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1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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4 PROCEEDINGS AT HEARING :

5 IN RE: :

6 APPRENTICESHIP COUNCIL :

7 \*\*\*\*\*

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DATE: MARCH 25, 2008

11 TIME: 9:35 A.M.

PLACE: 1511 PONTIAC AVE.

12 CRANSTON, RHODE ISLAND

13

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PRESENT:

15

WILLIAM HOLMES, JR., CHAIRMAN

16 HOWARD CARNEY

WILLIAM J. RILEY

17 DAVID MARLAND

JOSEPH F. CONTARINO

18 SANDRA M. POWELL

VAL LOMBARDI, LEGAL COUNSEL

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**RHODE ISLAND COURT REPORTING**

23

**747 NORTH MAIN STREET**

**PROVIDENCE, RHODE ISLAND 02904**

24

**(401) 437-3366**

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**THE CHAIRMAN: We'll call the**

2 **meeting to order. Reminder, we have a**

3 **stenographer. If everyone would kindly speak**

4 **loudly and clearly and one at a time so that**

5 **she's able to record.**

6 **First order of business would be to accept**

7 **the minutes of Tuesday, February 26th.**

8 **MR. MARLAND: Make a motion to**

9 **accept.**

10

**MR. RILEY: I'll second that**

11 **motion.**

12 **THE CHAIRMAN: Any question or**

13 **discussion? Seeing none, all those in favor**

14 **signify by saying aye? Aye. Opposed? Ayes have**

15 **it.**

16 **Item one on the agenda is apprentice**

17 **approvals. Since Buddy has retired, I'm assuming**

18 we've been getting them in order with the  
19 assistance of Mr. Carney. Are they all in order?

20 MR. CARNEY: Yes, they are,  
21 Mr. Chairman.

22 THE CHAIRMAN: Seeing they're all  
23 in order, is there a motion to accept?

24 MR. RILEY: I make a motion to

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1 accept the new apprentice approvals.

2 MR. CONTARINO: I'll second.

3 THE CHAIRMAN: Any questions on  
4 any of the items? Seeing none, all those in  
5 favor signify by saying aye? Aye opposed?

6 MR. CONTARINO: Mr. Chairman, just  
7 for the record, why don't we change the date up  
8 here on the top to "2008."

9 THE CHAIRMAN: So moved.

10 MR. CONTARINO: Thank you.

11 THE CHAIRMAN: All those in favor  
12 signify by saying aye? Aye. Opposed? Ayes have  
13 it.

14 New companies? No. All set?

15 MR. CARNEY: Fine.

16 THE CHAIRMAN: Do we have a  
17 motion?

18 MR. RILEY: I make a motion that

19 we accept the newer companies.

20 MR. MARLAND: Second.

21 THE CHAIRMAN: Any question or  
22 discussion? All those in favor signify by saying  
23 aye? Aye. Opposed? Ayes have it.

24 Completion certificates. Do we have a

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1 motion?

2 MR. RILEY: I'll make a motion to  
3 accept the completion certificates.

4 MR. CONTARINO: I'll second it.

5 THE CHAIRMAN: Questions? All  
6 those in favor signify by saying aye? Aye.  
7 Opposed? Ayes have it.

8 Item 4 is for the council's information. No  
9 action is really necessary. It's a list of the  
10 apprentice cancellations.

11 Item 5, none.

12 Item 6, letter from Building Futures. We  
13 have today with us Andrew Cortes, who has a  
14 program running in the City of Providence.

15 There are two letters to us, and I would ask  
16 at this time to have Andrew make a brief  
17 presentation to the board to explain what the  
18 program is about and what you're requesting.

19 MR. CORTES: Mr. Chair and all

20 members of the council, my name is Andrew Cortes.

21 I'm the Project Director for a program called

22 Building Futures.

23 Building Futures is a joint partnership,

24 which means construction employers, the

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1 not-for-profit sector, labor and management, all

2 coming together to address the projective

3 workforce shortage in the coming years given

4 growth of the construction industry.

5 Basically, what Building Futures does is

6 prepare, evaluate, assess, facilitate, and

7 support low-income adults as they make the

8 transition into the apprenticeship programs that

9 are recognized by this council.

10 Towards facilitating the diversity of the

11 workforce and allowing for access to become

12 easier, we have crafted a memorandum of

13 understanding between the -- actually, I did not

14 bring that with me today. I apologize,

15 Mr. Chair. I will provide that for your review

16 at a later time.

17 But, basically, it's an understanding that

18 says that in order to promote diversity and to

19 ease access for low-income adults, we are asking

20 for your opinion and review regarding an

21 agreement crafted between the individual members  
22 of the Rhode Island Building Trades Council with  
23 respect to the apprenticeship programs and  
24 Building Futures to not bypass the application  
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1 criteria but bypass the application material in  
2 an offer to facilitate the workforce.

3 So we have crafted this agreement, and I  
4 would like to take that up with the Chair at a  
5 later time, if possible.

6 And, hopefully, this agreement, as it's  
7 signed, will help us modify the standards. I'd  
8 like to work with the Federal Office of  
9 Apprenticeship in order to do this, in order to  
10 provide new access and promote diversity and take  
11 care of some of the workforce shortage that's  
12 projected for the future.

13 THE CHAIRMAN: I've been involved  
14 with this program since its conception, if you  
15 will.

16 And speaking from my organization, I see a  
17 tremendous advantage in this program. I think  
18 it's set up similar -- for those that don't know  
19 about it, it's set up similar to like Job Corps  
20 or any other group that may have a direct entry  
21 into our programs.

22 As Andrew said, it's not looking to bypass  
23 any criteria whatsoever. It's just that there  
24 are times when some of our programs are not open  
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1 for apprenticeship, and this may be a way to take  
2 qualified kids that have been -- I shouldn't say  
3 "kids," young adults that have been exposed to  
4 the pitfalls that we see that we take into our  
5 apprenticeship programs in the first year.

6 The pitfalls are knowing they have to be at  
7 work five days a week at 7:00 with a license,  
8 with a car, and things like that.

