



U.S. Department
of Veterans Affairs

Executive Director, Office of Acquisition and Logistics
Washington, DC 20420

SENT VIA ELECTRONIC MAIL

Mr. Stephen G. Larson
Larson O' Brien LLP
555 South Flower Street, Ste. 4400
Los Angeles, CA 90071

Dear Mr. Larson:

On behalf of the Department of Veterans Affairs (VA), I am ending the debarment of A&D Fire Sprinklers, Inc. from contracting Government-wide, pursuant to Federal Acquisition Regulation 9.406-4(c) because A&D Fire Sprinklers, Inc. is no longer an affiliate of Mr. Andrew Otero due to a bona fide change in ownership and management.

In making this decision, I have considered all facts in the administrative record. I have enclosed the full determination.

Sincerely,

Angela Billups, Ph.D.
Suspending and Debarring Official

Enclosure

Recommendation to End Debarment

A&D Fire Sprinklers, Inc. (DUNS 829476188)

BACKGROUND AND FACTS

On January 30, 2020, the Department of Veterans Affairs (VA) debarred A&D Fire Sprinklers (A&D FS) based on its affiliation with Andrew Otero, who is a debarred co-owner of A&D FS (AR 300). Mr. Otero's affiliation with A&D FS is based on his identity of interest among members in the Otero Family Trust, which identified him as an owner of A&D FS (AR 0277-0278).

On May 13, 2020, VA's Suspension and Debarment Committee (Committee) received an email from A&D FS' legal representative with an attached letter, dated May 1, 2020, requesting VA end A&D FS' debarment by May 15, 2020 (AR 0304-305). The letter states the debarment is no longer applicable because Mr. Otero is no longer affiliated with A&D FS. The request states on April 24, 2020, A&D FS underwent a bona fide change of ownership from the Otero Family Trust to three non-Otero family buyers, Owen Curtis, Jeffrey Rohner, and John Gonsalves, pursuant to a Stock Purchase Agreement (AR 0305-342). Prior to the change of ownership, the Otero Family Trust owned all five hundred shares of common stock in A&D FS. The request also provided the resignation of Tamara Otero from any managerial position of A&D FS and her termination in the voting trust (AR 0343-0348).

APPLICABLE REGULATIONS

Federal Acquisition Regulation (FAR) 9.4 and VA Acquisition Regulation (VAAR) 809.4, as deviated, govern suspension and debarment actions.

FAR 9.403 defines affiliates as business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly, either one controls or has the power to control the other; or a third party controls or has the power to control both.

FAR 9.403 further clarifies that indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the debarment, suspension, or proposed debarment of a contractor which has the same or similar management, ownership, or principal employees as the contractor that was debarred, suspended, or proposed for debarment.

FAR 9.406-1(b), authorizes the debarring official to extend the debarment decision to include any affiliates of the contractor if they are specifically named and given written notice of the proposed debarment and an opportunity to respond.

FAR 9.406-4(c), allows the debarring official to reduce the period of debarment, based on supporting documentation for reasons such as:

- (1) Newly discovered material evidence;
- (2) Reversal of the conviction or civil judgment upon which the debarment was based;
- (3) Bona fide change in ownership or management;
- (4) Elimination of other causes for which the debarment was imposed; or
- (5) Other reasons the debarring official deems appropriate.

ANALYSIS

A&D Fire Sprinklers, Inc. was debarred Government-wide pursuant to FAR 9.406-1(b) because A&D FS was an affiliate of Andrew Otero, who is debarred through March 6, 2022. Based on Mr. Otero's severed personal ownership interest in the concern and the severed familial interest among the remaining owners of the Otero Family Trust, the Suspension and Debarment Committee finds the administrative record demonstrates A&D FS is no longer affiliated with Mr. Otero, as defined in FAR 9.403. As such, A&D FS' debarment may be ended pursuant to FAR 9.406-4(c)(3).

RECOMMENDATION TO THE SUSPENDING AND DEBARRING OFFICIAL

The Suspension and Debarment Committee recommends ending the Government-wide debarment of A&D Fire Sprinklers, Inc., pursuant to FAR 9.406-4(c)(3),

SUSPENDING AND DEBARRING OFFICIAL DETERMINATION

- I accept the recommendation in its entirety

- I accept the recommendation in part as stated below:

- I am returning the recommendation for resubmission for the following reasons:

- I will not take any action for this recommendation because:

