ who conducts
9 that hearing then issues a proposed decision and order.
10 If either party appeals, that decision is subject to
11 review by the Electrical Board.

12 Please keep in mind that while our review is de novo,
13 right? So we sit in the same position as the
14 administrative law judge and will review the entire record
15 regardless of whether a certain piece of evidence is
16 referenced by the ALJ. But we are bound by the evidence
17 contained in the record, and no new evidence can be
18 submitted at this hearing.

19 Each party will be given approximately 15 minutes
20 today to argue the merits of your case. Any Board member
21 may ask questions, and the time may be extended at the
22 discretion of the Board.

23 At the conclusion of the hearing, the Board will
24 determine if the findings and conclusions reached by the
25 ALJ are supported by the facts and rules pertaining to

1 licensing, supervision, certification, et cetera.

2 Are there any questions before we begin, gentlemen?

3 MR. CALDERBANK: No, ma'am.

4 ASSISTANT ATTORNEY GENERAL KIDD: No, ma'am.

5 CHAIRPERSON PREZEAU: And Mr. Calderbank, as the
6 appealing party, you have the burden of proof to establish
7 that the proposed decision is incorrect. Therefore, if
8 you are ready, we will hear from you first.

9 MR. CALDERBANK: Sure. Thank you.

10 ASSISTANT ATTORNEY GENERAL THOMURE: Could I --

11 CHAIRPERSON PREZEAU: Oh, yeah.

12 ASSISTANT ATTORNEY GENERAL THOMURE: I just want to
13 take an opportunity to advise the Board members that there
14 is information contained in this packet that was submitted
15 to the Office of Administrative Hearings by way of e-mails
16 concerning settlement discussions or e-mails about
17 settlement discussions. It was part of the OAH packet,
18 but from a procedural standpoint this Board is not to
19 consider any sort of settlement discussions between the
20 parties in rendering your decision. The decision must be
21 made on the actual evidence presented. And that
22 information is in there. I know you may have read, but
23 I'm asking you to disregard it.

24 CHAIRPERSON PREZEAU: Any questions for our assistant
25 attorney general? Is that clear? Good.

1 Thank you, Mr. Calderbank, for your patience. If you
2 would please.

3 MR. CALDERBANK: Thank you, Madam Chairman and Board
4 members.

5 This is my first time here, so please be patient with
6 me.

7 My client's name is Al Angelo. Al Angelo's company
8 is owned by three brothers. They are a company that works
9 out of Vancouver, Washington. They've been in business
10 for 50-plus years. They own a number of commercial and
11 residential properties. And the way they have set up
12 their company is to take advantage of certain insurance
13 rules, certain liability rules, but also in order to try
14 to comply with the statutes that we're here to talk about
15 today. They set up their company so that the different
16 properties that they own are held under different LLC's
17 or different partnerships, and that just insulates them
18 from liability, allows them to insure their properties
19 separately and whatnot.

20 They have a maintenance person, Mr. Johnson, that
21 regularly goes and does basic electrical work on these
22 different properties. So he's regularly employed by each
23 of these entities to do work at their properties. These
24 entities then pay a fee to the payroll company that's also
25 owned by the brothers, and out of those fees the salary of

1 Mr. Johnson is paid.

2 When Mr. Johnson was cited twice for the -- what we
3 heard you talk about today, we attempted to talk to the
4 folks at L & I about how to comply with the statutes, and
5 that didn't get us very far.

6 But the reason that we're here today is because it's
7 -- I think it's fundamentally unfair for businesses in
8 Vancouver or in Washington to try to comply with the
9 statute or the exceptions of the statute when it's not
10 defined. It's not defined anywhere in the statute, and
11 it's not defined anywhere in the rules.

12 I've talked to some folks, and they're saying, "Well,
13 you can find the definition for a regular employee over
14 here. You can find it over here; you can piece it
15 together."

16 That's something that the agency should be putting
17 together -- putting down on -- you know, in the
18 regulations.

19 If you look at the Chevron case that I cited in my
20 papers, the courts looked at interpretations of statutes
21 to see first -- the first step is to see whether or not
22 it's ambiguous or not. Here there is no definition. So
23 by definition, it's ambiguous.

24 So then they looked to see whether or not the
25 interpretation by the agency is reasonable or not. And

1 we think the interpretation by the agency here is not
2 reasonable because it doesn't take into consideration the
3 modern way people -- the modern way folks -- businesses
4 hold their companies to take advantage of certain
5 efficiencies, and then that makes business efficient in
6 Washington and makes it more efficient everywhere.

7 So, you know, we think it's unreasonable in that
8 respect.

9 But it's also unreasonable in the fact that the
10 definition's not contained anywhere.

11 And if you look at the record from the hearing,
12 Mr. Jordan, the inspector, who I'm sure is a wonderful
13 guy, but, you know, when I asked him where he looked to
14 find his definitions, he said, "Well, I don't know where
15 they are. I just figure I'd just use a common-sense
16 definition in my head."

17 Well, that's all well and good for him. But there's
18 a hundred and -- I don't know how many inspectors L & I
19 has across the state, but that leaves open 150, 200
20 multiple interpretations of what this exemption means.
21 And that's not something that businesses can comply with.

22 So if you're looking -- getting back to the Chevron
23 case, if you look to see if the agency's interpretation is
24 reasonable or not, which we don't think it is, because
25 they also look to whether or not the agency's definition

1 is appropriate or the administrator's decision or
2 interpretation is appropriate, not whether a line guy -- a
3 line inspector's interpretation is valid or not; that's
4 not the rule. We think it's unreasonable for that because
5 it places businesses in the untenable position of having
6 to try to comply with whatever the inspector thinks those
7 terms mean. And if they get it wrong, then it's kind of
8 a got'cha situation, which we don't think is a reasonable
9 situation for our businesses.

10 So that's all I have to say.

11 CHAIRPERSON PREZEAU: Thank you, Mr. Calderbank.

12 Mr. Kidd.

13 ASSISTANT ATTORNEY GENERAL KIDD: Thank you, Madam
14 Chairperson.

15 The Department requests that this Board affirm both
16 of the citations noted today. And the reason we request
17 that, Board members, is that Mr. Johnson was an employee
18 of one of the entities that Mr. Calderbank just
19 referenced, performed electrical work for another entity
20 of which he was not employed. In so doing, he violated
21 RCW 19.28.041.

22 Mr. Calderbank noted that the inspector testified
23 that his basis for his citations as far as what a
24 regularly employed employee is was common sense. Well,
25 it's not just common sense. Another distinctive factor

1 is that each of these entities, Mr. Calderbank's client,
2 had different UBI numbers.

3 As noted during cross-examination of Mr. Calderbank's
4 witness on -- it's in the Board record, page 48,
5 Mr. Calderbank's witness, Mr. Lodzinski I think is his
6 name, identified the different UBI numbers for each of
7 these entities.

8 Mr. Johnson, who performed the electrical work,
9 performed it for one entity, getting paid by another
10 entity, and in the employ of a third entity.

11 The entity who owned the properties -- pardon me --
12 the two entities who owned the properties that he
13 performed the electrical work on, he was not employed by
14 those entities. In so doing, his activity violated RCW
15 19.28.041.

16 A UBI number is one of the identifiers that the
17 Department uses for granting electrical contractors
18 licenses. And that's in RCW 19.28.041(g) -- sub (1), sub
19 (g). So it's not just about Mr. Jordan, the electrical
20 inspector in this case, or any electrical inspector in
21 this state's common sense or common sense definition.
22 There are -- there is clear delineation as to what a
23 regularly employed employee is and where -- what the
24 standard should be for determining that.

25 This is what the Department and its inspector in

1 part relied upon. And the Department's interpretation
2 is entitled to deference.

3 As cited in my brief, I noted the Magula versus
4 Department of Labor and Industries decision. Given that,
5 I think the standard is pretty clear here. And
6 Administrative Law Judge Terry Schuh found the two
7 violations, affirmed the Department's decision -- affirmed
8 the Department's citations; excuse me -- and we would ask
9 the Electrical Board to affirm the ALJ's decisions.

10 Thank you.

11 CHAIRPERSON PREZEAU: Thank you, Mr. Kidd.

12 So I just want to notify the parties -- create an
13 opportunity for rebuttal. And then likely following that,
14 we'll open up for Board members' questions and
15 conversation.

16 So Mr. Calderbank.

17 MR. CALDERBANK: First of all, is that Mr. Kidd
18 referenced that the agency's interpretation is to be given
19 great weight and great deference, which we agree with.
20 But that's the agency's interpretation, not the line folk
21 that are doing the inspections.

22 Again, if there's 150, 200, 300 inspectors in the
23 state, that leads us possibly open to 150 different
24 interpretations of what a regularly employed employee is.

25 And my wife works part-time for a company. She works

1 five hours a week. That's regularly employed in my
2 opinion. So ...

3 My second point would be that, you know, I think the
4 Board and L & I would be more concerned about substance
5 over form. And here, if Mr. Johnson was employed for --
6 regularly employed by each entity for an hour a week and
7 he was issued a paycheck by each of these entities, and he
8 was on the payroll for each of these entities. And if
9 each of these entities has issued payroll and all the
10 stuff that goes with that, then he would be fine.

11 So on one circumstance, it's just a paper thing.
12 And we don't think form over substance should rule in
13 this case.

14 Thank you.

15 CHAIRPERSON PREZEAU: Mr. Kidd.

16 ASSISTANT ATTORNEY GENERAL KIDD: It's not simply a
17 paper thing. It also comes down to that these are
18 different business entities with different UBI numbers.
19 And part of the -- one of the criteria when it comes to
20 approving individuals for electrical contractors licenses
21 involves UBI numbers. So it's not just about what the
22 electrical inspector had in his head and it's not just
23 about shuffling paper. There's a clear distinction
24 between these entities. Mr. Johnson was not employed by
25 the entities with those UBI numbers where he performed the

1 work, and so the exemption does not apply.

2 Thank you.

3 CHAIRPERSON PREZEAU: Thank you, Mr. Kidd.

4 Any questions from Board members?

5 BOARD MEMBER LAMAR: Madam Chair, no questions, but
6 I do want to point out an observation on packet page
7 number 9, paragraph 5.7.

8 CHAIRPERSON PREZEAU: Hang on just a second. Let us
9 get there.

10 BOARD MEMBER LAMAR: I think the administrative law
11 judge had a very key point and said (as read), "The Angelo
12 brothers undoubtedly chose the legal structures of the
13 relevant entities because those structures provided a
14 benefit to them. The Angelo brothers cannot invoke that
15 insulation when it protects them and disregard it when it
16 is inconvenient." That sums it up very well for me.
17 That's all.

18 CHAIRPERSON PREZEAU: Okay. Thanks for the
19 observation. Any other observations or discussion from
20 Board members?

21 BOARD MEMBER NORD: An observation is as I look
22 through this packet, I didn't read anywhere as to who
23 issues W-2 to Mr. Johnson at the end of the day -- end of
24 the year to file his taxes, which I wish somebody had
25 asked the question.

1 CHAIRPERSON PREZEAU: Well ...

2 BOARD MEMBER NORD: But we can't bring it up now
3 because -- (inaudible).

4 MR. CALDERBANK: If I might be able to -- (inaudible)
5 -- he was technically employed by Angelo Payroll
6 Partnership.

7 And I'd like an opportunity to address Mr. Gray's
8 comment -- or Mr. Lamar's comment.

9 CHAIRPERSON PREZEAU: Sure. Yes, sir.

10 MR. CALDERBANK: The report says, "The Angelo
11 brothers cannot invoke that insulation when it protects
12 them and disregard it when it is inconvenient."

13 This whole thing is about -- I mean, we're trying to
14 make things convenient and -- and -- how am I trying to
15 say this -- I guess I'm trying to say, Why can't it be
16 convenient for businesses? Why can't L & I say, "This is
17 our definition of what a regularly employed employee is.
18 Now follow it." Why can't businesses in today's day and
19 age take advantage of insurance efficiencies, liability
20 efficiencies, tax efficiencies, payroll efficiencies,
21 administrative efficiencies in order to comply with the
22 law? Why is inconvenience -- why is convenience a bad
23 word?

24 And I think if the Board -- whatever the Board
25 decides, I think in the long run I think the rules need

1 to be updated to take into account the modern way people
2 do business and have that work in compliance with
3 licensing statutes as well.