9 It's roughly a preapprenticeship program  
10 that prescreens and gets the applicants for our  
11 programs prepared before they get to us.

12 I've taken -- again, based on my  
13 organization, I've taken two of the members  
14 already during our regular indentured period that  
15 we were open, and the students are working out  
16 tremendously.

17 We have presented this program to the  
18 building trades and has its total endorsement of  
19 the program.

20 I think, for the sake of today, all of the  
21 members haven't seen the program, so we would  
22 have to have it reviewed quickly by the Director,

23 as well as legal. I personally would recommend  
24 the council adopt this program. I think it's  
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1 tremendous, and I think it will help all of us as  
2 we go forward.

3 Does anybody have any questions for Andrew  
4 at this time?

5 MR. RILEY: Does it bypass any of  
6 the apprenticeship criteria?

7 THE CHAIRMAN: None at all.

8 MR. RILEY: They still have to  
9 fulfill the on-the-job and the required training?

10 THE CHAIRMAN: Correct. What  
11 happens is a lot of us from time-to-time don't  
12 have our application periods open. So this  
13 would -- if Andrew had a qualified student that  
14 is completing the program and he's ready to be a  
15 bricklayer or a steamfitter or whatever, he would  
16 be able to take him in directly, as much as we do  
17 with Job Corps or the returning vets or things  
18 like that.

19 It's just another avenue, not meant to  
20 bypass any applicants, not meant to bypass any  
21 qualifications that any trade would have.

22 MR. RILEY: It just allows them to  
23 get in sooner until the period is open?

24 THE CHAIRMAN: Until the period is

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1 open.

2 MS. POWELL: Actually, that was my  
3 question. I just wanted to understand a little  
4 bit about the expedited process that you've  
5 talked about, but you've covered it.

6 MR. CARNEY: Mr. Chairman, the  
7 motion would be to accept Building Futures as a  
8 preapprenticeship program recognized by this  
9 council to allow people to come in under a  
10 direct-entry process, so they would be bypassing  
11 the original list.

12 THE CHAIRMAN: Bypassing the list  
13 but not the criteria.

14 MR. CARNEY: Right.

15 MR. CORTES: Mr. Chair, if I may.

16 As a matter of fact, we not only -- we do not  
17 want to bypass any of the applicant's criteria.  
18 We would prefer, in a sense, that we're providing  
19 that higher quality candidate for your  
20 prospective program as we're providing additional  
21 support services, evaluation, hands-on work,  
22 preparation around financial literacy,  
23 transportation, and a variety of other things to  
24 provide a continuum of support for apprentices as

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1 they enter your program to ensure successful  
2 retention.

3 We would like to think that we are providing  
4 you with a higher quality candidate. We have a  
5 nonprofit organization behind them to support  
6 them as they move through the apprenticeship  
7 program.

8 THE CHAIRMAN: I think for the  
9 sake of the people that haven't seen it, I think  
10 we're going to have to have it looked at by the  
11 powers that be.

12 Personally, I don't see any problem, but  
13 we'll have to wait until it's approved and see if  
14 there's any glitches that may not meet legal  
15 obligations.

16 So I would entertain a motion at this time  
17 to have our -- have the Director and the legal  
18 staff look at it, and we'll bring it up for  
19 adoption at next month's meeting.

20 MR. CONTARINO: I'll make that  
21 motion.

22 MR. RILEY: I'll second that.

23 THE CHAIRMAN: Any other  
24 questions? Seeing none, all those in favor

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1 signify by saying aye? Aye. Opposed? Ayes have  
2 it. Thank you, Andrew. Okay.

3 Next up, I would have -- Val, we have  
4 received a couple of letters. One of which is  
5 from the -- everybody has a copy of the ECC  
6 regarding our small business -- I guess regarding  
7 our adoption of our rules and regs, et cetera.

8 So, Val, would you kind of go over that and  
9 what's transpired since the letter?

10 MR. LOMBARDI: Mr. Chairman,  
11 basically the -- as I indicated in our last -- at  
12 your last meeting, I had provided -- we had  
13 provided -- on your behalf, we had provided the  
14 ECC with a regulatory flexibility memorandum  
15 analysis indicating why we felt -- what the  
16 council felt concerning the promulgation of the  
17 new rules.

18 I was waiting for a response from the small  
19 business advocate, Sherry Lynn Correira. I said  
20 at the time of our last meeting that we hadn't  
21 received it. So the council went through any  
22 minor changes that they had and made some changes  
23 in the rules and regs, based upon the comments  
24 that were made at the public hearing. Later that

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1 day, I did receive Ms. Correira's response.

2 So after we reviewed it at the department,  
3 we provided copies of it to each of the -- to  
4 each of the members in their package so that  
5 they'd have a chance to review it prior to  
6 today's meeting so if there's any questions or  
7 comments they had concerning it, we may be able  
8 to discuss and possibly formulate a response.

9 As I said in our last meeting, it is up to  
10 the promulgators to formulate a response to the  
11 proposals made at the public hearing regarding  
12 negative comments concerning the rules and regs.  
13 A response has to be made to those people, so  
14 that was the purpose of doing that.

15 In the meantime, we also -- a letter was  
16 sent to you, a copy which was sent to me, which,  
17 unfortunately, you didn't get until this morning  
18 from Attorney Michael Kraemer who represented  
19 Audet, who was at the public hearing.

20 He also put together some comments that his  
21 client and that others had at the public hearing  
22 and some suggestions as to maybe some possible  
23 changes based upon the comments that were made at  
24 the public hearing that the council could

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1 possibly consider.

2 So that's -- that's where we are with this.

3 We have not -- because of receiving that letter  
4 from the small business advocate, I did not  
5 final -- I finalized them based upon -- but did  
6 not send the final draft to the Secretary of  
7 State because I thought it would be important  
8 that the council have an opportunity to review  
9 what it was, submit it, and make any comments.  
10 And if they wanted to make any additional  
11 changes, they can, based upon these comments. Or  
12 if they didn't, just how they feel about it so  
13 that we can respond accordingly.