Angela Billups, Ph. D
Suspending and Debarring Official

Date

Administrative Record Contents

- 0001. Action-A&D A Joint Venture Agreement, March 30, 2009
- 0019. Action-A&D A Joint Venture Business Agreement, September 1, 2009
- 0021. Submission of Joint Venture Agreement to CVE, December 4, 2010
- 0043. Notice of Verification of Action-A&D A Joint Venture, July 1, 2010
- 0044. VA Form 0877 for Action-A&D A Joint Venture – Roger Ramsey, August 24, 2012
- 0045. VA Form 0877 for Action-A&D A Joint Venture – Andrew Otero, August 24, 2012
- 0046. Notice of Denial of Verification – Action Telecom, February 26, 2013
- 0049. Action-A&D A Joint Venture Agreement Status Certification, July 11, 2014
- 0068. California Business Registration – A&D GC, May 16, 2017
- 0071. California Business Registration – A&D Fire Sprinklers, May 16, 2017
- 0074. California Business Registration – Action Telecom, May 16, 2017
- 0077. California Business Registration – West Coast Cabling, May 16, 2017
- 0080. Complaint of U.S. v. Otero et al, February 26, 2015
- 0104. Indictment of Andrew Otero et al, April 7, 2017
- 0122. A&D Fire Sprinklers, Inc. SAM registration, evidence of Andrew Otero as President of A&D Fire Sprinklers, Inc., May 17, 2017
- 0126. Recommendation to Propose Debarment of A&D et al dated August 22, 2017
- 0133. Notices of Proposed debarment dated August 22, 2017 and August 31, 2017 (Action Telecom)
- 0223. Response in Opposition to Proposed Debarments of A&D GC, A&D Fire Sprinklers, and Andrew Otero dated September 12, 2017
- 0225. Email from Suspension and Debarment Committee to Counsel for A&D GC, A&D Fire Sprinklers, and Andrew Otero dated September 14, 2017
- 0227. Response in Opposition to Proposed Debarment of A&D Fire Sprinklers dated September 20, 2017
- 0229. Suspension and Debarring Official's decision to continue proposed debarment of A&D Fire Sprinklers dated November 15, 2017
- 0230. Plea Agreement – Roger Ramsey, filed May 15, 2018
- 0250. Jury Verdicts – Andrew Otero and A&D General Contracting, Inc., filed November 21, 2018
- 0252. Federal Contract Awards to Action-A&D A Joint Venture
- 0254. Response in opposition to the proposed debarment of A&D Fire Sprinklers dated January 3, 2019
- 0259. Judgment for A&D GC filed July 10, 2019
- 0264. Judgment for Andrew Otero filed July 30, 2019
- 0270. Due date for response in opposition for ADGC, A&D FS, and Mr. Otero, dated August 6, 2019
- 0273. A&D FS to Suspension and Debarment Committee dated January 15, 2019
- 0279. Amended recommendation to propose debarment dated October 31, 2019
- 0284. Amended notice of proposed debarment dated October 31, 2019
- 0292. Debarment of Andrew Otero dated November 25, 2019
- 0300. Debarment of A&D Fire Sprinklers dated January 30, 2020
- 0304. Email from A&D FS Legal Counsel received May 13, 2020
- 0305. Letter Request to End Debarment dated May 1, 2020

- 0307. Stock Purchase Agreement, undated
- 0337. Adoption of Stock Purchase Agreement and Transaction Documents, and Approval of Stock Sale, April 24, 2020
- 0343. Letter of Resignation – Tamara Otero, April 24, 2020
- 0345. Voting Trust Termination Agreement, April 24, 2020

End Administrative Record Contents



**APPRENTICESHIP PROGRAM STANDARDS
adopted by**

A&D FIRE SPRINKLERS APPRENTICESHIP COMMITTEE

Occupational Objective(s):
SPRINKLER FITTER (FIRE)

SOC#
47-2152.01

Term [WAC 296-05-015]
10,000 HOURS



APPROVED BY
Washington State Apprenticeship and Training Council
REGISTERED WITH
Apprenticeship Section of Fraud Prevention and Labor Standards
Washington State Department Labor and Industries
Post Office Box 44530
Olympia, Washington 98504-4530

APPROVAL:

JULY 19, 2018
Provisional Registration

OCTOBER 18, 2018
Standards Last Amended

Permanent Registration

By: DAVE D'HONDT
Chair of Council

By: CHRIS BOWE
Secretary of Council

A&D FIRE SPRINKLERS APPRENTICESHIP COMMITTEE

INTRODUCTION

This document is an apprenticeship program standard. Apprenticeship program standards govern how an apprenticeship works and have specific requirements. This document will explain the requirements.

The director of the Department of Labor and Industries (L&I) appoints the Washington State Apprenticeship and Training Council (WSATC) to regulate apprenticeship program standards. The director appoints and deputizes an assistant director to be known as the supervisor of apprenticeship who oversees administrative functions through the apprenticeship section at the department.

The WSATC is the sole regulatory body for apprenticeship standards in Washington. It approves, administers, and enforces apprenticeship standards, and recognizes apprentices when either registered with L&I's apprenticeship section, or under the terms and conditions of a reciprocal agreement. WSATC also must approve any changes to apprenticeship program standards.

Apprenticeship programs have sponsors. A sponsor operates an apprenticeship program and declares their purpose and policy herein to establish an organized system of registered apprenticeship education and training. The sponsor recognizes WSATC authority to regulate and will submit a revision request to the WSATC when making changes to an apprenticeship program standard.

Apprenticeships are governed by federal law (29 U.S.C 50), federal regulations (29 CFR Part 29 & 30), state law (49.04 RCW) and administrative rules (WAC 296-05). These standards conform to all of the above and are read together with federal and state laws and rules

Standards are changed with WSATC approval. Changes are binding on apprentices, sponsors, training agents, and anyone else working under an agreement governed by the standards. Sponsors may have to maintain additional information as supplemental to these standards. When a standard is changed, sponsors are required to notify apprentices and training agents. If changes in federal or state law make any part of these standards illegal, the remaining parts are still valid and remain in force. Only the part made illegal by changes in law is invalid. L&I and the WSATC may cooperate to make corrections to the standards if necessary to administer the standards.

Sections of these standards identified as bold "insert text" fields are specific to the individual program standards and may be modified by a sponsor submitting a revised standard for approval by the WSATC. All other sections of these standards are boilerplate and may only be modified by the WSATC. See WAC 296-05-003 for the definitions necessary for use with these standards.

Sponsor Introductory Statement (Required):

Recognizing the need for skilled craft professionals in the construction industry, A&D Fire Sprinklers, Inc. hereby establishes these State of Washington Apprenticeship Standards. The

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standards have been registered with and approved by the U.S. Department of Labor's Office of Apprenticeship (OA) and Washington State Apprenticeship and Training Council.

These Apprenticeship Standards for A&D Fire Sprinklers, Inc. have as their objective, rigorous training of Sprinkler Fitters in all phases of the industry. A&D Fire Sprinklers, Inc., recognizes that in order to accomplish this, there must be well developed On-The-Job Learning combined with Related Instruction.

I. GEOGRAPHIC AREA COVERED:

The sponsor must train inside the area covered by these standards. If the sponsor wants to train outside the area covered by these standards, the sponsor must enter a portability agreement with a sponsor outside the area, and provide evidence of such an agreement for compliance purposes. Portability agreements permit training agents to use apprentices outside the area covered by the standards. Portability agreements are governed by WAC 296-05-009.