4 CHAIRPERSON PREZEAU: Thank you, Mr. Calderbank.

5 Mr. Kidd, I'm going to give you an opportunity for
6 rebuttal.

7 And then what I probably should have done is normally
8 the Board has an opportunity to have discussion that is
9 not necessarily discussed by the attorneys.

10 MR. CALDERBANK: We can leave the room.

11 CHAIRPERSON PREZEAU: No, no, no. We won't do that.
12 But because I gave you an opportunity, I'm going to give
13 Mr. Kidd an opportunity at this point. And then we'll
14 have discussion as Board members.

15 So if you would ...

16 ASSISTANT ATTORNEY GENERAL KIDD: Just briefly, Madam
17 Chairperson.

18 Mr. Calderbank certainly might have a point as far
19 as convenience for businesses and their employees. But
20 when it comes to convenience as far as rulemaking, that
21 really is not the purview of this Board; that is the
22 purview of the legislature and the Department.

23 And what we have here is an individual who is not a
24 licensed electrician performing work at an entity where
25 he was not employed. The owners did not employ this

1 individual where he performed the work. Thus, the
2 exemption does not apply and the citation should be
3 affirmed.

4 CHAIRPERSON PREZEAU: Thank you, Mr. Kidd.

5 So one of the things -- are there other Board
6 members that have comments? If not, then I'll share
7 something that I found to be very interesting.

8 So I'm currently on the Electrical Board appeal
9 packet page 80. And this is direct examination by
10 Mr. Calderbank of Mr. Lodzinski I believe. And he's --
11 if you turn to the previous page, page 79, just to get
12 context.

13 So Calderbank asked, "Mr. Lodzinski, can you explain
14 to the judge how Mr. Johnson is currently employed and how
15 he is paid and how and why the company has decided to do
16 it this particular way, if you could, please?"

17 Response: "Yeah. So Mr. Johnson is currently
18 employed by Angelo Payroll Partnership, which is owned 50
19 percent by Albert Angelo, Jr., and 50 percent by Craig
20 Angelo. When this - when Angelo Payroll Partnership was
21 set up as a common pay master for all entities owned and
22 managed by Al Angelo brothers, it is kind - it is a
23 situation where all Angelo entities are both owned and
24 operated by the three brothers. Al Angelo, Jr., Craig
25 Angelo and Gary Angelo, so this partnership was set up for

1 administrative convenience to make sure that all Angelo
2 employees were just given one W-2 instead of 32 or however
3 many properties there are.

4 "So every month - or every two months - twice a month
5 payroll is paid to each of the employees. And this - in
6 Gary Johnson's case, he is an employee of Highland
7 Management Company, which is owned by Craig Angelo, Gary
8 Angelo and Albert Angelo, Jr."

9 And it goes on, you know, further. But what I found
10 confusing is -- so presumably an expert who understands
11 the -- and greater detail the structure -- the corporate
12 structure that the appellant provided the ALJ, and it's
13 in the Board packets and they're exhibits, through the
14 corporate structure of Angelo affiliated entities, which
15 I'm sure the Board members reviewed that. But I'll call
16 your attention to this. It's on Electrical Board packet
17 page 123.

18 So Mr. Lodzinski in an opening statement says that
19 Mr. Johnson is employed by both Angelo Payroll Partnership
20 and he's also employed by Highland Management Company.

21 Interesting to me by the appellant's own piece of
22 evidence and even contained within the transcript itself
23 is Angelo Payroll Partnership is not owned by the three
24 entities: the Angelo brothers, Al Angelo, Jr., Craig
25 Angelo and Gary Angelo; it is owned 50 percent by Albert

1 Angelo, Jr., and 50 percent by Craig Angelo.

2 So when -- one of the things -- observations that I
3 made was so if Mr. Lodzinski is not 100 percent clear on
4 who exactly employs Mr. Johnson, and one of those entities
5 potentially employs Mr. Johnson, is only owned by two of
6 the three brothers who own all of these enterprises, then
7 how exactly is Mr. Johnson's employment by Angelo Payroll
8 or Highland Management Company, but particularly Angelo
9 Payroll which is only owned by two, not all three
10 brothers, that they -- is Mr. Johnson employed by the
11 true owners of the properties.

12 Did anybody else catch that?

13 VARIOUS BOARD MEMBERS: Yes.

14 MR. CALDERBANK: Am I allowed to jump in?

15 CHAIRPERSON PREZEAU: I would like to hear more
16 discussion from Board members about what they -- what
17 observations they made based on the packet provided to
18 them.

19 BOARD MEMBER JENKINS: Madam Chair?

20 CHAIRPERSON PREZEAU: Yes, Jason.

21 BOARD MEMBER JENKINS: I agree with what you're
22 saying. The ownership is still -- or the employee --
23 employment is still kind of gray as far as who owns what
24 part of this. They're not consistent.

25 And then I also -- on Board packets page 81, it talks

1 about how he is paid indirectly via management fees to
2 each of the entities. So he -- they even say this is --
3 he's employed by this certain company, and we indirectly
4 pay him, so we should be considered all one entity while
5 they're obviously insulating themselves from each other
6 versus LLC's. And so I think it's pretty clear that he
7 is not employed by the two businesses he worked for doing
8 electrical work.

9 And that's my opinion.

10 CHAIRPERSON PREZEAU: Yeah. And just for the
11 parties' benefit, perhaps if you did this research, but
12 just as a matter of course, everybody that has -- that
13 sits on this Board -- it's a volunteer Board, but we're --
14 with the exception of our public member which is Randy
15 Scott, everybody that sits on this Board has some position
16 relative to the electrical construction industry or
17 utility industry, whether they're contractor
18 representatives, whether they're representatives of
19 electricians or architects or manufacturers or telecom or
20 utilities, we have a -- and we can bring that context,
21 that past experience with us as part of our
22 decision-making, right? Even -- and, you know, obviously
23 when we review the Board packets in the context of
24 appeals, we -- it's completely appropriate to bring that
25 level of expertise. And given that, you know, the

1 exemption that exists for property owners, you know, was
2 -- to use the word "convenient" was originally crafted so
3 that somebody that owns their own facility would have
4 some exemptions under the current 19.28 in terms of being
5 able to employ their own folks to maintain their property
6 as a matter of convenience, and rightfully so. But I
7 don't -- I personally did not see anything in this record
8 that gave me confidence that -- or gave me confidence that
9 Mr. Johnson is actually clearly employed by the properties
10 that he was doing electrical maintenance on.

11 Other --

12 BOARD MEMBER JENKINS: I concur.

13 BOARD MEMBER LAMAR: Madam Chair?

14 CHAIRPERSON PREZEAU: Yes.

15 BOARD MEMBER LAMAR: I concur. You know, to go back
16 to what I was saying before, I think what the
17 administrative law judge was trying to say was you have
18 these certain conveniences set up with the way your
19 business is built, and because it now created an
20 inconvenient scenario for your employment, you can't have
21 it both ways to have it both convenient. Therefore, you
22 needed a UBI. For him to be under each UBI, you want to
23 use them for every business. I think that's what he was
24 saying. He failed to actually have a UBI or associated
25 UBI for what he was doing. It was as simple as that for

1 me. The company failed to assign him correctly, and he
2 was cited appropriately.

3 Thank you.

4 CHAIRPERSON PREZEAU: The Chair will entertain a
5 motion.

6

7

Motion

8

9 BOARD MEMBER JENKINS: I make a motion to affirm the
10 law judge's --

11 MR. CALDERBANK: Can I be heard just one moment?

12 ASSISTANT ATTORNEY GENERAL THOMURE: Technically the
13 way the system works -- or appeal works --

14 MR. CALDERBANK: Just a question and clarification.

15 ASSISTANT ATTORNEY GENERAL THOMURE: -- is the --
16 obviously it would be up to the Chair. But parties are
17 given the opportunity to make argument. The Board members
18 have the opportunity to ask the parties questions. When
19 that process is complete, the Board members have then the
20 opportunity to have discussion. And at that point there's
21 no further comments by counsel unless there's something
22 that needs to be entertained.

23 CHAIRPERSON PREZEAU: We certainly always want to err
24 on the side of access, so I -- I know that, Jason, you
25 were in the process of crafting a motion.

1 But because we want to err on the side of access,
2 Mr. Calderbank, I will give you your opportunity now.

3 MR. CALDERBANK: Well, I already know where you guys
4 are going to go anyways.

5 But you mentioned earlier that you're clear that
6 Mr. Johnson wasn't employed by the property. But that's
7 not the rule. The rule is -- or the exemption is employed
8 by the owner of the property. And the owner of the
9 property is Al Angelo.

10 And looking on the residential side -- and, you know,
11 there's a residential and commercial side, you know.

12 I have a rental property in Camas, Washington that I
13 hold in an LLC for liability reasons. Now, technically
14 under this ruling, I can't go do work on my property
15 because it's not in the exact same ownership. It's not
16 owned by Tim Calderbank; it's owned by 123 Street LLC. So
17 now I need to go get licensed as an electrician to work
18 on that property.

19 And again, I'm getting to the fact -- the point
20 where, you know, we're dealing with form over substance
21 which is frustrating for businesses.

22 CHAIRPERSON PREZEAU: So thank you, Mr. Calderbank.

23 Obviously we don't have jurisdiction to answer your
24 question about -- or even discuss your residential
25 property and the LLC structure. It's not in our purview.

1 Jason, you were making a motion.

2 BOARD MEMBER JENKINS: So once again, I'd like to
3 make a motion to affirm the ALJ's findings of fact and
4 affirm the ALJ's conclusions of law.

5 BOARD MEMBER NORD: Second.

6 CHAIRPERSON PREZEAU: It's been moved and seconded to
7 uphold the administrative law judge's -- and it's crafted
8 as upholding the ALJ's conclusions of law and the findings
9 of fact, which I would ask -- and it's been seconded.

10 I -- what is exempt from the way that your motion is
11 crafted right now is it does not address the order.

12 BOARD MEMBER JENKINS: Sorry, Madam Chair.

13 And to add then the order also.

14 CHAIRPERSON PREZEAU: So ...

15 ASSISTANT ATTORNEY GENERAL THOMURE: For point of
16 clarification, is that -- is it your intent that the
17 motion encompass affirming the initial order in totality
18 as issued by the administrative law judge?

19 BOARD MEMBER JENKINS: Yes, that's correct.

20 CHAIRPERSON PREZEAU: That's the intent of --

21 BOARD MEMBER JENKINS: That's the intent.

22 CHAIRPERSON PREZEAU: Is that the intent of your
23 second?

24 BOARD MEMBER NORD: Yes.

25 CHAIRPERSON PREZEAU: Discussion on -- so it's been

1 moved and seconded to affirm the ALJ's proposed final
2 order. Discussion on the motion?

3 Seeing none, all those in favor signify by saying
4 "aye."

5 THE BOARD: Aye.

6 CHAIRPERSON PREZEAU: Opposed? Motion carried.

7

8 Motion Carried

9

10 CHAIRPERSON PREZEAU: So gentlemen, before you leave
11 -- thank you -- the Board has made its decision. And
12 Mr. Kidd, as the prevailing party, have you prepared an
13 order? Or will you prepare a final order?

14 ASSISTANT ATTORNEY GENERAL KIDD: I have an order
15 now, Madam Chairperson. I can also submit it to the Board
16 post this meeting, whichever works.

17 MR. CALDERBANK: Well, I'd like to take a look at the
18 order first.

19 CHAIRPERSON PREZEAU: So if the parties could
20 potentially get together, have Mr. Calderbank have an
21 opportunity to review --

22 ASSISTANT ATTORNEY GENERAL KIDD: Of course.

23 CHAIRPERSON PREZEAU: -- the proposed order. And if
24 you're in agreement that is consistent with the action
25 that was taken by the Board this morning, if you arrive at

1 that agreement, then you can certainly submit it to Pam
2 for review.

3 And if not, if the parties are not able to reach
4 agreement today, that matter of presentment of final order
5 will automatically be set for presentment at the next
6 regularly scheduled Electrical Board meeting.

7 ASSISTANT ATTORNEY GENERAL THOMURE: So please meet
8 and confer and attempt to work it out. And if you can't,
9 I would recommend that you come back and report to the
10 Board -- or report to one of us. Because it is the
11 Board's desire to have the orders entered immediately.