14 THE CHAIRMAN: My question is  
15 going to be, what are our options based on these  
16 letters?

17 As I understand it, our options are we can  
18 just stick with what we did --

19 MR. LOMBARDI: Yes.

20 THE CHAIRMAN: -- or make any  
21 possible changes that are suggested in these  
22 letters or we don't have to?

23 MR. LOMBARDI: Right. And in any  
24 case, a response would be made as to why we

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1 accepted certain things and why we rejected other  
2 things.

3 THE CHAIRMAN: Would anyone like

4 to make any comments before we entertain any  
5 motion?

6 MR. RILEY: What would happen --  
7 she's referring to some apprentices here. What  
8 would happen to those guys now that are in limbo;  
9 would they get laid-off?

10 THE CHAIRMAN: The question was,  
11 what happens -- in the letter where it's referred  
12 to some apprentices may be in limbo based on the  
13 ratio.

14 Again, I go back to -- I think there's some  
15 misconception out there. These are jobsite  
16 ratios. And that's more wage an hour than it is  
17 us, in my opinion.

18 As far as we're concerned, I think -- I  
19 think we more than did our due diligence here.  
20 We have rationale for everything. We listened to  
21 what everybody said. We adopted some of the  
22 suggestions that the public made, and I'm just  
23 speaking for myself having attended all of them.

24 You know, I guess I understand this, but I

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1 still think there's still some confusion on some  
2 people's part, and actually I think there may be  
3 some other motives, but I'm not sure.

4 But, you know, I don't agree with what has

5 been indicated in here. And, you know, I think  
6 we made a very rationale decision as to why we  
7 did the things we did in the best interest of  
8 safety, supervision, and moving forward in the  
9 future.

10 And, again, as a commentary here, we haven't  
11 taken a motion yet, I would just say that my  
12 feelings are that we did a very good job, and I  
13 think people should be happy.

14 MS. POWELL: Mr. Chairman, if I  
15 could speak. Unfortunately, I did not have the  
16 opportunity to attend the public hearing that  
17 took place in November, but I did review some of  
18 the materials that I know were distributed at the  
19 public hearing.

20 As I looked at every company's account  
21 letter, as I read it and based on what I've seen,  
22 I'm thinking, in my mind and I'd have to ask the  
23 council to correct me if I'm wrong, that this is  
24 kind of the opposite of what, in fact, occurred.

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1 And the reason for changing the ratios is, in  
2 fact, the opposite of what's in this letter.

3 So unless I misunderstood the things that  
4 I've read, this seems to be based upon a  
5 misunderstanding of what occurred. Maybe I'm

6 wrong.

7 As I take a brief look today at that letter  
8 from Attorney Kraemer, it asks for some of the  
9 rationale. At least some of the materials that I  
10 looked at, I thought we set out the rationale as  
11 to why the changes were taking place.

12 I don't think I'm commenting on the actions  
13 of the council in this case, but from my own  
14 commentary at least from the things that I've  
15 seen about the meetings that took place in  
16 November at the public hearing, these issues were  
17 addressed.

18 I do defer to members of the council because  
19 I wasn't able to attend.

20 THE CHAIRMAN: Three of us, by way  
21 of a subcommittee, went through just about every  
22 one of the public hearings that are here today.

23 And I would ask both of them, you know,  
24 based on what we turned out, I believe that we

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1 all took into consideration what was asked of us.

2 MR. CONTARINO: I agree with that.

3 THE CHAIRMAN: Would anybody like  
4 to comment?

5 MR. CONTARINO: I have nothing

6 really to add.

7           **THE CHAIRMAN:** So I would assume,  
8 based on legal, that a motion would be in order  
9 to concur with our last month and document our  
10 rules and regs and have them promulgated as it  
11 is. And if they want to take other actions, they  
12 still have the right to do it; am I correct in  
13 that?

14           **MR. LOMBARDI:** That would be the  
15 choice of the council.

16           **MR. CONTARINO:** I make the  
17 motion --

18           **THE CHAIRMAN:** Before we do that,  
19 we're still on open discussion. Ron.

20           **MR. D'AMBROUSO:** I think, and I'm  
21 just presenting this to the council, that the  
22 ratio should clear, that that's a jobsite ratio.  
23 Because this council is going to have to make a  
24 decision somewhere along the line on signing up  
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1 apprentices on their apprenticeship agreement.

2       In the past, we've signed them up 1-to-5.

3 From this point on, what are we signing them up  
4 as, before someone makes a decision to make that  
5 stand the way it is?

6       As we know -- as we know, jobsite ratio can  
7 vary, 1-to-1 or 1-to-3, across the board. Are we

8 signing them up 1-to-1 across the board?

9 THE CHAIRMAN: That was -- you

10 know, from the beginning, that was one of my

11 objections.

12 This whole thing got started based on

13 jobsite problems. And the whole issue got blown

14 out of proportion.

15 MR. D'AMBROUSO: Absolutely. I

16 agree.

17 THE CHAIRMAN: The problems were

18 on the jobsite, they weren't with the companies.

19 Even the lawyer that represented Audet, way back

20 in the beginning when this first started, said

21 that he had no problem with 1-to-5. Their

22 problem was on the job.

23 Which, ultimately, in my opinion, is not our

24 problem. But it became our problem and the whole

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1 focus of the whole issue went to jobsites. And

2 all of these ratios were more geared towards

3 jobsite issues.

4 I think we should have indentured 1-to-5,

5 like we always had, for the company and let wage

6 an hour take the jobsite problem.

7 At this point, I'm not really sure -- I

8 would defer to legal on that one or I would defer

9 to our federal people for any possible  
10 suggestions that they might have.

11 MS. HOUSER: If you could put in  
12 "jobsite ratio," it sounds like it would help the  
13 clarity of understanding.

14 THE COURT REPORTER: Could I just  
15 get your name for the record.

16 MS. HOUSER: I'm sorry. My name  
17 is Jill Houser from the Office of Apprenticeship  
18 in Boston.

19 If there -- if it's clearly explained in an  
20 appendix somewhere, fine, if that's part of the  
21 regulation. I haven't seen the regulation yet,  
22 but I do hear this is a recurring misunderstanding.