The area covered by these Standards shall be the following Washington Counties: Okanogan, Chelan, Kittitas, Yakima, Klickitat, Benton, Franklin, Grant, Douglas, Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Walla Walla, Columbia, Garfield, and Asotin. As well as the following Idaho counties: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

Applicants and apprentices please be advised, while the State of Washington has no responsibility or authority in the State of Idaho, A&D Fire Sprinklers' apprenticeship Committee will apply the same standards of apprenticeship and guidelines to apprentices registered in the program, while working in the State of Idaho.

II. MINIMUM QUALIFICATIONS:

Minimum qualifications must be clearly stated and applied in a nondiscriminatory manner [WAC 296-05-015(17)].

Age: **Must be at least 18 years of age.**

Education: **Must be a high school graduate or obtained a high school equivalency/GED Certificate.**

Physical: **Applicants will be physically capable of performing the essential functions of the apprenticeship program, with or without a reasonable accommodation, and without posing a direct threat to the health and safety of the individual or others.**

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Testing: N/A

Other: **A valid driver license or other photo identification is required upon acceptance into the program or prior to employment.**

III. CONDUCT OF PROGRAM UNDER WASHINGTON EQUAL EMPLOYMENT OPPORTUNITY PLAN:

Sponsors with five (5) or more apprentices must adopt an Equal Employment Opportunity (EEO) Plan and Selection Procedure (chapter 296-05 WAC and 29 CFR Part 30).

The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, sex (including pregnancy and gender identity), sexual orientation, color, religion, national origin, age, genetic information, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations.

A. Selection Procedures:

- 1. Any person requesting an application will have one made available upon signing the applicant log. Applications will be available year round, during normal business hours, at the A&D Fire Sprinklers, Inc. district office located at:**

10311 East Montgomery Drive, Spokane Valley, WA 99206

- 2. All applications will be identical in form and requirements. The application form will be numbered in sequence corresponding with the number appearing on the applicant log so that all applications can be accounted for. Columns will be provided on the applicant log to show race, ethnicity, and sex and the progress by dates and final disposition of each application.**
- 3. Before completing the application, each applicant will be required to review the Apprenticeship Standards and will be provided information about the program. If the applicant has any additional questions on the qualifications or needs additional information to complete the application, it will be provided by the Sponsor's representative.**
- 4. Receipt of the properly completed application form along with required supporting documents (Driver's license, birth certificate, or other acceptable documentation of education) will constitute receipt of a completed application.**

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- A. Proof of age**
 - B. High School Diploma, sealed High School transcripts, or High School Equivalency/GED Certificate**
 - C. Documentation sufficient to prove legal working status (see I-9 form)**
- 5. Completed applications will be checked for minimum qualifications. Applications deficient in one or more qualifications or requirements or making false statements on their applications will be notified in writing of their disqualification and of the appeal rights available to them. No further processing of such applications will be taken.**
 - 6. All applicants who meet the minimum qualifications and have submitted the required documents will be interviewed. The sponsor will notify eligible applicants of the date, time, and place to appear for an interview and evaluation session. It is the responsibility of the applicant to keep the Sponsor informed of their current e-mail, mailing address, and phone number for follow-up contact purposes.**
 - 7. The interview will consist of objective questions relevant to the applicant's fitness for the apprenticeship program. The sponsor's interviewer(s) will be provided with the application and documentation provided to establish minimum qualifications were met.**
 - 8. Each sponsor interviewer(s) will record the general nature of the applicant's answers during the interview process and prepare a summary of any interview conclusions. The interviewer(s) will record the questions asked and the general nature of the applicant's answers during this interview process. The interviewer(s) will evaluate each applicant interviewed on like factors taking into account the information on the application and required documents, as applicable using an Interview Summary Form.**
 - 9. Upon completing all interviews and analyzing the applicants' qualifications, the sponsor interviewer(s) will make a determination using the annotated Interview Forms. The applicant(s) with the highest evaluation score(s) will be selected first. The selected scored and ranked applicant(s), depending on the number of vacancies offered by the advertised announcement, will be offered employment in order of evaluation score and upon acceptance of employment will be placed in the apprenticeship program.**
 - 10. Selected applicants must respond to the offer of employment within 48 hours of notice of selection. If an applicant does not respond within the period specified, the sponsor will move past their name to the next applicant in the pool. Applicants passed over will be contacted by the sponsor by email and/or phone to determine if the applicant is still interested. If no response is received in**

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fifteen (15) working days from this notice, the applicant's name will be removed from the pool.

- 11. After all offers of employment have been extended and accepted by the selectee(s), as applicable, the remaining applicants in the ranked pool of eligibles will be notified of their non-selection under this vacancy announcement. The non-selected notice will also include instructions on how they can apply for any future openings.**
- 12. The list containing qualified scored and ranked applicants from this pool of eligibles will be kept on file for a period of two (2) years, unless the applicant request, in writing, that they be removed.**
- 13. A new application process may be initiated for each apprentice opening, if there is no active list of eligible applicants at the time of the announcement. During the active period of any list, applicants who feel that their qualifications have improved since their original placement in the pool may submit evidence of such additional experience and/or training by updating their candidate profile and requesting reevaluation or by simply submitting a new application for subsequent vacancy announcements.**
- 14. After selection and prior to registration, all selected applicants must:**
 - a. Complete and pass a substance abuse test; a condition of employment and at no cost to the applicant and as paid by the sponsor.**
 - b. Provide proof they possess a valid driver license.**

EXCEPTIONS (Direct Entry):

- 15. A military veteran who is registered with the Helmets to Hardhats program or has completed military technical training and/or participated in a registered apprenticeship program or related occupation while in the military may be given direct entry into the apprenticeship program. The sponsor shall evaluate the military training received for the purposes of granting appropriate credit on the term of apprenticeship and the appropriate wage rate. The sponsor will determine what training requirements the veteran needs to meet to ensure he or she receives all necessary training for completion of the apprenticeship program. Applicants must submit a DD-214 to verify military training and/or experience if they are a veteran and wish to receive consideration for such training/experience. Entry of military veterans shall be done without regard to race, color, religion, national origin, or sex. (Note: This is a method of direct entry into the apprenticeship program.)**

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16. A former inmate of the U.S. Department of Justice Bureau of Prisons (BOP), or Department of Corrections, who has participated in or successfully completed a specific BOP or DOC apprenticeship program may be given direct entry into the apprenticeship program. This sponsor agrees to admit such individuals into apprenticeship without regard to present minimum qualifications, eligibility lists, or scores on written apprenticeship entrance tests. Entry into the program by this method shall be done without regard to race, color, religion, national origin, or sex. (Note: This is a method of direct entry into the apprenticeship program.)