12 CHAIRPERSON PREZEAU: Any questions, gentlemen?

13 Thank you for your time today, and thank you for
14 coming to Pasco for this matter. It is greatly
15 appreciated.

16 ASSISTANT ATTORNEY GENERAL KIDD: Thank you.

17 MR. CALDERBANK: Are we off the record on the appeal
18 part?

19 CHAIRPERSON PREZEAU: Yes, sir.

20 ASSISTANT ATTORNEY GENERAL THOMURE: I'm sorry, sir,
21 this is not the time for public comment to address the
22 Board.

23 MR. CALDERBANK: Okay. So when is the time for
24 public comment?

25 ASSISTANT ATTORNEY GENERAL THOMURE: If you wish to

1 address the Board during public comment, you may sign in
2 to do so, and we will get to it at that portion of the
3 agenda.

4 CHAIRPERSON PREZEAU: Thanks, Pam.

5 I know that we are -- we've only been on the record
6 for 50 minutes. I also know that some folks stayed in the
7 hotel last evening. It is the Chair's intent to -- for
8 those that stayed in the hotel, give you an opportunity
9 before you check out, to take a break.

10 But Milton, I'm assuming that we're good to go on
11 with the Secretary's Report. Is that ...

12 THE COURT REPORTER: (Nodding affirmatively.)

13

14 Item 4. Secretary's Report

15

16 CHAIRPERSON PREZEAU: So Steve, are you ready to do
17 the Secretary's Report?

18 SECRETARY THORNTON: Yes.

19 So good morning again. The Secretary's Report for
20 July 26, 2018.

21 Budget-wise, these budget numbers are temporary
22 right now because the end of the year. So we've got some,
23 you know, bills that still need to be paid and such that
24 will adjust these numbers a little bit.

25 The fund balance on June 30th was \$10,739,437.

1 That's about five and a half times what the average
2 monthly expenditure is. Our average monthly expenditure
3 in FY18 is \$2,000,763 compared to \$1,978,644 in FY17.
4 That's an increase of about 1 percent.

5 Average monthly revenue for FY18 is \$2,132,819
6 compared to \$1,998,451 in '17. That's up about 6.7
7 percent.

8 CHAIRPERSON PREZEAU: Is the primary driver of that
9 an increase in work, right? Permit sales?

10 SECRETARY THORNTON: Increase in permit sales, yeah.

11 If we look at this chart right here (showing), the
12 elongated budget chart, that shows you a lot of those
13 budget numbers. The red numbers up till June 20th are all
14 actuals. The right side of the page which are still blue
15 are just projections. You can see that revenue last month
16 was \$2,517,000. Our expenditures were \$2,120,000. So
17 we're about 396,000 to the good.

18 You can see over on the right what the projected fund
19 balance is going to be, the variance, and then down at the
20 bottom there's -- it's more a graph form of what we
21 project review versus expenditures to be.

22 And we get this chart every month.

23 So then if we look at this single page here
24 (showing), which kind of goes to what you were talking
25 about, Tracy, that is one of Bob's graphs that shows the

1 yearly trend as far as dollars and number of permits with
2 the very bottom line being 2009. And then 2015, '16, '17,
3 and '18 are on there. And every year they've gone up.
4 So the added revenue is due to there's just more work out
5 there to be done.

6 So then as far as customer service goes, we had
7 41,558 permits were sold in the last quarter. 94 percent
8 or 38,946 were processed on-line which is a 2 percent
9 increase over last year.

10 97 percent of contractor permits were sold on-line,
11 which that's up about 1 percent.

12 Homeowner sales increased 1 percent in the last
13 quarter to 62 percent.

14 On-line inspection requests is at 84 percent. And
15 there again, that's up about 1 percent.

16 During this quarter, customers made 74 percent of
17 all electrical license renewals on-line. And so that is
18 all pretty consistent with our efforts to do as many
19 things on-line or virtually as we can.

20 If you look at this graph right here (showing), the
21 one that's kind of the pale blue and greens, that's a
22 graph form of the on-line activity. You can see where on
23 the left that it starts really low. And then over time
24 it just gradually grows.

25 And we'll do something similar to this with virtual

1 inspections to show where it starts small and then see
2 where it grows to.

3 You can see on here that we're up in the high 90s
4 with, you know, percent of sold on-line. And the
5 requested on-line is almost 90 percent. A lot of on-line
6 activity; that's for sure.

7 CHAIRPERSON PREZEAU: Steve, do you have a sense for
8 -- you know, because the percent that's sold on-line has
9 always been -- well, actually let's go back to '02 it
10 wasn't always higher. But there's a -- what do you --
11 like do you have a -- where I'm going with this is do you
12 have a -- if we could increase the percent requested
13 on-line by -- get it to match the percent sold on-line,
14 do you have a sense for what amount of workload reduction
15 that would be? Does that make sense?

16 SECRETARY THORNTON: Yeah, I don't know that -- any
17 reduction there I think would be at the front counter with
18 customer service staff, not necessarily inspection staff.

19 The requests, the ones that aren't done on-line, come
20 from people who come to the counter to ask questions about
21 corrections, and when they get their questions answered,
22 they just make the request right there versus doing it
23 on-line. So --

24 CHAIRPERSON PREZEAU: So there's probably not a huge
25 opportunity there to reduce --

1 SECRETARY THORNTON: I don't think, no, not from the
2 inspection side of it.

3 And this other chart that's stapled together, this
4 shows a breakdown of permits sold by regions, the number
5 of permits. Here again, these are charts that Bob put
6 together. And the last page shows our response times,
7 which are pretty good right now.

8 Now the challenge will be to keep them up there with
9 the busy season, vacations and all that stuff going.

10 CHAIRPERSON PREZEAU: Oh. Bobby.

11 BOARD MEMBER GRAY: Thank you, Madam Chair.

12 Steve, I agree, the response times are very good.
13 But they both seem to be trending down. Is there -- it's
14 that time of year? Is that just the workload or what?

15 SECRETARY THORNTON: Both this time of year is we're
16 getting to the busy season. A lot of times September and
17 October are even busier. Everybody trying to get their
18 jobs buttoned up before the weather hits. And we have
19 people on vacation. September/October is hunting season.
20 So we have a lot of guys that are off. So we have fewer
21 staff available in conjunction with the high workload. So
22 it's not uncommon to see the response times come down from
23 now through November.

24 BOARD MEMBER GRAY: But I don't see that significant
25 downturn in the rest of the data here.

1 SECRETARY THORNTON: Well -- and I think you will as
2 this progresses along.

3 Right now we're better than we have been for quite
4 some time. I attribute most of that to all the new people
5 we have hired are getting better at what they're doing.
6 We've tried to promote fewer return trips to the job sites
7 by maybe making a phone call on a lesser correction and
8 getting those cleared without having to go back. So
9 trying to lessen some of our trips to some of the job
10 sites.

11 I think in the future we'll see where that could be
12 a large part of virtual inspections is clearing
13 corrections that we've already written. We've already
14 been to the job site. We've seen it. We know what's
15 there. We know what we had questions about. So the
16 customer could call, and that would solve some of the
17 issues we have right now with speed and people wanting to
18 make sure that we're getting shown the right thing.
19 After we've been there and we have a list of corrections,
20 we can tell them, Okay, I need to see where the nail
21 plates were missing. Then it'll be a learning process on
22 our end to make sure we get enough information in there
23 from the inspector that was in the field. He needs to
24 make good enough notes that now you have two separate
25 entities looking at it, and that we get all the bases

1 covered.

2 From a production point of view, that might be the
3 best part of virtual inspections for us.

4 BOARD MEMBER BAKER: I agree.

5 SECRETARY THORNTON: So -- I mean, the possibility is
6 that you could get automatic notification from mobile at
7 10:00 that you have three corrections, and you could clear
8 them by 2:00 by virtual inspections and not lose a day at
9 all. But we'll have to see if it works out to be that
10 coordinated.

11 CHAIRPERSON PREZEAU: That would be terrific.

12 SECRETARY THORNTON: Sounds good.

13 All right. As far as our Scorecard, percent of
14 inspections within 24 hours. In 2017 we were at 70
15 percent. 2018 we're at 82 percent. That goes along with
16 those graphs we were talking about, Bobby, the improved
17 response times. So we're up about 12 percent within 48
18 hours, which is the mandate. We were at 87 percent in
19 2017. We're at 93 percent for 2018, which is up about 6
20 percent.

21 Number of focused citations and warnings. In 2017,
22 the field issued 1,793. In 2018, they've issued 2,068,
23 which is up about 275.

24 ECORE in 2017 issued 1,764. In 2018, 2,988.

25 Total for 2017, we issued 3,557. In 2018, 5,056. So

1 that's about 1,400 citations.

2 Inspection stops per day was 10.8 in 2017. It's 10.6
3 pin 2018, which is a 2/10th's of a stop decrease.

4 Total electrical disconnect corrections is up about
5 2,800 from 43,401 to 46,232.

6 Licensing process turn-around time, we want 100
7 percent same day. We're at 98 percent. It was that way
8 in 2017 and also 2018.

9 Turn-around time for plan review, the goal is a week
10 or less. In 2017 it was 2.6 weeks. In 2018 it was 2.1.
11 So they are about half a week or two and a half days
12 quicker in 2018.

13 So licensing. During the second quarter, there were
14 7,491 electrical licenses processed. The turn-around time
15 on those was 97 percent the same day. And part of that
16 was due to new staff. We have a fairly high turnover in
17 that group. It's one of the bottom tier employment
18 options at Labor and Industries. So a lot of people start
19 there and then promote out. So we have a fair number of
20 vacancies there on a regular basis.

21 We field quite a few calls now on the apprenticeship
22 bill which was passed. That will generate even more work
23 for us audit-wise and hour-wise on CEU's as people try to
24 get ahead of that 2023 deadline and get their licenses
25 approved with maybe what might not be quite up to speed

1 hours. So we'll end up spending some time trying to wade
2 through all of that stuff that people are trying to dig up
3 old hours on.

4 We continue to have a war on paper. So we are
5 transmitting more and more stuff into electronic format.
6 Our electronic plan review, we're in the process of
7 getting it going. It seems to be a struggle with how we
8 keep or don't keep information that comes in through the
9 Internet. Physically it's a lot of easier to accept a
10 print electronically than it is on paper and have to stamp
11 all the pages and keep it and track it. So it should be a
12 lot quicker for the customer for us to accept your plans
13 electronically, make some changes or see some errors in
14 it, ship it back to you instantly rather than having to
15 roll it up, take it to the mail, mail it to you, all of
16 that kind of stuff. So electronically, I think that's
17 someplace we'll make some big headway when it all gets
18 said and done.

19 And no new testing labs.

20 And so if there are any questions? I think we've
21 gone through all of the charts we handed out. I hadn't
22 handed those out for a while, so I thought we'd do those
23 again. Not that we probably need to do them every month,
24 but every -- oh, I don't know -- two or three meetings,
25 I'll probably just go through the charts like that.

1 Sometimes it helps me.

2 CHAIRPERSON PREZEAU: Oh, yeah, no, I love the
3 charts.

4 SECRETARY THORNTON: Yeah, it helps me understand
5 just a bunch of numbers. So ...

6 CHAIRPERSON PREZEAU: Now, I have some questions for
7 Steve. But I see -- Don, you have a question?

8 BOARD MEMBER BAKER: Yeah. I want to circle back to
9 the ECOPE statistics. That's a 70 percent increase from
10 '17 to '18. Can you drill down a little bit on what you
11 think -- more inspectors out there catching more
12 violators?

13 SECRETARY THORNTON: ECOPE-wise, ECOPE has landed
14 some big companies, some national companies. And, you
15 know, with the shortage of manpower, we see more and more
16 out of state big operations going on.

17 There was one at the port where they were all from
18 outside of the state. They just come in and do these
19 projects. A lot of corporate stores are based back East
20 and they, you know, let a bid for a bunch of chain stores,
21 and they want, you know, maybe a microwave circuit put in
22 each one of them, and they don't -- it might encompass
23 five of the -- you know, Washington, Oregon, Idaho and
24 California; they want a microwave circuit put in all the
25 Walmarts. And they don't -- corporate-wise, they don't

1 worry about the licensing laws; they leave that up to
2 whoever they hire. And so they hire somebody from, you
3 know, maybe California to do all the northwest. Maybe
4 they're from Idaho. And there's a lot of licensing issues
5 and certification issues in those types of jobs. And as
6 the work -- or the staffing issues continue, that along
7 with ratio are going to be bigger and bigger issues. And
8 I think you'll see the number of citations continue to go
9 up until there are more journeymen out there to do the
10 work because there's just going to be a lot more of it
11 that filters to the underground economy.