23 MR. D'AMBROUSO: It's in the  
24 appendix, but it doesn't say "jobsite ratio," so

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1 I don't know if we want to add that. I don't  
2 know if Val could give us a better -- there's two  
3 things at hand; jobsite ratio --

4 MR. COPPLE: It does say "jobsite  
5 ratio."

6 MR. D'AMBROUSO: It does say that?

7 MR. COPPLE: Yes.

8 MR. D'AMBROUSO: The next question  
9 is, how do we sign a company up?

10 MR. RILEY: Is it 1-to-1 or 1-to-3?

11 MS. POWELL: Depending on the  
12 trade.

13 MR. LOMBARDI: It's 1-to-1 and  
14 then 1-to-3, that's what the -- that's what your  
15 promulgated rules say.

16 Your promulgated rules originally said  
17 1-to-1, and then your unpromulgated rules changed  
18 it from 1-to-5, not properly promulgated rules,  
19 so it went back -- when it was challenged, it  
20 went back to 1-to-1.

21 With this new promulgation, it made  
22 it 1-to-1 and then 1-to-3 in most trades, in  
23 most indentured trades.

24 And that's the jobsite ratio for licensed  
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1 indentured trades, that's what the heading of  
2 that appendix states.

3 MS. POWELL: So saying then that  
4 it is actually in the regulations, it's clear,  
5 but the lack of clarity might be associated with  
6 people who have not, in fact, read through all of  
7 the regulations at this point. Is there some  
8 additional clarity that needs to be --

9 MR. LOMBARDI: Your question I  
10 think is, is an individual company allowed to

11 sign a greater number of apprentices than  
12 journeypersons are limited to the ratio if it's  
13 not -- if you only consider that on-site jobsite  
14 ratio.

15 In other words, can a company who has only  
16 one or two journeypeople sign six, seven  
17 apprentices that are on their payroll, but  
18 don't -- but only work according the ratio?

19 MR. MARLAND: You know, it  
20 shouldn't.

21 MR. RILEY: I don't see that  
22 anywhere.

23 MR. MARLAND: That doesn't --

24 MR. CONTARINO: I don't understand

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1 that either.

2 MR. LOMBARDI: So our promulgation  
3 is to how many -- that's -- if they have one  
4 journeyperson, they only sign-on one apprentice  
5 in the program. If they have two more -- another  
6 journeyperson, they can sign on, you know,  
7 additional apprentices. If they have three more,  
8 they can sign on an additional apprentices.

9 MR. D'AMBROUSO: Mr. Chairman, how  
10 is a person that does just residential sign on  
11 1-to-3 when they're allowed to work 1-to-1?

12 These are the questions I'm getting phone  
13 calls over. I'm just presenting it to the  
14 council.

15 You know, if an electrical company that just  
16 does residential work only and the appendix says  
17 they can work 1-to-1, how do we tell them they  
18 have to sign-up 1-to-3?

19 MS. POWELL: It sounds as if -- if  
20 there are questions around this table --

21 MR. LOMBARDI: If it's  
22 residential, it's 1-to-1 continuous.

23 THE CHAIRMAN: On the job.

24 MR. LOMBARDI: No. Continuous

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1 1-to-1. The only time it jumps from 1-to-3 is in  
2 commercial.

3 MR. CARNEY: Or state or federal  
4 work.

5 MR. RILEY: Right.

6 THE CHAIRMAN: That doesn't affect  
7 the nuts and bolts of what we're asking for.  
8 What Ron's asking for is, what are they telling  
9 the people?

10 MR. RILEY: I would think it would  
11 be 1-to-1. And then if there's a job that  
12 they're sending people on with prevailing wage,

13 then the ratio kicks in.

14 MR. D'AMBROUSO: No. No. No.

15 Forget prevailing wage.

16 MR. LOMBARDI: It has nothing to  
17 do with prevailing wage.

18 MR. D'AMBROUSO: Commercial and  
19 residential.

20 MR. RILEY: Okay.

21 MS. POWELL: Does it mean that  
22 there needs to be some further clarification in  
23 the appendix or with the regulations? If there's  
24 confusion here and we're getting ready to

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1 promulgate final regs, then it seems difficult to  
2 expect those who have to operate by those  
3 regulations to fully understand them, and that's  
4 what's evidenced in these two letters. Even  
5 though the process was very inclusive and very  
6 broad and sought much opinion, is there  
7 additional clarification that's needed?

8 It seems as if, from the conversation we're  
9 having here, even on the pardon of council  
10 members --

11 MR. RILEY: So if I'm doing  
12 residential, it can be 1-to-1. As soon as I  
13 start to do commercial work, it has to be 1-to-3?

14 MR. D'AMBROUSO: Right. And that  
15 can be enforced on the jobsite, but --

16 MR. RILEY: But how do I hire  
17 apprentices? I'm going to tell you I'm doing  
18 residential work, and tomorrow I'm going to sneak  
19 them over on a commercial job, right? That's  
20 what's going to happen.

21 THE CHAIRMAN: That's where we ran  
22 astray from the get-go. I really feel that.

23 MR. RILEY: So you're going to  
24 have to tell when you hire them, what kind of  
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1 work this guy is going to be doing; is it  
2 residential or commercial? And that's going to  
3 limit how many guys or how many apprentices I can  
4 hire, right?

5 MR. D'AMBROUSO: That's not going  
6 to work.

7 MR. RILEY: I'm just trying -- you  
8 know, that's a scenario that's going to --

9 MS. POWELL: Do we need to take  
10 the question back to the department, take a look  
11 at the questions that are coming in, and come  
12 back with the council for --

13 THE CHAIRMAN: I wouldn't have a  
14 problem with that. I shouldn't say that. I

15 mean, I don't think I would have a problem as  
16 long as we wouldn't have to open this thing up to  
17 all public hearings again.