17. An individual who has completed a structured pre-apprenticeship training program recognized by the sponsor and/or the Washington State Apprenticeship Training Council in the occupational area covered in these standards of apprenticeship and who meets the minimum qualifications of the apprenticeship program may be admitted directly into the program. The candidate shall provide official documentation confirming that he or she fulfilled the specific requirements of the pre-apprenticeship program, such as completion/graduation certificates, transcripts, notarized letters of confirmation, and sworn statements. The sponsor will evaluate the training received to grant appropriate credit on the term of apprenticeship. Entry of pre-apprenticeship candidates shall be done without regard to race, color, national origin, or sex. (Note: This is a method of direct entry into the apprenticeship program.)

B. Equal Employment Opportunity Plan:

The Recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor shall take positive action to provide equal opportunity in apprenticeship.

1. An announcement of apprenticeship openings must be disseminated at least semi-annually to the following agencies/organizations:
 - Registration Agency
 - Women's Organizations/Centers
 - Local Schools
 - Employment Service Centers
 - Vocational Education Schools
 - Other Organizations/Centers
 - Newspapers (Other entities which can be normally expected to reach minorities and women)

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The announcement must include the nature of the apprenticeship, requirements for admission, availability of opportunities, sources of applications, and the Equal Employment Opportunity Policy of A&D's Fire Sprinklers' Apprenticeship Committee.

2. Internal communication of A&D's Equal Opportunity policy will be conducted in such a manner to foster understanding, acceptance, and support among the various officers, supervisors, employees, and members of the A&D Apprenticeship Committee, and to encourage such persons to take the necessary action to aid in meeting its obligation to provide equal access to apprenticeship to minorities and women.
3. A&D Fire Sprinklers, Inc. will notify all employees that are seeking qualified female and minority participation in our apprenticeship program by posting notice created for this purpose on the bulletin board at each location.
4. Utilize journey persons, especially women and minorities when available to assist in the implementation of equal employment opportunity plan.
5. Grant advance standing or credit on the basis of previously acquired experience, training, skills or aptitude for all applicants equally.

C. Discrimination Complaints:

Any apprentice or applicant for apprenticeship who believes they have been discriminated against may file a complaint with the supervisor of apprenticeship (WAC 296-05-443).

IV. TERM OF APPRENTICESHIP:

The term of apprenticeship for an individual apprentice may be measured through the completion of the industry standard for on-the-job learning (at least two thousand hours) (time-based approach), the attainment of competency (competency-based approach), or a blend of the time-based and competency-based approaches (hybrid approach) [WAC 296-05-015].

The term of apprenticeship shall be (5) years, with the attainment of 10,000 hours of on-the-job training, supplemented by the required hours of related supplemental instruction.

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V. INITIAL PROBATIONARY PERIOD:

An initial probationary period applies to all apprentices, unless the apprentice has transferred from another program. During an initial probationary period, an apprentice can be discharged without appeal rights. An initial probationary period is stated in hours or competency steps of employment. The initial probationary period is not reduced by advanced credit or standing. During an initial probationary period, apprentices receive full credit for hours and competency steps toward completion of their apprenticeship. Transferred apprentices are not subject to additional initial probationary periods [WAC 296-05-003].

The initial probationary period is [WAC 296-05-015(22)]:

- A. the period following the apprentice's registration into the program. An initial probationary period must not be longer than twenty percent of the term of the entire apprenticeship, or longer than a year from the date the apprenticeship is registered. The WSATC can grant exemptions for longer initial probationary periods if required by law.
- B. the period in which the WSATC or the supervisor of apprenticeship may terminate an apprenticeship agreement at the written request by any affected party. The sponsor or the apprentice may terminate the agreement without a hearing or stated cause. An appeal process is not available to apprentices in their initial probationary period.
- C. **All apprentices employed in conformity with these standards will be subject to an initial probationary period not to exceed 90 days or 720 hours (whichever occurs first) employment as an apprentice.**

VI. RATIO OF APPRENTICES TO JOURNEY LEVEL WORKERS

Supervision is the necessary education, assistance, and control provided by a journey-level employee on the same job site at least seventy-five percent of each working day, unless otherwise approved by the WSATC. Sponsors ensure apprentices are supervised by competent, qualified journey-level employees. Journey level-employees are responsible for the work apprentices perform, in order to promote the safety, health, and education of the apprentice.

- A. The journey-level employee must be of the same apprenticeable occupation as the apprentice they are supervising unless otherwise allowed by the Revised Code of

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Washington (RCW) or the Washington Administrative Code (WAC) and approved by the WSATC.

- B. The numeric ratio of apprentices to journey-level employees may not exceed one apprentice per journey-level worker [WAC 296-05-015(5)].
- C. Apprentices will work the same hours as journey-level workers, except when such hours may interfere with related/supplemental instruction.
- D. Any variance to the rules and/or policies stated in this section must be approved by the WSATC.
- E. The ratio must be described in a specific and clear manner, as to the application in terms of job site, work group, department or plant:

For purposes of clarity, the ratio will mean one apprentice for the first skilled journey-person at the job site, and one additional apprentice for each additional skilled journey-person employed thereafter, at the job site.