12 BOARD MEMBER BAKER: How many inspectors do you have
13 dedicated to ECORE?

14 SECRETARY THORNTON: Eight. Some of those are
15 combination audit and ECORE with what we see as the
16 upcoming audit issues with licensing. So ...

17 BOARD MEMBER BAKER: Thank you.

18 CHAIRPERSON PREZEAU: So Steve, just two quick
19 questions.

20 One, I want to go back to the vacancy document. And
21 I -- I'm going to need your help. I don't remember the
22 classification or the employment name that we -- that the
23 Department gave to those administrative support staff that
24 are --

25 SECRETARY THORNTON: Program Specialists, PS-2's.

1 CHAIRPERSON PREZEAU: Say that again?

2 SECRETARY THORNTON: Program Specialists. The
3 PS-2's.

4 CHAIRPERSON PREZEAU: Do we -- are you -- are those
5 fully staffed?

6 SECRETARY THORNTON: They are right now, yes. We
7 just hired the last three for the second time. The
8 original people promoted out to another job. So now we've
9 got -- the three newest ones are just starting through the
10 training.

11 CHAIRPERSON PREZEAU: So are you -- because I just
12 recall being at a stakeholder meeting in Tumwater, and
13 there wasn't a huge amount of feedback from those
14 stakeholders, but one universal truth that seemed to be
15 evident based on a number of stakeholders' comments was
16 the value of those program specialists. And given the
17 conversation around pressure -- competitive pressure for
18 the inspectors, is those program specialists were a really
19 effective way to assist the inspectors so that they can,
20 you know, officially do their job. And that's -- you
21 know, the program really rises and falls on the
22 inspectors' ability to officially do their job.

23 And so are you seeing vacancy problems with the
24 program specialists? Are is that -- are those not to the
25 same level as the inspectors -- tech specs?

1 SECRETARY THORNTON: There are some issues I see with
2 those particular positions that will be a bigger hindrance
3 to filling them than it will be to people generating
4 vacancies there as it's somewhat of a dead-end position.
5 If you want to take that position, there's nowhere in the
6 electrical program to promote to. So once you get to that
7 or you need financial improvement in your life, you are
8 forced to go to another program. If that's not what you
9 want to do or what your qualifications let you do, then
10 you're just kind of stuck there. It's not a position that
11 is tied to a license, so it doesn't get regular upgrades
12 financially. So it's -- you have to find the right person
13 that's really vested in the electrical industry.

14 Some of the very best ones we have come from outside
15 from electrical contractors and decided they wanted to
16 come to work here. And they bring a history and a
17 knowledge base that's hard to replicate when you promote
18 people from inside the agency. A lot of them have very
19 little, if any, practical experience. They have an
20 interest in the program or they wouldn't apply. But --

21 So looking at different ways to be able to, you know,
22 keep those people that are really good. David's been very
23 supportive of those types of ideas of, you know, think
24 outside the box and don't just do the same thing harder;
25 be smarter about what we do and try to do things different

1 rather than just go longer every day.

2 So we continue to look at those things.

3 Inspection-wise, it doesn't sound like much, but --
4 I'll bring some numbers next meeting that show that the
5 inspections per day have gone up every year that the
6 program specialists have been here. You can't attribute
7 all of that increase to them, but some of it's to them.
8 The bigger impact which is really hard to measure is the
9 customer feels that they are much better served when they
10 talk to somebody that has some knowledge and has been in
11 the program and knows the routing of the inspectors and
12 what the different jobs are and such. So that seems to be
13 where the biggest support is is from a customer service
14 point of view.

15 CHAIRPERSON PREZEAU: And then the other only
16 question I have is goes back to the series of graphs that
17 you provided that are stapled together regarding permit
18 sales and additionally response times.

19 So the last page of that series of documents
20 indicates that Region 6 ... which is Spokane?

21 SECRETARY THORNTON: Uh-huh.

22 CHAIRPERSON PREZEAU: So it looks like when you look
23 at both response times in under 48 hours and also under 24
24 hours that that region demonstrated significant
25 improvement.

1 SECRETARY THORNTON: Uh-huh.

2 CHAIRPERSON PREZEAU: Which, you know, is terrific.
3 What would you attribute that to?

4 SECRETARY THORNTON: That is due mostly to the fact
5 that they are as close to fully staffed right now as
6 they've been in four years. They were the region a) that
7 had the smallest number of inspectors. They -- I think
8 they had like 16 total. And they are down to where
9 there's one left with much experience at all. All the of
10 the other 15 are in the five years or less category. So
11 they've just been decimated with retirements.

12 And so the learning curve to be a good inspector is
13 pretty steep. But they're making progress.

14 CHAIRPERSON PREZEAU: Yeah. I mean, the numbers
15 don't typically lie. And that's like in a fairly short
16 period of time came up, you know, improved by 10
17 percentage points in 48 hours -- you know, response in
18 under 48 hours. It's just a testament to the training,
19 you know. We have inspectors that come on board, you
20 know, given that sort of perfect storm as you indicated,
21 you know, if you have 16 inspectors in Spokane and only
22 one has significant level of experience being inspector,
23 kudos to the Department and that team for getting up to
24 speed because that's all about customer service. That's
25 about property owners being able to get occupancy.

1 SECRETARY THORNTON: Another part of some of this is
2 with our year-round recruitment and having been through
3 years ago watching good people go find a job somewhere
4 else because we didn't have a vacancy where they lived.
5 If we find somebody that's a good candidate, we'll hire
6 them in the location where they live just to get somebody
7 here. Then we'll worry about getting them -- if we have
8 to send somebody, it might not be as efficient to send
9 somebody from Spokane to Moses Lake to cover for a
10 position we can't fill. But it makes more sense than to
11 leave a vacancy in Spokane -- or a good individual in
12 Spokane just because you don't have an opening there.
13 It's not that we can't afford to pay them obviously by the
14 budget numbers. So if we can find good people, we'll put
15 them on where they're at, and then try and keep good
16 people from escaping us.

17 CHAIRPERSON PREZEAU: Other questions for the Chief?

18 BOARD MEMBER CUNNINGHAM: I have one.

19 SECRETARY THORNTON: Yeah.

20 BOARD MEMBER CUNNINGHAM: I had a electrician that
21 I work with occasionally in business express some
22 frustration about a situation that happened a few years
23 ago. I don't think he ever really pursued it. But he had
24 had -- this is probably 2011/12 time frame. An inspector
25 referenced a Currents from like 1999. So he was going

1 back 12, 13 years from prior to this issue. And so the
2 contractor just expressed some frustration that how many
3 years does a person trying to do business need to maintain
4 this file of Currents in order to have a thorough record
5 of what the present interpretation is of the WAC. And he
6 asked what's the mechanism for if the WAC rule needs to be
7 changed to encompass what's in the Currents? That's kind
8 of an open-ended question. What is -- maybe you can
9 explain what that process is so that the WAC can maybe
10 pick up some of those interpretations so that the WAC rule
11 as it's written in the next iteration will be in sync with
12 what the past interpretations were in the Currents?

13 SECRETARY THORNTON: And the Currents we've looked at
14 going back and maybe deleting the original version, but
15 it's a good history document. If they have our quoted
16 something from the 1999 Currents, it's either going to be
17 something that's been amended and that part is just there
18 as a history note. They should certainly let us know,
19 though, without waiting this long so that we can
20 investigate it and -- you know, I think there's a value in
21 the history portion. But maybe it's something that we
22 don't take it out of there; maybe we gray it out or
23 something in order to let people know that there was a
24 more current version. That would be a chore to go back
25 through all of those and look at that.

1 But it's kind of like keeping old WAC books to keep
2 you up to speed with, Okay, here's the progression of what
3 we went through in order to get to where we're at today.

4 But I think the biggest thing I would communicate to
5 them is they need to communicate with us. It's one of the
6 biggest issues I see when I meet with contractors. They
7 want to carry with them the one time they got cited in '98
8 and want to make a big issue out of it today. You know,
9 they need to bring those up at the time. Don't wait till
10 it's too late to do anything about it. Let us know.

11 BOARD MEMBER CUNNINGHAM: Yeah, it's seven years to
12 bring it up.

13 SECRETARY THORNTON: Yeah.

14 ASSISTANT ATTORNEY GENERAL THOMURE: And the Currents
15 is just maybe just a policy. It's not controlling --

16 SECRETARY THORNTON: Well, it's just an
17 interpretation.

18 ASSISTANT ATTORNEY GENERAL THOMURE: But it's policy.

19 BOARD MEMBER CUNNINGHAM: Right. Not everything that
20 shows up in Currents -- I mean, that's kind of like the
21 National Electrical Code book, the handbook that has all
22 the fine print notes. I don't think it's practical to
23 pull that information that's in the interpretation into
24 the actual -- but if the two are in conflict, an
25 interpretation was the one that actually changes or

1 appears to change what the WAC rule says, then the WAC
2 rule should be changed so it's consistent with what the
3 interpretation implies.

4 SECRETARY THORNTON: And there again, those are
5 things -- if you see those kinds of things, if you let us
6 know if it's something that needs to be updated when we
7 have the WAC rules open, we can certainly make those
8 changes or at least put them through the process to see
9 if they make it.

10 BOARD MEMBER CUNNINGHAM: Thank you.

11 SECRETARY THORNTON: So any chance you could find
12 out what that was?

13 BOARD MEMBER CUNNINGHAM: I asked him to be here
14 today, but -- he's a local Tri Cities contractor, but he
15 had to be out of town.

16 He goes, "I can't make it."

17 So I was like, "Okay, I'll ask and get more
18 information to you."

19 SECRETARY THORNTON: We've been known to make a
20 mistake or two. So it doesn't hurt to at least ask the
21 question so we can take a look at it.

22 CHAIRPERSON PREZEAU: Other questions for Steve?

23 I think you've talked about this, and I might have
24 missed it. But I know that at the April meeting, you
25 know, the Board made a recommendation to the Department

1 regarding WAC 296-46B-555, the rulemaking around the
2 marina ground-fault protection. And you -- I think you
3 made reference to it, but if you could give us a little
4 more detail of where that's -- I think there were
5 stakeholder meetings; I don't remember when they were. If
6 you could give us an update on that, that would be
7 terrific.

8 SECRETARY THORNTON: I might ask Rod the latest on
9 that is we just extended the latest rule.

10 MR. MUTCH: Yeah. Do you want me to come up?

11 CHAIRPERSON PREZEAU: Yeah, come on up, Rod Mutch,
12 please.

13 MR. MUTCH: So good morning. My name is Rod Mutch,
14 electrical technical specialist. And at the last meeting
15 we talked about the amendment to Article 555, the marina
16 rule.

17 And what happened was we proposed to extend the
18 ground-fault protection requirements that were -- that it
19 expired July 1st of 2018 until the 2020 National
20 Electrical Code was published. And that'll be in August
21 of 2019. So that rule-making has been completed. The
22 Department has adopted it.

23 And so we have -- the allowance that the Department
24 had made previously was the National Electrical Code
25 required 30 milliamp protection for all overcurrent

1 devices in a marina. The Department had a rule that
2 extended the previous 2014 requirement for feeders to
3 protect those at 100 milliamps. And so we have extended
4 that rule until the 2020 code is published.

5 One of the things I talked about last time was that
6 the proposals for the 2020 NEC were being debated. And
7 since the last meeting, the first draft of the 2020 has
8 come out, and the NEC panel has, in the first draft
9 anyway, has published a rule similar to what Washington's
10 is, the extension. So 100 milliamp protection for feeders
11 and 30 milliamp protection for receptacles.

12 So that was one of the risks that I talked, you know,
13 if we don't adopt this rule that there's a possibility
14 that the NEC could roll back that requirement. And that
15 appears to be at this time what they've done.

16 Now, that still has to go through the comment period
17 and the second draft. But it's looking like they're going
18 to -- and they do this every once in a while; they'll
19 consider what other states do as far as adoption in their
20 deliberations. So I don't know if that had anything to do
21 with it. But it's a similar requirement now. So that's
22 where it's at.