18 MR. D'AMBROUSO: I don't think we  
19 have to do that.

20 MR. LOMBARDI: It depends. If  
21 you're doing just clarification of what was said  
22 at the public hearing, there's no problem. But  
23 if you're going to make a change, not based upon  
24 what was said at the public hearing but because

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1 you want further clarification, that would be a  
2 new promulgation; is that right?

3 MR. COPPLE: Right.

4 MR. LOMBARDI: Ben agrees.

5 MS. POWELL: So that would be my  
6 recommendation, go back and look at these issues  
7 because there is not clarity around the table.

8 THE CHAIRMAN: Obviously, if we  
9 try to get back together, it has to be advertised  
10 and opened publicly just to --

11 MR. LOMBARDI: If we have to go to  
12 a public hearing.

13 THE CHAIRMAN: No, I'm just  
14 saying, if we try to get the whole group of us  
15 back together just to kind of kick it around and

16 see where we are --

17 MR. LOMBARDI: You can do that at  
18 a regular meeting or you could have a special  
19 meeting. You don't have to --

20 THE CHAIRMAN: We could it right  
21 now.

22 MR. LOMBARDI: You could do it  
23 right now. But if you feel as if you want more  
24 people, that's your decision.

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1 THE CHAIRMAN: I would --

2 MR. MARLAND: It should be by  
3 sponsorship.

4 MS. HOUSER: Sponsorship on the  
5 jobsite.

6 THE CHAIRMAN: Versus everything  
7 we did was based on jobsite. But now the issue  
8 is, what is for sponsorship?

9 MR. LOMBARDI: And according to  
10 our regulations, it refers to the appendix.  
11 It's 1-to-1 and then refers to the appendix for  
12 anything additional.

13 THE CHAIRMAN: It's always been  
14 1-to-1 for the first one, that's been another pet  
15 peeve. It's always 1-to-1 for the first one.

16 MR. LOMBARDI: Definitely.

17           **THE CHAIRMAN:** And then if it went  
18 1-to-5 after that -- it actually is -- you'd have  
19 to have six to get the second one. Because,  
20 actually, that becomes 1-to-3. But then from  
21 then on, it's 1-to-5 going forward.

22       To bring you up to speed, our standard  
23 always said that it was 1-to-1. But for almost  
24 as long as Buddy was here, we indentured into the  
0028

1 program at 1-to-5 for the program.

2       Then a debate came up. And then, all of a  
3 sudden, instead of just concentrating on ratios  
4 for the program, it all went to jobsite --

5           **MR. D'AMBROUSO:** Exactly.

6           **THE CHAIRMAN:** -- okay? And we  
7 lost track of what happened -- what was going on.  
8 And no matter how many times we tried to bring it  
9 back, it always got sidetracked back over to  
10 jobsite based on one trade -- mostly one trade  
11 and the nonunion sector of that. It kept  
12 directing -- because those were the majority of  
13 people that were at the public hearing, so they  
14 were directing the conversation.

15       And, thus, when we finally decided --  
16 ultimately, we decided on jobsite ratios, and we  
17 never really settled on a program ratio.

18 So now we're coming back to the program  
19 ratios. I think we've done a good job, and I  
20 would totally recommend that we stick with  
21 whatever we did for the jobsite and have whatever  
22 decision and whatever leeway we have as far as  
23 going back for the program. It's either 1-to-1,  
24 1-to-3, or 1-to-5. I think it's as simple as

0029

1 that.

2 MR. MARLAND: We've been operating  
3 1-to-5 in the sponsorship, and it should stay  
4 that way.

5 THE CHAIRMAN: And even, as I  
6 recall, Mr. Krazner from Interstate said that  
7 he didn't have a problem. He sat right back  
8 there and said that he didn't have a problem  
9 with 1-to-5 for the program.

10 His issue was the residential and why  
11 couldn't he have 1-to-1 going into somebody's  
12 house?

13 Well, we've addressed that. But we  
14 haven't -- now, it's very apparent that we're  
15 finally coming back to this.

16 Now, what are our options? Could we just  
17 say right now, if we wanted to, that we make a  
18 motion that it's 1-to-5 for the programs?

19 MR. MARLAND: Sponsorship.

20 THE CHAIRMAN: Sponsorship,  
21 sponsorship of the program.

22 MR. CONTARINO: I wouldn't have a  
23 problem with that.

24 THE CHAIRMAN: I'm not -- I don't

0030

1 have a problem with that either. But I don't  
2 want to sidestep -- I don't want to leave us open  
3 to a lawsuit for doing that.

4 MR. LOMBARDI: The problem is that  
5 if it's part of your rules and regulations, then  
6 it has to go through the proper procedure for  
7 adopting rulings and regulations or amending  
8 rules and regulations. And that --

9 THE CHAIRMAN: And what we did,  
10 didn't qualify.

11 MR. LOMBARDI: And that goes with  
12 notice and public hearing. And if that's what's  
13 needed, and I think possibly that's what's  
14 needed, I don't think you could do it just by a  
15 majority vote from the board to make that  
16 decision.

17 MR. MARLAND: We're not amending  
18 it, right, we're just leaving it the way it was?

19 THE CHAIRMAN: No. The way it was

20 was 1-to-1.

21 MR. MARLAND: For sponsorship?

22 THE CHAIRMAN: Here's what

23 happened. The law said 1-to-1. From the time

24 Buddy was here, we were operating on 1-to-5.

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1 Then we promulgated or we tried to promulgate the

2 rules at 1-to-5. We did it at one or two

3 meetings here to try to reinforce it. When the

4 rules went to the Secretary of State, that page

5 got omitted. In essence, that means it goes back

6 to 1-to-1.

7 Correct me if I'm wrong, but this is the way

8 I'm reading the whole thing. It was 1-to-1 on

9 the books. We operated at 1-to-5, which is what

10 everybody thought that's what we were supposed

11 to.

12 Somebody created an issue, we tried to amend

13 it, and tried to promulgate it, the page went

14 missing, and then we went through this whole

15 baloney.