VII. APPRENTICE WAGES AND WAGE PROGRESSION:

- A. Apprentices must be paid at least Washington's minimum wage, unless a local ordinance or a collective bargaining agreement require a higher wage. Apprentices must be paid according to a progressively increasing wage scale. The wage scale for apprentices is based on the specified journey-level wage for their occupation. Wage increases are based on hours worked or competencies attained. The sponsor determines wage increases. Sponsors must submit the journey-level wage at least annually or whenever changed to the department as an addendum to these standards. Journey-level wage reports may be submitted on a form provided by the department. Apprentices and others should contact the sponsor or the Department for the most recent Journey-level wage rate.
- B. Sponsors can grant advanced standing, and grant a wage increase, when apprentices demonstrate abilities and mastery of their occupation. When advanced standing is granted, the sponsor notifies the employer/training agent of the wage increase the apprenticeship program standard requires.

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C. Sprinkler Fitter (FIRE)

Step	Hour Range or competency step	Percentage of journey-level wage rate*
1	0000 - 1000	45%
2	1001 - 2000	50%
3	2001 - 3000	55%
4	3001 - 4000	60%
5	4001 - 5000	65%
6	5001 - 6000	70%
7	6001 – 7000	75%
8	7001 – 8000	80%
9	8001 – 9000	85%
10	9001 – 10,000	90%

VIII. WORK PROCESSES:

The apprentice shall receive on the job instruction and work experience as is necessary to become a qualified journey-level worker versed in the theory and practice of the occupation covered by these standards. The following is a condensed schedule of work experience, which every apprentice shall follow as closely as conditions will permit. The following work process descriptions pertain to the occupation being defined.

- | | |
|--|---|
| <p>A. <u>Sprinkler Fitter</u></p> <p>1. <u>Overhead piping installations</u>.....</p> <p>a. Wet pipe system (light, ordinary and extra hazard)</p> <p> (1) Exposed piping</p> <p> (2) Concealed piping</p> <p> (3) Hydrostatic test</p> <p>b. Dry pipe system piping (light, ordinary and extra hazard)</p> <p> (1) Exposed piping</p> <p> (2) Concealed piping</p> <p> (3) Air or hydrostatic test</p> <p>c. Spray, CO-2 and foam system</p> <p>d. Special piping installations</p> <p> (1) Window, cornice and water curtain systems</p> <p> (2) Anti-freeze systems</p> <p>e. Standpipe and hose</p> | <p><u>Approximate Hours</u></p> <p>4000</p> |
|--|---|

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- 2. Control devices, training, alarm installations and drains.....3000**
 - a. Alarm valves or water flow devices**
 - (1) Water meter alarm gongs
 - (2) Electric alarms, circuit openers or closer
 - b. Dry pipe valves, exhausters or accelerators**
 - (1) Air supplies (manual or automatic)
 - (2) Supervisory equipment
 - (3) Water motor alarm -gongs
 - (4) Electric alarm circuit openers or closer
 - c. Preaction and deluge valves**
 - d. Heat responsive devices, tubing, and conduit**
 - (1) Air bulb type
 - (2) Metal expansion type
 - (3) Auxiliary device operations

- 3. Underground piping1500**
 - a. Cast iron bell and spigot pipe and fitting installations**
 - (1) Post indicator valves
 - (2) Hydrants
 - (3) Valve pit connections, hydrant houses and equipment
 - (4) Hydrostatic test and flushing
 - b. Special types of underground piping**
 - (1) Universal or mechanical joint pipe
 - (2) Transite or other special type pipe

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- 4. Water supplies.....800**
 - a. City connections**
 - (1) Wet connections under pressure
 - (2) Dry cut-ins
 - b. Tank connections**
 - (1) Gravity tanks (discharge, fill, heating and overflow)
 - (2) Pressure tanks (discharge, fill and air)
 - c. Fire pumps-manual or automatic**
 - (1) Suction and discharge
 - (2) By-pass
 - (3) Hose connections and relief

- 5. Care and maintenance of sprinkler systems.....500**
 - a. Repair work on overhead or underground piping**
 - (1) Piping and valves
 - (2) Devices and alarms
 - (3) Flushing
 - b. Insurance inspection and reports**
 - c. Owner's instruction on care and maintenance**

- 6. Miscellaneous.....200**
 - a. Scaffolds and ladders**
 - (1) Construction and use
 - (2) Safe operating practices
 - b. Care and use of tools**
 - c. Receiving, distributing and shipping of material**

Total Hours: 10,000

This instruction and experience shall include the above operations but not necessarily in the listed sequence. Time spent on specific operations need not be continuous.

IX. RELATED/SUPPLEMENTAL INSTRUCTION:

The apprentice must attend related/supplemental instruction (RSI). Time spent in RSI shall not be considered as hours of work and the apprentice is not required to be paid.

RSI must be provided in safe and healthy conditions as required by the Washington Industrial Safety and Health Act and applicable federal and state regulations.

Hours spent in RSI are reported to L&I each quarter. Reports must show which hours are unpaid and supervised by a competent instructor versus all other hours (paid and/or unsupervised) for industrial insurance purposes.

For purposes of coverage under the Industrial Insurance Act, the WSATC is an employer and the apprentice is an employee when an unpaid, supervised apprentice is injured while under the direction of a competent instructor and participating in RSI activities.

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If apprentices do not attend required RSI, they may be subject to disciplinary action by the sponsor.

A. The methods of related/supplemental training must be indicated below (check those that apply):

Supervised field trips

Sponsor approved training seminars (specify)

Sponsor approved online or distance learning courses (specify)

See statements under "Additional Information"

State Community/Technical college

Private Technical/Vocational college

Sponsor Provided (lab/classroom)

Other (specify): **Apprentices are required to attend hands on training and module testing for a minimum of 12 hours per month.**

B. **144** Minimum RSI hours per year defined per the following [see WAC 296-05-015(6)]:

Twelve-month period from date of registration.*

Defined twelve-month school year: (insert month) through (insert month).