23 CHAIRPERSON PREZEAU: Thanks, Rod.

24 Bobby.

25 BOARD MEMBER GRAY: Thank you, Madam Chair.

1 additional questions. There didn't seem to be any
2 following the break.

3

4 Item 5. Certification/CEU Quarterly Report

5

6 CHAIRPERSON PREZEAU: So with that, we are under
7 Certification/CEU Quarterly Report and with Technical
8 Specialist Larry Vance.

9 MR. VANCE: Hello, Madam Chair, members of the Board.
10 My name's Larry Vance. I'm a technical specialist for the
11 Department of Labor and Industries.

12 For the preceding year, the exam pass rate for 01
13 electricians is right at 47 percent, which is consistent
14 with the prior exam percentage pass rates. That exam
15 percentage pass rate is based on first attempts for both
16 sections of that exam.

17 One thing that kind of strikes me is that there was
18 over 1,000 people during that period of time that took it.
19 That number just -- and I would have to verify this, but
20 that seems to be higher than normal, which would
21 contribute to an influx of folks heading toward the work
22 that's present in Washington.

23 The other note too, it appears that looking at the
24 statistics that there's a lower number of what we would
25 kind of commonly refer to as frequent flyers in the exam

1 world. There's some -- there's two people that on their
2 ninth attempt -- that made their 9th attempt of the exam,
3 and they failed. But on a lot of past reports, we've had
4 people -- almost regularly we've had people up into their
5 20th attempt or higher. So it would be appear that maybe
6 those persons possibly passed the exam or have no longer
7 -- have maybe given up their quest to pass the exam.

8 So if we look at the numbers, there was a 1,057 that
9 made their first attempt. There was 496 that made their
10 second attempt and 245 for the third attempt. And then it
11 falls right off at the fourth attempt at 99. So it
12 appears that people are able to -- at least by appearance
13 it appears that people are being able to master and pass
14 the open-book examination.

15 Some of them from out of state would not be
16 particularly familiar with the Washington laws and rules
17 portion of the exam, and if they didn't spend just a
18 little bit of time getting familiar with that before the
19 exam, that could be what trips them up.

20 The other thing that would be interesting with this
21 is as we sit here and look at this 47 percent pass rate,
22 that's a combination of individuals that are attempting
23 the exam that are coming from out of state. That's
24 probably always going to happen.

25 On the job-training folks, that number is going to

1 reduce here as more people move toward apprenticeship.

2 We have notified all the contractors in the state by
3 letter. We've sent out I think somewhere around the area
4 of 6,000 letters to the electrical contractors in the
5 state notifying them of the legislation. We actually did
6 get a few phone calls of folks that have never heard about
7 it. They were few, but there were some pretty adamant
8 folks that wanted to know what was going on with this.

9 It is a change for contractors. Contractors are
10 going to have to become training agents, and that's a
11 relationship with an apprenticeship.

12 So there's a new thing out there. We've been working
13 with the apprenticeship section. We get a lot of the
14 questions. The apprenticeship section has the answers,
15 you know, the accurate answers and the ability to assist
16 them with associating themselves with an apprenticeship or
17 creating a new apprenticeship program. Those are things
18 that the electrical section doesn't have any authority
19 over, but we're kind of really involved in that because
20 we've got an electrical law that's requiring it for
21 eligibility for an examination come 2023. So as the
22 months come by, that is going to be something that becomes
23 more and more significant in people's lives because you
24 either qualify for the examination by that date or you
25 don't. And if you don't, after that date you will have

1 to have completed a state-approved apprenticeship that's
2 regulated by the apprenticeship laws and rules that the
3 electrical section does not administer. So it's an
4 interesting relationship, and we're getting better at
5 telling the story. But just getting it out there to the
6 electrical community is something that apprenticeship has
7 a role in; we have a role in it; and it's going to be
8 important that somehow the industry engage itself almost
9 to, you know, to reach out and start this moving. Because
10 in a year, I mean, now all of a sudden you're looking at
11 somebody bringing experience to an apprenticeship. In two
12 years, you're looking at them bringing more experience to
13 an apprenticeship. And when 2023 rolls around, in order
14 to qualify for the exam, it's "Where is your completion
15 certificate from a state-approved apprenticeship?" That's
16 going to be the prerequisite for eligibility for the exam.

17 So it's a very interesting piece of legislation, and
18 it's challenging for us. Steve I think mentioned it's --
19 our licensing folks are spending a lot of time talking
20 about this with people. So ...

21 CHAIRPERSON PREZEAU: Yeah, I would hope -- I mean,
22 just for clarification, I think most folks in the room
23 know this, but it's only for an 01.

24 MR. VANCE: It's only for an 01.

25 CHAIRPERSON PREZEAU: That piece of legislation only

1 impacts exam candidates that are looking to take the
2 general journeyman's exam. It doesn't impact any of the
3 specialty.

4 So -- and my hope quite honestly that -- you know,
5 I understand the nuances of what you, you know, just the
6 lay of the electrical program and the apprenticeship
7 program, and my hope quite honestly -- and, you know,
8 different laws and rules warehoused under those separate
9 programs, but it's going to require a different
10 relationship within than programs have potentially
11 enjoyed in the past. And perhaps it didn't require a lot
12 of communication, and it's going to require a heightened
13 level of relationship between those two programs. And it
14 sounds like you're on that path.

15 MR. VANCE: We are. It's a long path. I mean, we
16 have some potentially some systems integration, meaning
17 that you have an apprenticeship database over here
18 (gesturing), and you have an electrical licensing database
19 over here (gesturing), and they may need to talk. So you
20 got an IT component -- you've got another component that
21 right now we have a training certificate that's got a red
22 stripe on it. So everyone that's -- whether they're an
23 apprentice or not an apprentice, potentially you have, you
24 know, kind of a question on how you do compliance. I
25 mean, there's that person over there that's doing --

1 that's on a commercial job that's doing 01 work with a
2 trainee card on. Is that person actually an apprentice?
3 Well, the law requires that they carry an apprenticeship
4 card and a trainee card. Would it be better if the two
5 systems worked together somewhat and say that trainee card
6 had like a green stripe, which denotes 01 and a red stripe
7 denotes trainee. So you look at that person, and they --
8 the only way that they could get that card is if the two
9 systems talk together and agree that they should get that
10 card.

11 But those are the things that we have over the next
12 few years to muddle through and figure out if there's
13 something that we can do or work toward.

14 So those are the kinds of things that happen behind
15 the scenes in order to try to implement this. Because
16 it's going to get very interesting to try to enforce from
17 an electrical standpoint. You know, is this 01 contractor
18 that got this trainee over there working on the fire alarm
19 system, which is specialty electrical work, which is not
20 required to have an 01 certificate. I mean, those are the
21 kinds of things that we're going to have to work through,
22 which is interesting at best. We still have to. But I
23 mean, it's just -- this adds another component to it. Are
24 you this, this and this? you know. Are you also an
25 apprentice? It's what we do. So ... yeah.

1 CHAIRPERSON PREZEAU: Jason.

2 BOARD MEMBER JENKINS: You kind of led into the
3 question that I was going to have. And that is, how does
4 the State track and validate hours to non-apprenticeship
5 trainees in their category? So actually -- there's one
6 for tracking, for one. They go up and take the test. So
7 I guess -- do you know the answer to that?

8 MR. VANCE: Well, let me throw a stab at it.

9 I'll put my apprenticeship hat on and my electrical
10 hat on. My apprenticeship hat's kind of -- it's a paper
11 hat at this point.

12 Training directors at any time can submit hours of
13 experience to the electrical program for consideration for
14 credit. So at the end of the apprenticeship, throughout
15 the apprenticeship, whatever that apprenticeship wants to
16 do as far as submitting affidavits of experience for an
17 apprentice, they can do so.

18 Now, the training agent, they are also submitting
19 hours of experience to the apprenticeship, the training
20 agent. So what has to happen in the end is is that the
21 hours that are reported to the apprenticeship section and
22 the hours that are reported to the Department's electrical
23 program, the licensing database, they need to agree. In
24 other words, the apprenticeship would need to report the
25 8,000 hours that the training directors reported to them.

1 Does that make sense?

2 BOARD MEMBER JENKINS: Yes.

3 But I think my question is more on what about the
4 trainees -- current trainees that aren't in apprenticeship
5 program that -- how do you track those hours towards their
6 license today?

7 MR. VANCE: So we're -- our current trainees'
8 affidavits of experience that are submitted, the
9 affidavits are reviewed, some are audited and if found
10 to be valid, their accredited to the individual's
11 training certificate record.

12 BOARD MEMBER JENKINS: Okay.

13 MR. VANCE: And when those hours accrue to a level
14 where they're eligible for an examination, they can sit
15 for an open-book exam.

16 BOARD MEMBER JENKINS: Okay.

17 MR. VANCE: So taking this a little further, the
18 legislation allows apprenticeships to consider any hours
19 because -- or not any hours, but certain hours that are on
20 L & I's books under an individual's training certificate
21 for consideration toward completing an apprenticeship.

22 For instance, if you have someone that is -- they
23 hold a residential specialty electrical certificate, and
24 they apply to an apprenticeship, and they want to -- they
25 want the apprenticeship to consider those 4,000 hours that

1 are on the Labor and Industries books, the apprenticeship
2 can do so. They can start that person if they wanted to
3 with a 4,000 hour head start in the apprenticeship. That
4 may not meet the apprenticeship standards because there's
5 some things like supplemental -- required supplemental
6 instruction, RSI. They haven't had the number of hours
7 of supplemental instruction to be equivalent to two years,
8 meaning they might have had 48 hours, and they actually
9 needed 288 hours in order to actually be up with a normal
10 apprentice. So the law allows -- the electrical law
11 allows that that can be considered. It doesn't mandate
12 it that it be considered or mandate that it --
13 (inaudible). In other words, an apprenticeship can
14 consider it, but it does not have to apply it.

15 BOARD MEMBER JENKINS: So then a trainee applies to
16 put their hours into a certain category, in a certain
17 specialty, per se, you validate those hours by looking at
18 the contract they're working for to see if they have the
19 appropriate specialty --

20 MR. VANCE: Yeah. It's matched against the
21 contractor's license.

22 BOARD MEMBER JENKINS: Okay.

23 MR. VANCE: So then we also -- we look at Employment
24 Security data to make sure that everybody is who they say
25 they are and is this person actually working for this

1 person. And then it can go far deeper than that. We can
2 start looking at permits to make sure that the work that's
3 actually being done is -- you know, does this contractor
4 operate in this market? Does -- you get in a fixed
5 industry where it's a mill. So then we start looking at
6 permits, and we actually make sure that there's someone
7 there to supervise them that's certified. There's
8 different questionnaires that we have folks fill out in
9 those instances.

10 So we do scrutinize the affidavits of experience that
11 come in from many facets of the electrical industry out
12 there.

13 So it's always interesting because there's some very
14 interesting ways that people get experience out there. I
15 mean, there are fixed industries that although they have
16 an owner exemption from electrical licensing, any property
17 owner without being an electrical contractor can employ
18 regularly paid folks to perform electrical work. Some of
19 them choose to employ certified folks and make more
20 certified folks. But what we've got to be able to see is
21 evidence that they're actually doing something, that
22 they're not just doing things that is passive testing or,
23 you know, washing the light fixtures or whatever else, you
24 know. We need to have some evidence that, hey, they're
25 doing things, you know. They're breaking things and

1 fixing them; that's what we want to see.

2 BOARD MEMBER JENKINS: And last kind of a leading
3 question: So an inspector shows up to a job site, and an
4 apprentice is on the site, and say you have a specialty
5 license there. How do you validate that that person is
6 working towards that license or if they're working towards
7 an 01 license? How do you know that the apprentice, or in
8 this case a trainee, is working under their desired or
9 their chosen path?

10 MR. VANCE: That's an interesting question.

11 It's hard to say. Because anybody working for an 01
12 contractor potentially is claiming 01 hours. There are
13 instances where there are 01 contractors that are
14 exclusively residential contractors. You won't find a
15 permit for anything that's a commercial installation.

16 Through our scrutiny in our licensing group, we, you
17 know, sometimes catch those. Those look good, though.
18 That's an 01 contractor turning in 01 hours. That person
19 shows up in Employment Security. Things look pretty good,
20 right?