16 Now we're back. We took care of jobsite.

17 We had -- we tried to have some discussions. But

18 currently on the books right now is 1-to-1, if

19 I'm not mistaken.

20 MR. LOMBARDI: It's still 1-to-1.

21           **THE CHAIRMAN:** Because that's  
22 what's on the books. So in order to get it to  
23 anything other than 1-to-1, we -- if the  
24 discussions we've had over this past

0032

1 year-and-a-half doesn't count towards that, then  
2 we've got to go through that all over again just  
3 for that one subject?

4           **MR. LOMBARDI:** Yes.

5           **MR. MARLAND:** What's federal?  
6 It's 1-to-5 for sponsorship, right?

7           **MR. CARNEY:** The ratio has to be  
8 established by the council. Traditionally, since  
9 day one, since this council's origin, it's been  
10 1-to-5. You get the first apprentice 1-on-1 or  
11 any fraction thereof. Very important language  
12 that we don't seem to have lately is "any  
13 fraction thereof," because that's wage an hour,  
14 federal wage an hour, and possibly state wage an  
15 hour looks at it.

16       So if you have a ratio of 1-to-5, according  
17 to federal wage an hour, they say you have to  
18 have five journeymen before you can have the  
19 first apprentice.

20       And we said, "Well, that's not correct." So  
21 we went back to them, we discussed it, and it

22 was -- their interpretation of it is, you get the  
23 first apprentice 1-to-1 or any fraction thereof.  
24 By having that language in there, you can now go  
0033

1 on a 1-to-1 basis.

2 Before you can allow another apprentice with  
3 a 1-to-5 ratio, you have to have six journeymen  
4 for the second apprentice.

5 For 15 years, we operated under that law.

6 Then legal from upstairs told us that we were  
7 interpreting the federal licensing law for  
8 electrical incorrectly, that the state licensing  
9 law for electrical says 1-to-1. So we started  
10 indenturing on a 1-to-1 basis.

11 MR. D'AMBROUSO: You're wrong.  
12 He's wrong.

13 MR. JACKSON: I know what he's  
14 saying.

15 MR. CARNEY: Well, there seems to  
16 be a matter of misunderstanding there, too, which  
17 Jimmy will explain.

18 THE CHAIRMAN: Ron.

19 MR. CARNEY: Ron, it was my  
20 interpretation that we were going to indenture  
21 with these new rules and regulations that we  
22 would be indenturing on a 1-to-1 basis.

23 But when they do federal and state work,  
24 that's when the job ratio kicks into effect

0034

1 because they have to have 1-to-3.

2 It's the first apprentice, 1-on-1. We don't  
3 differentiate between commercial or residential,  
4 apprenticeship doesn't.

5 Again, if it's a 1-to-5 ratio or 1-to-3  
6 ratio, they have to have four or five journeymen  
7 before they get the second apprentice on the job.

8 Wage an hour is going to interpret the ratio  
9 according to the language that this council sets.  
10 They don't set the ratio. This council sets the  
11 ratio.

12 THE CHAIRMAN: Can you set two  
13 ratios; one for jobsite and one for sponsorship?

14 MR. CARNEY: We always have.

15 Because of the state licensing law for  
16 electrical, we were indenturing on a 1-to-1 basis  
17 for the last ten years.

18 MR. EKNO: Correct.

19 MR. JACKSON: Because of a legal  
20 opinion. Because of an incorrect legal opinion  
21 because it was on limited license, not on the  
22 indentured license.

23 MR. CARNEY: That's only come up

24 in the last couple of months.

0035

1 MR. JACKSON: It was a '99 letter

2 that --

3 MR. CARNEY: I understand that. I

4 understand that, Jimmy.

5 MR. LOMBARDI: That 1999 letter

6 was based on a limited license. It was not based

7 on a regular license.

8 MR. JACKSON: But they had been

9 allowing them to be indentured 1-to-1.

10 MR. LOMBARDI: A limited license.

11 MR. JACKSON: What was on

12 firearm --

13 MR. LOMBARDI: It wasn't a wrong

14 legal opinion. It was interpreted wrong.

15 MR. JACKSON: It was misinterpreted

16 by the department as wrong because they were

17 allowing them to register at 1-to-1.

18 I have the -- I have the -- I went back

19 to 1999. I have a spreadsheet showing you how

20 many people were in the programs, how many

21 contractors, how many sponsors you actually had

22 all the way through.

23 And in '99, this thing blew right out, and

24 it goes back to that misinterpretation, I would

0036

1 think.

2 MR. CONTARINO: Mr. Chairman,  
3 we're going to go back and forth. Can I ask Val  
4 a question?

5 THE CHAIRMAN: Yes.

6 MR. CONTARINO: Val, can we have a  
7 special meeting to review all of this stuff so we  
8 can put it to rest?

9 MR. LOMBARDI: Nothing is  
10 preventing you from having it.

11 MR. CONTARINO: I think we need to  
12 talk about it. Because we're going to go back  
13 and forth and nothing is going to get resolved.  
14 It's a very important subject.

15 THE CHAIRMAN: I would -- I agree.  
16 In my opinion, I want to do everything we can to  
17 avoid any lawsuits --

18 MR. CONTARINO: That's what I'm  
19 saying.

20 THE CHAIRMAN: -- or have us in  
21 jeopardy of that. We can stand behind our  
22 rationale behind almost everything -- anything we  
23 do because the research has been done. But I  
24 don't want to have what happened when we didn't

0037

1 promulgate because somebody forgot a page or we  
2 just stepped out of line just a little bit.

3 So if we have a special meeting, do we have  
4 to advertise it, and we -- do we have to take  
5 public comment or can we just have a meeting like  
6 this?

7 MR. LOMBARDI: Again, it always  
8 depends on what you're doing.

9 THE CHAIRMAN: Just for the  
10 subject of indenturing the ratio for an  
11 indentured program, that's it.

12 MR. LOMBARDI: If you're going to  
13 make it part of your rules and regulations, it's  
14 going to have to go through the proper procedure.  
15 And that would mean --

16 THE CHAIRMAN: Should we have a  
17 special -- because if we adopted 1-to-1 or 1-to-3  
18 right now, if we did -- now I cited the issue  
19 of 1-to-5.