Two-thousand hours of on the job training.

**If no selection is indicated above, the WSATC will define RSI hours per twelve-month period from date of registration.*

C. Additional Information:

Each apprentice shall be required to participate in the Contren Learning Series Correspondence Study Program developed by the National Center for Construction Research and Education and the American Fire Sprinkler Association. Apprentices will not be paid for time devoted to related training.

X. ADMINISTRATIVE/DISCIPLINARY PROCEDURES:

A. Administrative Procedures:

The sponsor may include in this section a summary and explanation of administrative actions performed at the request or on the behalf of the apprentice. Such actions may include but are not limited to:

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1. Voluntary Suspension: A temporary interruption in progress of an individual's apprenticeship agreement at the request of the apprentice and granted by the sponsor. The program sponsor shall review apprentices in suspended status at least once each year to determine if the suspension is still appropriate.
2. Advanced Standing or Credit: The sponsor may provide for advanced standing or credit for demonstrated competency, acquired experience, training or education in or related to the occupation. All sponsors need to ensure a fair and equitable process is applied to all apprentices seeking advanced standing or credit per WAC 296-05-015(11).
3. Sponsor Procedures:

1. Responsibilities of Apprentices

- a. **Maintain and make available such records of work experience and training received on the job and in related instruction as may be required by the sponsor.**
- b. **To Respect the property of the employer at all times and under all circumstances.**
- c. **Apprentices must maintain possession of a valid driver license**
- d. **Failure to maintain employment with A&D Fire Sprinklers, Inc. will be cause to cancel the apprenticeship agreement.**

2. Advancement of Apprentices:

- a. **The apprenticeship committee shall examine the progress of the apprentice on the job and in related instruction on a regular basis. A performance evaluation form shall be used; the apprentice must achieve a positive evaluation in order to advance.**
 - **The apprentice must have accrued a minimum of 1,000 hours since the last advancement.**
 - **The apprentice must have completed all required related classroom training and have passed all required testing.**
 - **The apprentice must have received a minimum average of (70%) on performance evaluations.**
- b. **The apprenticeship committee will also review the monthly work experience reports showing the experience and training in the various work processes to ensure well-rounded experience in work process is completed before graduation.**
- c. **The apprenticeship committee shall evaluate the apprentice's overall performance and accomplishments at the end of each period. Action must be taken on each apprentice to approve advancement, extend present**

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rating for a specified probationary period, or cancel the apprenticeship agreement with due notice to the apprentice and a reasonable opportunity for corrective action. Proper documentation shall be maintained of all action taken by the committee.

Local Apprenticeship Committee Policies

The Apprenticeship Committee will be responsible for the development, administration, and supervision of these registered standards.

Duties of the Apprenticeship Committee:

- 1. To select apprentices as outlined in these standards.**
- 2. To ensure that apprenticeship agreements are submitted to the registration agency.**
- 3. To notify the registration agency of any change of status in the apprenticeship agreement for credit granted, suspensions with appropriate explanation, reinstatements with appropriate explanation, and cancellations of apprenticeship agreements. To certify that all requirements for on the job and related supplemental instruction have been completed and then notify the registration agency for each apprentice who successfully completes the apprenticeship program.**
- 4. To arrange for the administration of tests for determining the apprentice's progress in craft manipulative skills and technical knowledge.**
- 5. To provide apprentices with occupational safety and health education and training as an integrated part of apprenticeship instruction.**
- 6. To maintain adequate records concerning the selection of apprentices and for each apprentice maintain adequate records of the education, experience and progress in on-the-job training and in related classroom instruction for 5 years from date of last action.**
NOTE: When an apprentice is temporarily laid off because of business conditions, the apprentice shall be reemployed before any additional apprentices are registered.
- 7. Keep adequate documentation of outreach and activities conducted according to the equal employment opportunity plan, for a minimum of 5 years.**
- 8. To supervise all of the provisions of these standards and be responsible in general for the successful operation of the standards by performing the duties here listed and cooperating with public and private agencies which can be assistance by obtaining publicity to develop public support of apprenticeship and by keeping in constant touch with all parties concerned, including apprentices.**

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B. Disciplinary Procedures

1. The obligations of the sponsor when taking disciplinary action are as follows:
 - a. The sponsor shall be responsible for enacting reasonable policies and procedures and applying them consistently. The sponsor will inform all apprentices of their rights and responsibilities per these standards.
 - b. The sponsor shall notify the apprentice of intent to take disciplinary action and reasons therefore 20 calendar days prior to taking such action. The reason(s) supporting the sponsor's proposed action(s) must be sent in writing to the apprentice.
 - c. The sponsor must clearly identify the potential outcomes of disciplinary action, which may include but are not limited to discipline, suspension or cancellation of the apprenticeship agreement.
 - d. The decision/action of the sponsor will become effective immediately.
2. The sponsor may include in this section requirements and expectations of the apprentices and an explanation of disciplinary actions imposed for noncompliance. The sponsor has the following disciplinary procedures to adopt:
 - a. Disciplinary Probation: A time assessed when the apprentice's progress is not satisfactory. During this time the sponsor may withhold periodic wage advancements, suspend or cancel the apprenticeship agreement, or take further disciplinary action. A disciplinary probation may only be assessed after the initial probation is complete.
 - b. Disciplinary Suspension: A temporary interruption in the progress of an individual's apprenticeship agreement. Conditions will include not being allowed to participate in On-the-Job Training (OJT), go to Related Supplemental Instruction (RSI) classes or take part in any activity related to the Apprenticeship Program until such time as the sponsor takes further action. The program sponsor shall review apprentices in such status at least once each year.
 - c. Cancellation: Refers to the termination of an apprenticeship agreement at the request of the apprentice, supervisor, or sponsor. [WAC 296-05-003].
3. Sponsor Disciplinary Procedures:
The Apprenticeship Committee shall have the authority to discipline an apprentice who fails to comply with the standards of apprenticeship.