21 It's easier when a specialty contractor is turning
22 in specialty hours. It's easier than that. But the thing
23 that happens as 2023 approaches is that it's really not
24 any good to turn in 01 hours, for instance, that -- and
25 you're not part of an apprenticeship, so those are hours

1 that you might have 01 hours sitting on the books, but
2 they're just 01 hours that can be considered by an
3 apprenticeship; they won't be considered by the Department
4 toward eligibility for an exam.

5 You know, what we're looking at after 2023 is we're
6 looking for a completion certificate from an approved
7 apprenticeship program. Whether you had to go in there
8 with your, you know, 6,000 hours worth of experience that
9 you gained on the job and enrolled in an apprenticeship --
10 registered in an apprenticeship program and completed it,
11 that's what we're looking for.

12 So we won't accept an affidavit of experience for --
13 come 2023, we won't accept an affidavit of experience for
14 anyone other than a training director because they would
15 be the only ones that could actually submit 01 hours. I
16 mean, what would be the purpose -- if someone's submitting
17 01 hours, and they're not in an apprenticeship, they're
18 working illegally. So it's kind of -- there's a change of
19 dynamics here.

20 BOARD MEMBER JENKINS: And that's why -- to come full
21 circle back to what you were just talking about where you
22 have a training certificate that has -- or a trainee card
23 that they're wearing, and I think you said the red
24 stripe's on it now, right?

25 MR. VANCE: Right.

1 BOARD MEMBER JENKINS: This is why I've been kind of
2 thinking about we need to have some type of a 01 marker
3 on it or a specialty marker on it because when an
4 inspector walks into a job site to see what's going on
5 and they see a specialty license, yet they have an 01
6 trainee, that's not right. But that contractor might
7 have multiple jobs, one being an 01 license, and then
8 maybe some fire alarm contract work somewhere else that
9 we need to see you put an apprentice out there or a
10 trainee out there. And if they juggle people around, and
11 so now we have an 01 trainee working for a specialty
12 license, which my understanding is wrong, and those hours
13 shouldn't count, they shouldn't be there.

14 MR. VANCE: That kind of gets into that weird
15 relationship that we have that that could be a violation
16 of the apprenticeship standard, but it wouldn't be an
17 electrical violation, for instance.

18 If you had a specialty electrician and an apprentice
19 -- an 01 apprentice from an electrical licensing law
20 standpoint and they were installing a fire-alarm system --
21 a limited-energy fire-alarm system, we would look at that
22 and say, We have a specialty electrician, and we have
23 someone who's a trainee. And what we'd look at is if
24 everybody is within their -- everybody's okay --

25 BOARD MEMBER JENKINS: Or the other direction where

1 you have a specialty license working for an 01. It's just
2 one of those where I would like -- I would think there
3 should be some type of documentation showing so the
4 inspectors know what's going on on the job site.

5 MR. VANCE: It's kind of weird.

6 BOARD MEMBER JENKINS: Hence, the colors you
7 mentioned.

8 MR. VANCE: An 01 contractor can hire any specialty
9 downstream, right? So an 01 can hire an 06, limited
10 energy electrician, to install a fire alarm system, for
11 instance.

12 And your question kind of comes back to, Could an 01
13 apprentice be working under the supervision of that 06
14 electrician who's installing that fire alarm system?

15 From the standpoint of the electrical laws, I don't
16 think there's anything wrong with that. Possibly from the
17 standpoint of the apprenticeship standard there may be
18 something wrong with that. That's where it gets
19 complicated.

20 BOARD MEMBER JENKINS: Yes.

21 Hence, the whole conversation between the licensing
22 division and the apprenticeship division needs to be much
23 more integrated to make this so it's not causing conflict.

24 MR. VANCE: We have, you know, we have a lot more
25 boots on the ground than the apprenticeship section does.

1 And how that plays out in the future, I'm not quite sure.

2 But it would be interesting.

3 BOARD MEMBER JENKINS: Thank you.

4 MR. VANCE: Yeah.

5 CHAIRPERSON PREZEAU: Bobby.

6 BOARD MEMBER GRAY: Thank you, Madam Chair.

7 I'm not sure I kept up with that discussion because
8 to be an 01 apprentice or an 01 in the electrical
9 department, you have to understand how to install those
10 specialty systems anyway. So would you not get credit in
11 both areas if you were an 01 apprentice working on a
12 specialty type system or even for a specialty type
13 contractor. Because it all is experience that goes
14 towards an 01 journeyman level certification. Would it
15 not be?

16 I mean, I could see it the other way around where you
17 had an 06 specialty apprentice working under an 01, and
18 they were directing them to do work that was outside of
19 the 06 specialty, but I don't see that being a problem in
20 either case in reverse.

21 MR. VANCE: Yeah. I mean, where we're at is we're
22 in a kind of a conversation of how merging of
23 apprenticeship standards, who can supervise somebody
24 that's in an 01 apprenticeship program? Who can supervise
25 them? Does it have to be an 01 or could it be a specialty

1 electrician?

2 BOARD MEMBER GRAY: But the specialty electrician is
3 competent to supervise 06 -- or -- specialty type work.
4 So I'm not -- I'm not seeing a problem in that
5 circumstance.

6 But I have another question while I have the floor
7 if I still have the floor.

8 CHAIRPERSON PREZEAU: Yes, sir.

9 BOARD MEMBER GRAY: And maybe Jason can answer this.
10 But this sounds a lot like maybe what they're doing
11 in Oregon. Is that accurate? Are they -- is that how
12 they're executing their process for qualifying someone to
13 take the journeyman examination in Oregon? Because they
14 require some sort of apprenticeship certification before a
15 person is qualified to sit for the exam in Oregon. Is
16 that not true?

17 BOARD MEMBER JENKINS: Yes, they are required to go
18 through an apprenticeship program. It's an apprentice-
19 only state.

20 BOARD MEMBER GRAY; And so the way they execute that,
21 is that similar to what you heard --

22 BOARD MEMBER JENKINS: On the apprenticeship side,
23 yes. This is where there's a little bit of a interesting
24 situation where the licensing and apprenticeship are two
25 different -- kind of act like they're two different

1 entities where they need to be more in concert with each
2 other in order to make licensing and apprenticeship
3 standards are being met throughout the whole process. So
4 there's a slight disconnect between those two entities, if
5 you want to call it that.

6 And so I would just like to see more cooperation back
7 and forth, understanding back and forth so they can become
8 in line with each other. It's going to have to be there
9 after 2023.

10 BOARD MEMBER GRAY: That's what I was -- and I'm
11 wondering if there was lessons learned that we could take
12 from their experiences down there maybe and help us
13 implement a process here.

14 MR. VANCE: Yeah, they do have the luxury down there
15 that everybody on the job site's an apprentice.
16 Everybody. I mean, whereas here, you're going to have a
17 for the 01's to be apprentices. And that doesn't follow
18 any further down.

19 So how contractors segment their projects, you know,
20 whether they choose to use specialty electricians or
21 portions of it, whether they choose to be able to or have
22 the ability to actually work an 01 apprentice. You know,
23 typically I think that they would -- and I'm just kind of
24 throwing a thought out. I think an 01 apprentice would
25 cost more than a trainee.

1 CHAIRPERSON PREZEAU: To who?

2 MR. VANCE: To the contractor.

3 So financially, I don't know that you're going to
4 see that. I mean, a contractor that's more engaged in
5 apprenticeship is likely to have folks that are all
6 apprentices. There are other contractors who are only
7 going to, you know, comply minimally. They're going to
8 just have 01 apprentices and everyone else, all their
9 specialty folks are going to be trainees. So ...

10 BOARD MEMBER JENKINS: Well, isn't it true that
11 either you have apprentices or trainees as of today? You
12 can't have both.

13 MR. VANCE: I asked the apprenticeship question that,
14 and the limited energy trade is a different trade than the
15 electrician trade. So that may be something that needs to
16 be explored, meaning that they can work limited energy
17 trainees on the same job as they're working 01
18 apprentices.

19 BOARD MEMBER JENKINS: I'd have to look a little
20 deeper in that, but I am under the understanding that if
21 a contractor has apprentices, they cannot have -- if they
22 have apprentices, they cannot have trainees. And so I'd
23 have to look at the different trades.

24 CHAIRPERSON PREZEAU: This is a terrific illustration
25 of what is at play right now.

1 So what I mean by that is -- well, no, no -- because
2 what I mean by that is, and it goes back to -- there's
3 this dialogue that happened and whether or not, you know,
4 people in the room completely followed it is because you
5 have 19.28, electrical statute and 296-46B, the associated
6 rules. Then you have -- you know, that's 01 and 06 and
7 all the sub-specialties and everything else, and then you
8 have the apprenticeship standards -- or the apprenticeship
9 program. I mean, the apprenticeship housed in --

10 MR. VANCE: The laws.

11 CHAIRPERSON PREZEAU: -- housed within, also the
12 apprenticeship program at L & I. And then overlaid all
13 of this is you have the apprenticeship standards that are
14 specific to a finite apprenticeship.

15 So depending on what those specific -- and those
16 standards are then approved by the apprenticeship division
17 and regulated by the apprenticeship division. And they're
18 not always identical. And -- but they have to comply with
19 the laws that govern apprenticeship. And they should also
20 comply with the laws that govern, you know, 19.28. But --
21 and often my experience has been that -- you know, this is
22 back to what Larry said previously is there is likely no
23 violation of 19.28 with the associated rules if I am a
24 specialty level, you know, journey level -- I have a
25 journey level certificate and a specialty, and Alice is a

1 trainee, and who, you know -- can I supervise these hours
2 that are doing subspecialty work that I have the ability
3 to do and -- but be working for an 01 certified licensed
4 contractor? Because that -- and it covers -- right? So
5 probably not a violation of the law. But if we're not in
6 a -- if we're not -- my provider is not a training agent,
7 right? which means that they are now associated with these
8 apprenticeship standards, then there's likely no violation
9 under the 19.28.

10 But now if you overlay, you know, specific
11 apprenticeship standards, which is kind of the vantage
12 point I think Jason was coming from is -- then it's prob
13 -- the apprenticeship standards that I am more familiar
14 with than others typically has a prohibition of -- or a
15 very defined set of circumstances of if you're doing 01 --
16 work that qualifies under the scope of 01 work, then you
17 have to -- that trainee or that apprentice in this case
18 has to be supervised by a 01 journey-level worker, that's
19 the apprenticeship standards expectation. And it's also
20 the apprenticeship standards expectation of -- if we work
21 for a training agent, going back to those apprenticeship
22 standards, there is -- in that world there's only
23 apprentices. That's a violation of the standard to have
24 apprentices and trainees working together under 01
25 apprenticeship standards that I am familiar with.

1 So it's -- all of this is coming into play. So I
2 mean, it really just augments your opening statements of,
3 you know, this piece of legislation really is requiring
4 not only a much higher level of coordination between the
5 electrical program and the apprenticeship division, but
6 also it's really -- so your very small statement of it
7 really requires the industry to come together around this
8 -- this is what that small statement is encompassing,
9 right? is rectifying apprenticeship standards, the law
10 like -- and understanding that unlike Oregon's model --

11 And I asked Jason this morning, When did Oregon
12 institute their apprenticeship-only piece?

13 Because part of the way my brain works is if there is
14 an adjacent model to look to for some direction of what
15 went well? what didn't go well? what can we learn from
16 that model?

17 And Jason's response to me was, I don't know that
18 that is a -- what did you say? -- a modelable model.
19 Because it happened so long ago that it is possible that
20 they never went through this process of having to rectify
21 now that you have 19.28 and whatever the apprenticeship
22 standard statute is and then apprenticeship standards
23 that have been in some of the cases have been in place
24 for decades.

25 So there's going to -- it's going to require a high

1 level of industry coordination, sophistication, and a long
2 view of how -- anticipating one of the potential pitfalls,
3 how do we in a good-faith effort remove those -- or build
4 bridges over those pitfalls so that there is -- we're not
5 leaving contractors and workers and the agencies having
6 jurisdiction in a situation where they're stuck.