20 If 1-to-1 is already there, if we wanted to  
21 make it 1-to-3, we'd have to do the same thing;  
22 is that what you're saying?

23 MR. LOMBARDI: You've made the --  
24 you're promulgating a jobsite ratio of 1-to-1 and  
0038

1 then 1-to-3 for those trades that are effected.

2 THE CHAIRMAN: So if we did the  
3 indenturing on the same ratio, we wouldn't have  
4 to do anything?

5 MR. LOMBARDI: Yeah.

6 THE CHAIRMAN: The only time we  
7 would have another public hearing or whatever is  
8 if we wanted to make it 1-to-5 --

9 MR. LOMBARDI: Yeah.

10 THE CHAIRMAN: -- for indenturing  
11 the program, right?

12 MR. LOMBARDI: That's -- yes.

13 Because you'd have to have clarification  
14 indicating that your ratio that you have in your  
15 appendix is not for the purpose of indenturing  
16 sponsors.

17 THE CHAIRMAN: I think -- is that  
18 the feeling of the department?

19 MR. D'AMBROUSO: I think we could  
20 probably end this all if when we sign-up  
21 apprentices, we have to tell them they have to  
22 follow the appendix in the rules and regs.

23 Now, that's going to vary. It's not telling  
24 them that they've got to be indentured 1-to-3

0039

1 or 1-to-5. It's telling them that they have to  
2 follow the jobsite ratio, and that would clear

3 everything up.

4 Otherwise, if you say to them, "You've got  
5 to sign-up 1-to-3," they're going to say, "What  
6 about residential?" You're telling me that I  
7 have to follow the rules and regs, but you're not  
8 giving me enough people to do it.

9 You almost have to say to them when they  
10 sign-up, whatever career field they're in,  
11 electrical, mechanical, whatever it may be, they  
12 have to follow the appendix for the rules and  
13 regs. There's not going to be a set ratio for  
14 anybody when they sign their company up.

15 The problem with that is when we go in to do  
16 an audit and we look at their sheet or they come  
17 in to sign -- they're going to be signing up  
18 people left and right, I'm telling you right now.

19 They're going to sign them up almost 1-to-1.  
20 Where enforcement, on the other hand, is going to  
21 have to take them down on the jobsite.

22 Does everybody have an understanding of what  
23 I'm saying? We can't have you sign-up -- come  
24 into the apprenticeship program and say, "I want

0040

1 to see how many journeymen you got." "Well, you  
2 have three journeymen, you can sign-up one  
3 apprentice." They're going to turn around and

4 say, "Well, your rules and regs are telling me I  
5 can work 1-to-1, if that's all I do is houses."  
6 This is the problem we're getting now.

7 They're asking me, "How many apprentices am  
8 I going to be allowed to sign-up?" In the past,  
9 we never had that. No matter where they worked,  
10 we told them "1-to-5." Now we set up standards  
11 that's blowing us right off the wall.

12 MR. MARLAND: If you go that way  
13 and we get them on -- say they are going 1-to-1,  
14 and they go to the jobsite and they do mess up on  
15 the jobsite ratio, then we're going to be able to  
16 bring them to the apprentice -- suspend -- we  
17 could be able to bring them in and get them that  
18 way --

19 MR. D'AMBROUSO: Absolutely.

20 MR. MARLAND: -- if they're doing  
21 the jobsite ratio.

22 MR. D'AMBROUSO: But remember,  
23 they're only going to get caught on licensed  
24 jobs. Carpenters, iron workers -- unlicensed

0041

1 trades will not get caught, bricklayers. They  
2 won't get caught. They won't get caught anyway  
3 because they're nonunion, and they don't have  
4 apprenticeship programs.

5 So what you're doing is you're monitoring  
6 the union programs.

7 THE CHAIRMAN: For the sake of  
8 moving this along, I think we should give  
9 everybody a chance at our next meeting --  
10 everybody in the meantime should think about it,  
11 talk about it. If we need any -- we'll make any  
12 final -- well, we'll table the whole thing.  
13 We'll discuss these two letters.

14 In my opinion, I don't think we've done  
15 anything wrong. This is the jobsite side. My  
16 recommendation will be as we stand.

17 The only thing we'll discuss at next month's  
18 meeting is the ratio for indenturing the program  
19 for the company.

20 MR. LOMBARDI: In the meantime,  
21 the legal department will review and see if  
22 it's -- if a change in the regulation is needed.

23 In other words, we'll report back to you to  
24 say if that's the way it has to go.

0042

1 THE CHAIRMAN: That would be  
2 helpful. So does everybody understand? I will  
3 entertain a motion to table this until next  
4 month. Everybody think about it, get the legal  
5 opinions that we think we need, and, again, we'll

6 take the whole thing as a package at next month's  
7 meeting.

8 MR. RILEY: I make a motion that  
9 we table this ratio discussion until the next  
10 meeting.

11 MR. CONTARINO: I'll second it.

12 THE CHAIRMAN: All those in favor  
13 signify by saying aye? Aye. Opposed? Ayes have  
14 it.

15 Old business? Ironworker standards, I  
16 assume, are on order?

17 MR. CARNEY: Mr. Chairman, I  
18 reviewed them and made amendments to them.  
19 They're all signed by the parties, and I move to  
20 adopt the new standards unless there's any  
21 questions on them.

22 THE CHAIRMAN: Recommendation to  
23 adopt, do I have a motion?

24 MR. CONTARINO: I make a motion.

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1 MR. MARLAND: Second.

2 THE CHAIRMAN: All those in favor  
3 signify by saying aye? Aye. Opposed? Ayes have  
4 it.

5 We have again, although they're not here --  
6 this issue has been before us for the last two

7 months. We asked them to get the apprenticeship  
8 agreements, and who has -- Howard, or has anybody  
9 reviewed this that they have the correct --

10 MR. CARNEY: No, I didn't.

11 MS. ROSALES: Glen Corcetti said  
12 that he was coming to this meeting and that he  
13 was going to bring them in, but he's not here.