Disciplinary action that may be implemented at the discretion of the Apprenticeship Committee includes:

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(During the initial probationary period, postponement of wage progression and cancellation do not require implementation of the complaint and appeal procedures outlined in Section X. C. Apprentices in their initial probationary period cannot be subject to disciplinary probation.)

- a. Postponement of advancement from one wage progression period to the next.**
- b. Imposing a period of disciplinary probation, which may include extra monitoring by the apprenticeship committee or require supplemental periodic evaluations by journey level workers or foreman, which will be submitted to the apprenticeship committee.**
- c. Cancellation or termination of the apprenticeship agreement.**
- d. Notice that the apprentice has the right to file an appeal of the committee's action, according to the complaint and appeal procedure outlined in Section X. C, of these standards.**

C. Apprentice Complaint Procedures:

1. The apprentice must complete his/her initial probationary period in order to be eligible to file a complaint (WAC 296-05-105).
2. Complaints involving matters covered by a collective bargaining agreement are not subject to the complaint procedures in this section.
3. Complaints regarding non-disciplinary matters must be filed with the program sponsor within 30 calendar days from the date of the last occurrence. Complaints must be in writing.
4. If the apprentice disagrees with the resolution of the complaint or wishes to contest the outcome of a disciplinary action by the program sponsor, the apprentice must file a written request for reconsideration with the program sponsor within 30 calendar days from the date the apprentice received written notice of action by the program sponsor.
5. The program sponsor must reply, in writing, to the request for reconsideration within 30 calendar days from the date the program sponsor receives the request. The program sponsor must send a copy of the written reply to the apprentice within the 30 calendar days.
6. If the apprentice disagrees with the program sponsor's decision, the apprentice may file an appeal with the Apprenticeship Program, (WAC 296-05-105). If the apprentice does not timely file an appeal, the decision of the program sponsor is final after 30 calendar days from the date the program sponsor mails the decision to the apprentice. See section "D" below.

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D. Apprentice Complaint Review/Appeals Procedures:

1. If the apprentice disagrees with the program sponsor's decision, the apprentice must submit a written appeal to L&I's apprenticeship section within 30 calendar days from the date the decision is mailed by the program sponsor. Appeals must describe the subject matter in detail and include a copy of the program sponsor's decision.
2. The L&I apprenticeship section will complete its investigation within 30 business days from the date the appeal is received and attempt to resolve the matter.
3. If the Apprenticeship section is unable to resolve the matter within 30 business days, the Apprenticeship section issues a written decision resolving the appeal.
4. If the apprentice or sponsor is dissatisfied with L&I's decision, either party may request the WSATC review the decision. Requests for review to the WSATC must be in writing. Requests for review must be filed within 30 calendar days from the date the decision is mailed to the parties.
5. The WSATC will conduct an informal hearing to consider the request for review.
6. The WSATC will issue a written decision resolving the request for review. All parties will receive a copy of the WSATC's written decision.

XI. SPONSOR – RESPONSIBILITIES AND GOVERNING STRUCTURE

The following is an overview of the requirements associated with administering an apprenticeship program. These provisions are to be used with the corresponding RCW and/or WAC. The sponsor is the policymaking and administrative body responsible for the operation and success of this apprenticeship program. The sponsor may assign an administrator or a committee to be responsible for day-to-day operations of the apprenticeship program. Administrators and/or committee members must be knowledgeable in the process of apprenticeship and/or the application of chapter 49.04 RCW and chapter 296-05 WAC and these standards. If applicable, sponsors must develop procedures for:

A. Committee Operations (WAC 296-05-009): (Not applicable for Plant Programs)

Apprenticeship committees must be composed of an equal number of management and non-management representatives from a minimum of four to a maximum of twelve members. Committees must convene meetings at least three times per year attended by a quorum of committee members as defined in these approved standards.

B. Program Operations:

The sponsor will record and maintain records pertaining to the administration of the apprenticeship program and make them available to the WSATC or Department upon

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request. Records required by WAC 296-05-100 will be maintained for five (5) years; all other records will be maintained for three (3) years. Apprenticeship sponsors will submit required forms/reports to the Department of Labor and Industries through one of the two prescribed methods below:

Sponsors shall submit required forms/reports through assigned state apprenticeship consultant.

Or;

Sponsors shall submit required forms/reports through the Apprentice Registration and Tracking System (ARTS), accessed through Secure Access Washington (SAW).

Paper forms as well as ARTS external access forms are available from the sponsor's assigned apprenticeship consultant or online at:

<http://www.lni.wa.gov/TradesLicensing/Apprenticeship/FormPub/default.asp>.

1. The following is a listing of forms/reports for the administration of apprenticeship programs and the time-frames in which they must be submitted:
 - a. Apprenticeship Agreements – within first 30 days of employment
 - b. Authorization of Signature forms - as necessary
 - c. Approved Training Agent Agreements– within 30 days of sponsor action
 - d. Minutes of Apprenticeship Committee Meetings – within 30 days of sponsor approval (not required for Plant program)
 - e. Request for Change of Status - Apprenticeship/Training Agreement and Training Agents forms – within 30 days of action by sponsor.
 - f. Journey Level Wage Rate – annually, or whenever changed as an addendum to section VII. Apprentice Wages and Wage Progression.
 - g. Related Supplemental Instruction (RSI) Hours Reports (Quarterly):
 - 1st quarter: January through March, due by April 10
 - 2nd quarter: April through June, due by July 10
 - 3rd quarter: July through September, due by October 10
 - 4th quarter: October through December, due by January 10
 - h. On-the-Job Work Hours Reports (bi-annual)
 - 1st half: January through June, by July 30
 - 2nd half: July through December, by January 31
2. The program sponsor will adopt, as necessary, local program rules or policies to administer the apprenticeship program in compliance with these standards. Requests for revision to these standards of apprenticeship must be submitted 45 calendar days prior to a quarterly WSATC meeting. The Department of Labor and Industries, Apprenticeship Section's manager may administratively approve requests for revisions in the following areas of the standards:
 - a. Program name
 - b. Sponsor's introductory statement

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- c. Section III: Conduct of Program Under Washington Equal Employment Opportunity Plan
 - d. Section VII: Apprentice Wages and Wage Progression
 - e. Section IX: Related/Supplemental Instruction
 - f. Section XI: Sponsor – Responsibilities and Governing Structure
 - g. Section XII: Subcommittees
 - h. Section XIII: Training Director/Coordinator
3. The sponsor will utilize competent instructors as defined in WAC 296-05-003 for RSI. Furthermore, the sponsor will ensure each instructor has training in teaching techniques and adult learning styles, which may occur before or within one year after the apprenticeship instructor has started to provide instruction.