7 BOARD MEMBER GRAY: And I think, if I may, the -- I
8 think one of the important things that Larry pointed out
9 too is that if you're not an approved provider --
10 apprenticeship provider, then that person that is in an
11 apprenticeship program does not get credit for those
12 hours when they're being supervised by a non-certified --

13 CHAIRPERSON PREZEAU: Trainee.

14 BOARD MEMBER GRAY: So -- and I -- (inaudible).
15 Regardless of what the contractor's specialty is.

16 MR. VANCE: We're looking for those hours to come
17 from the training unit -- or from a training director.
18 And if you're not working for a training agent who's going
19 to report those to the training director, we're never
20 going to see it. Or you're going to see an errant
21 affidavit come in from a contractor that's just reporting
22 01 hours for someone. We would be looking at 1) they're
23 not an apprenticeship; we'd find that out by just checking
24 them in the apprenticeship database.

25 BOARD MEMBER GRAY: But won't that make it better or

1 easier for you? Because right now you get a letter that
2 says, Yes, my son-in-law worked for me for 2,000 hours
3 wiring garages or something. And so now you're forced to
4 either accept that at face value or doing some sort of
5 detective work to go back and try to see if that was a
6 valid --

7 MR. VANCE: I think there are some advantages for
8 that.

9 The other thing that may happen also is is that the
10 number of -- we're pushing 20,000 trainees in Washington
11 right now. And what we may also see is maybe a reduction
12 in the number of trainees because there's a lot of
13 specialty trainees that are carrying that trainee card in
14 their pocket that are working for 01 contractors.

15 So I'm an 02 electrician and I'm working for
16 primarily a residential contractor that does a little bit
17 of commercial work once in a while. So with the hope some
18 day of becoming an 01 electrician, I carry this trainee
19 card in my back pocket.

20 Well, once 2023 comes around, there will be no
21 advantage to doing that unless that 01 contract -- unless
22 I'm in an apprenticeship. I would have to join an
23 apprenticeship.

24 So there may be some training certificates that
25 people no longer carry because there's not an avenue

1 towards certification.

2 CHAIRPERSON PREZEAU: For 01's.

3 MR. VANCE: For 01's, yes.

4 CHAIRPERSON PREZEAU: We'll go to Don and then Randy.

5 BOARD MEMBER BAKER: Thank you.

6 I want to weigh in a little here. I wasn't sure
7 where Jason was going when you started the whole
8 conversation. I'm still not quite sure where you're
9 going. But for me, it's thinking about time travel a
10 little bit. I'm going to give you a real-life scenario.

11 In February, February 23rd if I'm not mistaken, we
12 adopted a law allowing 02's to work above three floors,
13 right?

14 ASSISTANT ATTORNEY GENERAL THOMURE: Rule. Yeah,
15 rule.

16 BOARD MEMBER BAKER: So prior to that, those
17 eight-story buildings were all 01's. Everyone in that
18 building was an 01 apprentice. Am I correct in assuming
19 now that those 02 journeymen that are working in those
20 dwelling units can now work with the two-to-one ratio?

21 MR. VANCE: Yes.

22 BOARD MEMBER BAKER: So those 02 apprentices/
23 trainees, going back to Jason's point, how are we
24 documenting those specific hours? And I really thought
25 you were going to touch on compliance because I literally

1 had this happen on a job where a compliance officer came
2 out, emptied the building into the parking lot and checked
3 cards for everybody. That compliance officer has no way
4 of knowing who was working in a dwelling unit and who was
5 working in --

6 MR. VANCE: Correct.

7 BOARD MEMBER BAKER: And I don't know if we have a
8 situation in this state where we're not tracking that
9 properly or we're not able to track it properly. But as
10 a contractor, I'm having to be really careful where I put
11 people on jobs and make sure I'm staying within ratio.
12 It's almost like I have two jobs within one. And I have
13 to keep them in ratio.

14 But those 02 -- my 02, they're apprentices, and they
15 will work in the dwelling units, and they'll bounce out of
16 the dwelling units and they'll work in the cornshell and
17 they'll work in the 01 work as well on that job. And
18 somehow I'm having to verify those hours and document
19 those hours, and I think they're all going in as 01 hours.

20 MR. VANCE: That gets kind of interesting because now
21 I'm going to put my paper apprenticeship hat on.

22 BOARD MEMBER BAKER: Sorry I brought it up.

23 MR. VANCE: I'm going to put my paper apprenticeship
24 hat on.

25 So when an apprentice has their log, they're logging

1 the amount of time they're doing tasks. So as long as
2 they don't spend 8,000 hours doing residential
3 installation, as long as they meet their required
4 experience in the standards, the apprenticeship is fine.

5 There's -- those hours for those apprentices are just
6 hours for those apprentices. They're 01 hours. Because
7 they're working within the standard. They're being
8 properly supervised by an 02 electrician, which I'm not
9 sure is within the standards; I don't know.

10 BOARD MEMBER JENKINS: I'm going to have to verify
11 that. But probably not.

12 MR. VANCE: From a 19.28 standpoint, we've got
13 residential work scope, we've got somebody with a training
14 certificate, and they've got an apprenticeship card, they
15 can legally do that work. The specialty electrician's
16 good. Everything's good.

17 So yeah, this is fun. I mean ...

18 BOARD MEMBER BAKER: I was more concerned about a
19 compliance officer coming into a building and having no
20 way of knowing who's working where and who's -- they all
21 look like 01 apprentices.

22 MR. VANCE: I wonder if that was one of our
23 electrical folks or one of our construction compliance
24 folks or quite who that was.

25 CHAIRPERSON PREZEAU: Why don't you guys talk about

1 that off record.

2 ASSISTANT ATTORNEY GENERAL THOMURE: This is an open
3 public meeting.

4 CHAIRPERSON PREZEAU: Randy.

5 BOARD MEMBER SCOTT: Do you have any idea how many
6 current 01 trainee holders are actually in an
7 apprenticeship program?

8 MR. VANCE: We ran some numbers a few years ago. And
9 if you look at the number of -- if you look at the number
10 of apprentices compared to the number of trainees, I think
11 it was 3, 4 percent. If you look at --

12 BOARD MEMBER SCOTT: 3 or 4 percent are not in an
13 apprenticeship program?

14 MR. VANCE: No. No, it's the other way around.

15 BOARD MEMBER SCOTT: Really.

16 MR. VANCE: Yes.

17 CHAIRPERSON PREZEAU: Randy, you're asking a
18 different question. Well, he answered you with a
19 different answer I think.

20 He's looking at -- because there's no way to separate
21 -- if I have a trainee's card, I have a trainee's card
22 right now.

23 So when he said 3 or 4 percent, he's saying number
24 of apprentices versus total number of the 20,000 trainee
25 cards out there.

1 And I think what you were asking was --

2 BOARD MEMBER SCOTT: How many of the 01 trainee cards
3 -- because they're 01 trainee cards, right?

4 CHAIRPERSON PREZEAU: No.

5 BOARD MEMBER SCOTT: They're just trainee cards?

6 CHAIRPERSON PREZEAU: They're trainee cards. That's
7 why I was going to say I think I know what the problem is
8 here.

9 MR. VANCE: We don't really have a way of --

10 BOARD MEMBER SCOTT: Okay, so you have no way of
11 parsing that out because --

12 CHAIRPERSON PREZEAU: Which goes back to Jason's --

13 BOARD MEMBER SCOTT: I mean, if there's 20,000, you
14 could probably make a good estimate of how many of those
15 folks are actually accumulating 01 hours, right?

16 MR. VANCE: Right.

17 BOARD MEMBER SCOTT: And that's the number that you
18 need to compare to how many are actually in the
19 apprenticeship program. Because that's how big -- you
20 know, that's how many people are going to be cranky about
21 now having to move into an apprenticeship program and how
22 many contractors are going to be affected by that and, you
23 know, this big thing that Tracy talked about, all of a
24 sudden 2023 doesn't seem very far away, especially the way
25 the wheels turn around here. So ...

1 MR. VANCE: So kind of to your question there, if
2 you're looking at -- let's say we have around 16-, 18,000
3 01 electricians certified in the state right now. The
4 ratio is one to one. In a perfect world, there would be
5 one trainee or one apprentice working for every -- working
6 under the supervision of every electrician in a totally
7 compliant world.

8 So looking at that, we would need space for somewhere
9 around 16- to 18,000 apprentices in apprenticeship
10 programs.

11 And currently, Jason, how many apprentices would you
12 guess are in the state of Washington amongst the
13 apprenticeship programs that are present currently?

14 BOARD MEMBER JENKINS: I couldn't even give a guess
15 to that.

16 MR. VANCE: If we look at seven apprenticeships and
17 throw 200 -- there's not 200 in every apprenticeship.
18 Let's throw a number out there of maybe 50 to 100.

19 CHAIRPERSON PREZEAU: Well, it's going to vary
20 widely.

21 BOARD MEMBER JENKINS: It really depends on the area.
22 A lot.

23 MR. VANCE: I mean, some classes, you know, are 10.
24 Some classes are 30, 40.

25 BOARD MEMBER JENKINS: Some probably up in the 300,

1 400 range.

2 MR. VANCE: 300, 400 range. So ...

3 BOARD MEMBER JENKINS: Yeah. It depends on what
4 program you're talking about.

5 MR. VANCE: Right. So capacity-wise, that's the
6 other thing that people are questioning is: What's the
7 capacity of apprenticeship approaching 2023 for these
8 folks?

9 BOARD MEMBER SCOTT: Well, I would just pose to you
10 that -- I mean, on your apprenticeship side if you're
11 having conversations with those folks that probably like
12 Oregon, you're going to see some other players move into
13 that space rather rapidly. And I would assume that the
14 Apprenticeship Council is preparing for that.

15 Because that is what happens in Oregon. You have
16 community college systems that run apprenticeship
17 programs. So -- especially when you've got -- I mean,
18 you're not talking about a small percentage of the people
19 that are headed towards the 01; you're talking about a
20 huge percentage of folks if that's all the figure your
21 current apprenticeship numbers are.

22 CHAIRPERSON PREZEAU: Yeah, no. I mean --

23 Yes, Jason.

24 BOARD MEMBER JENKINS: Could I just kind of come back
25 to what Don was talking about?

1 The two things I was kind of semi-requesting is more
2 conversations between the two departments of both the
3 apprenticeship and the licensing division. And I'd like
4 to see some type of a marker, number or something on their
5 cards to say/indicate what they're doing, what a trainee
6 is doing. Are they going for 01? Are they going for 02 on
7 their card so when an inspector comes out, they can go,
8 Yes, you're working 01 license, working with an 01 thing,
9 it's all compliant versus having something out of wack,
10 and then the question mark gets raised.

11 Back to your idea about having people working
12 different parts of the building, he can just walk through
13 the building and knows exactly what's going on without
14 having to ask too many more questions.

15 That's the two kind of asks that I'm kind of bringing
16 up here.

17 CHAIRPERSON PREZEAU: Yeah, and I mean, there's --
18 you know, it's a bit of an understatement to say there's
19 a lot to wrap your arms around, particularly, you know,
20 because this piece of legislation is bringing into a
21 nexus, 19.28, whatever the statute is for apprenticeship,
22 and then individual apprenticeship standards. And in
23 addition to, you know, obviously Randy's observation which
24 is, you know, folks that have pursued the on-the-job
25 training, OJT path, with the related supplemental

1 instruction and their employers making sure that -- and I
2 go back to, you know, when Patrick Woods, you know, was
3 part of the Department of Labor and Industries and some
4 of these core pillars of the Department was no stranded
5 capital and level playing field and, you know, good ways
6 to evaluate potential impact possibly or rulemaking or
7 legislation statute is to make sure that not only, you
8 know, address these concerns that were all voiced this
9 morning, but additionally make sure that what's also --
10 who's also at the table are, you know, echoing -- so it's
11 not only electricians, it's not only training providers;
12 it's contractors, but it's also customers, and it's
13 inspectors and compliance officers.

14 And so I just want to reiterate so when Larry said
15 the industry's going to have to rise to this or the
16 industry's going to have to come together is not a lot of
17 words to describe a herculean amount of discussion and
18 communication and forethought, and I -- you know, I think,
19 you know, Randy, your comment about 2023 doesn't seem so
20 very far away. I concur, right?

21 Very fruitful conversation.

22 Any other questions for Larry or -- I don't want to
23 cut anybody off.

24 So Larry, you did make a comment that we saw 1,057
25 initial exam candidates according to this report, and I

1 just so happen to have with me the same report, but this
2 one was printed on April 5th. So just for your -- 862.