14 THE CHAIRMAN: Motion to table  
15 seeing Mr. Corcetti has not showed.

16 MR. MARLAND: Motion to table.

17 MR. RILEY: Second that motion.

18 THE CHAIRMAN: All those in favor  
19 signify by saying aye? Aye. Opposed? Ayes have  
20 it.

21 New business. Compliance/analysis from  
22 Environmental Fire Protection.

23 MR. CARNEY: All paperwork is in  
24 order, Mr. Chairman, up for adoption.

0044

1 THE CHAIRMAN: Do we have a  
2 motion?

3 MR. CONTARINO: I'll make that  
4 motion, Mr. Chairman.

5 MR. RILEY: I'll second that.

6 THE CHAIRMAN: Any questions? All  
7 those in favor signify by saying aye? Aye.

8 **Opposed? Ayes have it.**

9 **THE CHAIRMAN: Further discussion?**

10 **MS. POWELL: The only significant**  
11 **thing, too, is the Governor's Board did approve**  
12 **the recommendation relative to the consultant for**  
13 **the Apprenticeship Review Project.**

14 **There's a meeting scheduled this Friday for**  
15 **the Steering Committee to put the recommended**  
16 **names in for the steering membership.**

17 **I know Christine will be working for the**  
18 **Governor's Workforce Board relative to the**  
19 **procedural steps for the procurement of the**  
20 **services from the consultants.**

21 **MS. GRIECO: Actually, I spoke to**  
22 **them yesterday, and they were getting a little**  
23 **bogged down. I walked them through it, and**  
24 **hopefully by the end of this week, they will have**

0045

1 **everything prepared.**

2 **Bill and I are actually meeting right after**  
3 **this meeting regarding the Steering Committee**  
4 **list because he cannot attend the Friday meeting,**  
5 **and I'll bring his comments to that meeting.**

6 **Also, as far as the consultant is concerned,**  
7 **once he gets all of the information prepared for**  
8 **the purchasing process that he needs to, all of**

9 the I-9 forms and all of that, he will let us  
10 know immediately.

11 Legal will receive the contract for the  
12 final sign-up, and we will get them on board as  
13 soon as possible. They have just completed this  
14 identical project in New York, so they are fresh  
15 on this.

16 MS. POWELL: For the State of  
17 New York?

18 MS. GRIECO: For the State of  
19 New York, yes. And I am really excited to get  
20 them here and look at what we're doing and what  
21 direction we should go in. So, hopefully, we'll  
22 have them on board by the second week in April, I  
23 guess.

24 And then on 4/7, our work group will meet

0046

1 with the consultant regarding a timeline that we  
2 expect for them. On 4/8, we will have the  
3 consultant meet with the full Steering Committee  
4 and work group 731.

5 THE CHAIRMAN: Thank you. Joe,  
6 anything?

7 MR. CONTARINO: No.

8 THE CHAIRMAN: Any updates on the  
9 feds?

10 MS. HOUSER: The comment period  
11 has closed for the revisions of the regulations.

12 THE CHAIRMAN: From what I hear,  
13 the comments were extensive.

14 MS. HOUSER: I met the person,  
15 vivacious young man.

16 THE CHAIRMAN: He won't be by the  
17 time -- two other things that I have. One, we're  
18 in the process of reviewing resumes for Buddy's  
19 replacement. We have hit some snags, I'll leave  
20 it at that.

21 I would appreciate it if you could hang for  
22 a couple of minutes because we have a couple of  
23 issues regarding resumes and applications and the  
24 procedure. Being a union job and the government,  
0047

1 they're not exactly meshing as well as they  
2 should.

3 Second of all, do you have any idea or is it  
4 already posted? We agreed that we would post the  
5 vacancy for this board, the management vacancy.  
6 Can we get that going? Because we're going to  
7 have to post it for the replacement.

8 And we agreed that when we get to the new  
9 occupations, we will look at expanding the board  
10 at that time, but we need to have a quorum. So

11 if we can get that position posted and get it  
12 through that process because that doesn't move  
13 very fast either.

14 Any other further discussion from anyone?

15 Any comments?

16 MR. EKNO: ESAC.

17 THE CHAIRMAN: ESAC will be

18 June 1st through the 4th at Foxwoods. I

19 encourage as many people to go as possible. Can

20 we ask permission to send a couple of people,

21 hopefully?

22 MS. POWELL: We'll talk at a

23 different meeting about that, but.

24 THE CHAIRMAN: Hopefully we can do

0048

1 that. Again, I highly encourage that. It will

2 be a very lively discussion about the federal

3 rules and regs, et cetera.

4 MS. HOUSER: Actually, we probably

5 won't have that discussion this year but next

6 year.

7 THE CHAIRMAN: Next year will be

8 in Massachusetts for sure. Anything else? I

9 thank everyone for coming.

10 Our next meeting will be April 22nd, and we

11 will discuss --

12 MS. GRIECO: What about the  
13 special meeting?

14 THE CHAIRMAN: You know, I'll get  
15 with you and Ben and Sandra, and we can spend a  
16 few minutes. Motion to adjourn?

17 MR. MARLAND: Motion to adjourn.

18 MR. RILEY: Second.

19 (HEARING CLOSED AT 10:25 A.M.)

20 \* \* \* \* \*

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1 CERTIFICATE

2

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4

5 I, Alesha M. Cerrito, Notary Public, do  
6 hereby certify that I reported in shorthand the  
7 foregoing proceedings, and that the foregoing  
8 transcript contains a true, accurate, and  
9 complete record of the proceedings at the  
10 above-entitled hearing.

11

12 IN WITNESS WHEREOF, I have hereunto set my

**13 hand this 29th day of March, 2008.**

**14**

**15**

**16**

**17**

**18 ALESHA M. CERRITO, NOTARY PUBLIC/CSR**

**19 MY COMMISSION EXPIRES SEPTEMBER 27, 2008.**

**20**

**21**

**22**

**23**

**24**