C. Management of Apprentices:

1. Each apprentice (and, if under 18 years of age, the parent or guardian) will sign an apprenticeship agreement with the sponsor, who will then register the agreement with the Department before the apprentice attends RSI classes, or within the first 30 days of employment as an apprentice. For the purposes of industrial insurance coverage and prevailing wage exemption under RCW 39.12.021, the effective date of registration will be the date the agreement is received by the Department.
2. The sponsor must notify the Department within 30 days of all requests for disposition or modification to apprentice agreements, which may include:
 - a) Certificate of completion
 - b) Additional credit
 - c) Suspension (i.e. military service or other)
 - d) Reinstatement
 - e) Cancellation
 - f) Corrections
 - g) Step Upgrades
 - h) Probation Completion date
 - i) Other (i.e., name changes, address)
 - j) Training Agent Cancellation
3. The sponsor commits to rotate apprentices in the various processes of the skilled occupation to ensure the apprentice is trained to be a competent journey-level worker.
4. The sponsor shall periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period. The evidence of such advancement will be the record of the apprentice's progress on the job and during related/supplemental instruction.
5. The sponsor has the obligation and responsibility to provide, insofar as possible, reasonably continuous employment for all apprentices in the program. The sponsor may arrange to transfer an apprentice from one training agent to another or to another

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program when the sponsor is unable to provide reasonably continuous employment, or they are unable to provide apprentices the diversity of experience necessary for training and experience in the various work processes as stated in these standards. The new training agent will assume all the terms and conditions of these standards. If, for any reason, a layoff of an apprentice occurs, the apprenticeship agreement will remain in effect unless canceled by the sponsor.

6. An apprentice who is unable to perform the on-the-job portion of apprenticeship training may, if the apprentice so requests and the sponsor approves, participate in related/supplemental instruction, subject to the apprentice obtaining and providing to the sponsor written requested document/s for such participation. However, time spent will not be applied toward the on-the-job portion of apprenticeship training.
7. The sponsor shall hear and decide all complaints of violations of apprenticeship agreements.
8. Upon successful completion of apprenticeship, as provided in these standards, and passing the examination that the sponsor may require, the sponsor will recommend the WSATC award a Certificate of Completion of Apprenticeship. The sponsor will make an official presentation to the apprentice who has successfully completed his/her term of apprenticeship.

D. Training Agent Management:

1. The sponsor shall offer training opportunities for apprentices by ensuring reasonable and equal working and training conditions are applied uniformly to all apprentices. The sponsor shall provide training at an equivalent cost to that paid by other employers and apprentices participating in the program. The sponsor shall not require an employer to sign a collective bargaining agreement as a condition of participation.
2. The sponsor must determine whether an employer can adequately furnish proper on the job training to an apprentice in accordance with these standards. The sponsor must also require any employer requesting approved training status to complete an approved training agent agreement and to comply with all federal and state apprenticeship laws, and these standards.
3. The sponsor will submit training agent agreements to the Department with a copy of the agreement and/or the list of approved training agents within thirty calendar days from the effective date. Additionally, the sponsor must submit rescinded training agent agreements to the Department within thirty calendar days of said action.

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E. Committee governance (if applicable): (see WAC 296-05-009)

1. Apprenticeship committees shall elect a chairperson and a secretary who shall be from opposite interest groups, i.e., chairperson-employers; secretary-employees, or vice versa. If the committee does not indicate its definition of quorum, the interpretation will be “50% plus 1” of the approved committee members. The sponsor must also provide the following information:

- a. Quorum: **See Above**
- b. Program type administered by the committee: **Individual Non-Joint**
- c. The employer representatives shall be:

Louis Gonzales, Chairman
10311 E. Montgomery Drive
Spokane, WA 99206

Leslie Harris
10311 E. Montgomery Drive
Spokane, WA 99206

Owen Curtis, Alternate
7130 Convoy Court
San Diego, CA 92111

- d. The employee representatives shall be:

Nicholas Davis, Secretary
10311 E. Montgomery Drive
Spokane, WA 99206

Matthew Schlenker
10311 E. Montgomery Drive
Spokane, WA 99206

Jeffrey Rohner, Alternate
7130 Convoy Court
San Diego, CA 92111

F. Plant programs

For plant programs the WSATC or the Department designee will act as the apprentice representative. Plant programs shall designate an administrator(s) knowledgeable in the process of apprenticeship and/or the application of chapter 49.04 RCW and chapter 296-05 WAC and these standards.

The designated administrator(s) for this program is/are as follows:

None

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XII. SUBCOMMITTEE:

Subcommittee(s) approved by the Department, represented equally from management and non-management, may also be established under these standards, and are subject to the main committee. All actions of the subcommittee(s) must be reviewed by the main committee. Subcommittees authorized to upgrade apprentices and/or conduct disciplinary actions must be structured according to the same requirements for main committees.

None

XIII. TRAINING DIRECTOR/COORDINATOR:

The sponsor may employ a person(s) as a full or part-time training coordinator(s)/ training director(s). This person(s) will assume responsibilities and authority for the operation of the program as are delegated by the sponsor.

**Erika Jimenez, Training Coordinator
7130 Convoy Court
San Diego, CA 92111**