3 However -- and then -- but this is structured
4 slightly differently because this one report still has the
5 old exam warehousing, so you'd have to add 16 to that.
6 But it's still --

7 MR. VANCE: Lower.

8 CHAIRPERSON PREZEAU: It's lower, yeah.

9 So then the last thing that I have, getting back to
10 this report, is: Am I reading this correctly that there
11 is only -- there is one person left in the old exam?

12 MR. VANCE: Well, since that was brought -- that's
13 kind of a weird anomaly there. I've never seen the term
14 "old version." I mean --

15 CHAIRPERSON PREZEAU: I have. My birthday's
16 tomorrow.

17 MR. VANCE: No. The term "old version," that's a
18 question we can ask of -- of the --

19 CHAIRPERSON PREZEAU: -- PSI.

20 MR. VANCE: But for some reason, somebody took an
21 exam -- one attempt was taken on the first attempt on the
22 old version. And we can ask that question: What happened
23 here?

24 CHAIRPERSON PREZEAU: Yeah, no, I think -- you know,
25 I don't like tripping over a dollar to pick up a dime.

1 But it would be interesting. There might be an
2 interesting story here. So if -- to be continued maybe
3 at the October meeting.

4 MR. VANCE: 2008 version that they took or --

5 CHAIRPERSON PREZEAU: Yeah.

6 MR. VANCE: So yeah, we'll ask.

7 CHAIRPERSON PREZEAU: Okay. Perfect.

8 Any other questions?

9 BOARD MEMBER SCOTT: Just one more question. I kind
10 of digress here to the other topic.

11 But is there any point person or -- I mean,
12 apprenticeship's got some dog in the hunt on this thing.
13 And you guys have got some dog in the hunt on this. Is
14 there any people who have been assigned responsibility
15 for implementation so that all these parties are brought
16 together?

17 MR. VANCE: I'm not aware that there is. I know I've
18 been -- we have been working with Jody Robbins who's the
19 -- Steve's cohort -- is a program manager for
20 apprenticeship. There's a compliance person named
21 Patrick Martin who's within the Apprenticeship section,
22 works directly with Jody. He's been involved somewhat.
23 They've been inundated with questions on this.

24 I don't know if there's any value in engaging the
25 Apprenticeship Council. I mean, I don't know what the

1 Apprenticeship Council's position is as far as it being
2 parallel to this Board.

3 But I agree that more conversation and maybe some
4 sort of an outreach effort being made, you know, to get
5 people to either wear both hats well or a representative
6 from each to essentially barnstorm and go out here and get
7 some of these contractors that are not currently training
8 agents headed in the direction of becoming training
9 agents. Because it's not an overnight process. I mean,
10 I don't think it's an overnight process. So -- then also
11 having the capacity within the programs.

12 I know that there's one program within the state
13 that's now opened offices in all four corners of the
14 state, so to speak. And they were a major proponent of
15 this legislation. But I know they're -- it sounds like
16 they're preparing for it.

17 And they primarily have apprentices from contractors
18 that are not signatory to any collective bargaining
19 agreements. So whether or not -- the interesting thing
20 with standards -- with apprenticeship standards is is that
21 there's a wage set there, and then the apprentices are
22 compensated based on percentages of that wage. That may
23 be a sensitive issue for some contractors; I'm not sure; I
24 can't speak for them. But it's going to be a different
25 experience for some contractors to work in a more

1 structured system like that.

2 CHAIRPERSON PREZEAU: Okay. Any other questions for
3 Larry?

4 Thank you, Larry, for spending so much time in the
5 hot seat and wearing your two hats.

6 MR. VANCE: No. Thank you.

7 CHAIRPERSON PREZEAU: So before we get to public
8 comment, there's something that I wanted to get on the
9 record.

10 And that is Pam, our assistant attorney general, and
11 I have had conversations, some of which have been on the
12 record at previous Board meetings and some have just been
13 in the context of our jointly administrative work
14 regarding the need to update WAC 296-46-995, which is the
15 appeal language in rule.

16 And what we have encountered, and Pam can make sure
17 that I state this accurately, but what we have anecdotally
18 encountered during our tenure, you know, serving in these
19 capacities has been even appellants that are competent,
20 which means that they're counsel, don't necessarily --
21 sometimes struggle with the appeal language that's in the
22 rule, which tells me that if you are not counsel, if you
23 were a lay person and you were potentially cited by the
24 Department or wanted to appeal to the Electrical Board
25 and if counsel finds confusion in the appeal language,

1 what does a lay person -- how do they embrace that
2 process?

3 And it's really an access issue. And so see, we have
4 identified just sort of anecdotally some opportunity in
5 995 to do some rulemaking. That would straighten up --
6 would make the process -- the appeal process much clearer,
7 much more user friendly to navigate and hopefully will not
8 dampen in any way or would reduce any potential dampening
9 of access with the traditional process because a lay
10 person looks at the appeal process and says, This seems
11 like I can navigate this, right?

12 So in order to do that, some of what we need -- and
13 I -- we, you know, got an update about rulemaking. I know
14 the Department's -- you know Rod gave us the one about,
15 you know, marinas, but there's some additional rulemaking
16 I think that's happening.

17 But this -- we anticipate this process is going to
18 take a little bit of time because we're going to need
19 some information from the Department about time lines
20 because that's what's important in that appeal process is,
21 you know, not only notice to the parties, but then their
22 responses, and then the submission of evidence to the
23 Department for the process that ultimately ends up coming
24 here.

25 So a lot of words to basically say I would like to

1 ask that some focus gets put and -- but potentially add
2 to the agenda for our October meeting a discussion on
3 296-46B-995, the appeal process, to start getting
4 information from the Department, convene part of that
5 conversation here in advance of formal rulemaking so that
6 when we get to that point likely when that process starts
7 in conjunction with exploring potential adoption of the
8 2020 National Electrical Code we have already engaged in
9 a well-intentioned discussion so that we can be a part of
10 that rulemaking to clean up that process.

11 Is that reasonable?

12 ASSISTANT ATTORNEY GENERAL THOMURE: Could I add to
13 that, Madam Chair?

14 CHAIRPERSON PREZEAU: Of course.

15 ASSISTANT ATTORNEY GENERAL THOMURE: Part of what I
16 see is there's also issues in terms of the time lines.
17 There's a 45-day time line that really isn't necessarily
18 realistic in terms of when appellants get the record from
19 OAH, when they have to file appeals that are statutorily
20 required, and does the Board need to have the documents
21 45 days and does the Department need to have certain
22 documents ahead. And I think what we've talked about is
23 has to be a discussion really from the Department needs to
24 make a presentation about what are the time lines, what
25 do they need to do to get the appeals ready, and what are

1 those times. And also, what does the Board want? Does
2 the Board want hard copies? There's a cost involved.
3 There's time involved. There's -- Steve talked about
4 going paperless. So these rules -- the rule was written
5 before e-mail I think. So we have to go back and I think
6 check the year. But it's more of an outdated process.
7 And there's an opportunity I think for the Board to have
8 input in terms of what is it that you need and then what
9 does the Department need, and then how do we craft user-
10 friendly rules that accomplishes all of those things.

11 CHAIRPERSON PREZEAU: And the reason -- one of the
12 reasons we want to put it on the agenda, in addition to
13 everything that Pam just said and what I said is we are
14 two well-intended human beings, and we have had an
15 opportunity to work together for a number of years, and
16 we have not gotten it done away from this table.

17 So what we're asking is: Let's put it on the agenda,
18 have a formal conversation because it needs to be
19 addressed. And it is much more likely that if we put it
20 on the agenda and address it in an intentional way, it
21 will get done in a way that is beneficial to all
22 stakeholders.

23 Perfect.

24 ///

25 ///

1 Item 6. Public Comment(s)

2

3 CHAIRPERSON PREZEAU: So public comment. So I have
4 both of the -- I have the appeals sign-in sheet, which
5 Mr. Calderbank and Mr. Kidd are on, which we addressed
6 that in agenda 3.

7 And then under public comment, Mr. Calderbank also
8 signed in again under the public comment piece. And I
9 want the record to reflect that Mr. Calderbank is not in
10 the room. Going once. Going twice. Three times.

11 And no one else has asked to address the Board
12 formally in public comment. I would give that opportunity
13 to anyone in the room. Once. Twice. Three times.

14 Okay. So there are no takers under public comment.

15 With that, if there are no other questions from the
16 Board --

17 Steve.

18 SECRETARY THORNTON: One comment I've been asked
19 through the electronic media to ask the Board if they
20 would be in support of a request for a wage increase for
21 the inspectors. Would that be supported by this group?

22 CHAIRPERSON PREZEAU: So I -- is that -- does that
23 need to be answered today?

24 SECRETARY THORNTON: No, I don't think so. I was
25 just asked if I could ask the question today and see ...

1 CHAIRPERSON PREZEAU: Yeah, I was going to say my
2 initial response is I think philosophically -- I mean,
3 we've all been presented with a litany -- you know, at
4 this meeting and previous meetings about competitive
5 forces with the -- economic competitive forces.

6 So unless I see otherwise, I think philosophically
7 generally the answer would be yes. However, I think that
8 if you want a more detailed and thorough answer to your
9 question, I think we probably should allow for more
10 opportunity for that discussion at the October meeting.

11 ASSISTANT ATTORNEY GENERAL THOMURE: And I do need
12 to -- that is not really just public comment. That's a
13 very specific Department comment. And so that should be
14 publicized as a piece for the Open Public Meetings Act
15 that needs to get on the agenda and needs presented, and
16 the public needs to have notice of that and have an
17 opportunity.

18 Because that's -- it isn't correct for the Department
19 to have a conversation with this Board without complying
20 with that Open Public Meetings requirement.

21 SECRETARY THORNTON: All right.

22 CHAIRPERSON PREZEAU: Any other comments/concerns?
23 Bobby.

24 BOARD MEMBER GRAY: Just a question.

25 Didn't Jose' last time presented a talk about a

1 restructured salary for the inspectors?

2 SECRETARY THORNTON: There has been talk about going
3 to Inspectors 1, 2, 3, 4 type strategy. But I don't know
4 of any other type of restructuring.

5 CHAIRPERSON PREZEAU: But Bobby, what I think you're
6 recollecting is we went through a long process, and it's
7 called classification and compensation package.

8 BOARD MEMBER GRAY: Yes.

9 CHAIRPERSON PREZEAU: And it was -- it involves the
10 Office of Financial Management, OFM -- I think I got that
11 right -- and some other entities. And it was a very long
12 process because it entailed having to make the case, if
13 you will, that there was a vacancy issue which brings in
14 some other pieces about, well, we have this many
15 applicants for these jobs, but it doesn't necessarily
16 drill down as to whether or not those applicants meet the
17 minimum requirements to be considered and some other
18 pieces.

19 And I'm not an expert. Janet is -- as a Board
20 member, Janet is much more fluent on state salaries and
21 how that -- and the compensation. But generally there's
22 these different bands of salary. And this goes back to
23 this classification and compensation.

24 That process that Jose' was talking about was taking
25 the existing inspector class and compensation band and

1 elevating it from an economic perspective, and then, you
2 know, within that band there's -- you can have inspectors
3 making -- being compensated within a salary band.

4 And if we -- to Pam's point, it is -- you know, if
5 we're going to have a much more detailed conversation
6 about that subject, we need to put it on the agenda. And
7 if -- so that others can participate with that and comply
8 with the Open Public Meetings Act.

9 And so I -- you know, if we -- if it needs to be on
10 the October agenda, then we'll cross that bridge when the
11 agenda needs to be published. How does that sound?

12 SECRETARY THORNTON: There will be more specifics at
13 that point in time too.

14 CHAIRPERSON PREZEAU: Correct.

15 Any other questions, comments, concerns?

16 Seeing none, the Board will -- or Chair will
17 entertain a motion to adjourn.

18

19 Motion to Adjourn

20

21 BOARD MEMBER PHILLIPS: So moved.

22 BOARD MEMBER PHILLIPS: Second.

23 CHAIRPERSON PREZEAU: Moved and seconded to adjourn.

24 All those in favor, signify by saying "aye."

25 THE BOARD: Aye.

1 CHAIRPERSON PREZEAU: Opposed?

2

3

Motion Carried

4

5 CHAIRPERSON PREZEAU: We are adjourned. Thank you
6 very much.

7

(Whereupon, at 11:45 a.m.,
proceedings adjourned.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

