

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
DIRECTOR

MINUTES

**TWO-HUNDRED-NINETIETH MEETING
DC APPRENTICESHIP COUNCIL
4058 MINNESOTA AVENUE, NE, SUITE 5201**

February 25, 2016

APPRENTICESHIP COUNCIL MEMBERS PRESENT

Frederick Howell, Chairperson and Public Representative
Violet Carter, Employee Representative
William Dean, Employer Representative
Leroy Watson, Employee Representative
Sheree Finley, Representative for the Mayor

APPRENTICESHIP COUNCIL MEMBERS ABSENT

Thomas Blanton, Employee Representative
Craig English, Representative for Chancellor of DC Public Schools
Raymond Kibler, Public Representative
Courtland Cox, Public Representative

APPRENTICESHIP OFFICE STAFF PRESENT

Larry Barnes, Apprenticeship Training Representative
Ramon Gillead, Apprenticeship Training Representative
Alletta Samuels, Apprenticeship Training Representative
Lewis P. Brown III, Program Analyst

COMPANIES/ORGANIZATIONS/VISITORS PRESENT

N/A

**MINUTES OF FEBRUARY 25, 2016
D.C. APPRENTICESHIP COUNCIL MEETING**

Chairman Frederick Howell called the meeting to order and asked for roll call. Program Analyst, Lewis Brown took roll call and reported that the meeting had a quorum. Chairman Howell asked Apprenticeship Council members to review the minutes of the December 17, 2015 meeting and requested a motion. A motion to accept the minutes as amended was accepted and seconded. Motion was carried unanimously.

The following new Apprenticeship Standard Applications and Employer Acceptance Agreements were presented to the Apprenticeship Council for approval consideration:

DC Electric, LLC

Apprenticeship Training Representative Alletta Samuels, presented the proposed apprenticeship standards of DC Electric, LLC for the trade of Fire Alarm Technician. ATR, Samuels reported the recommended changes to the application were made, and recommend approval of DC Electric LLC standard application. ATR, Samuels provided the address and background information of the company's current workforce and work projects. DC Electric, LLC did not have any current Davis-Bacon issues, Workers' Compensation violations or have another apprenticeship program in any other state. DC Electric, LLC is currently working on three projects Whaler ES, Mamie D. Lee ES, and DCPS/DGS contract Washington, DC. DC Electric, LLC has worked on various DCPS projects.

Mr. David Young, Sr. President of the company and Tyson Cole Hines, Director of Operations were available to answer Apprenticeship Council members' questions. Chairman Howell asked for questions from the council members.

Councilmember Carter asked DC Electric, LLC what schools-projects the company has in the District. DC Electric responded, Phelps and Coolidge Senior High Schools. DC Electric, LLC also have a direct contract with DCPS/DGS for each DCPS in the city. Councilmember Carter next asked if DC Electric, LLC performed work specifically on Roosevelt, Stuart-Hobson, and Plummer ES, then asked if DC Electric had any Davis Beacon issues in regards to misclassification. DC Electric, LLC representatives answered yes, on Roosevelt. DC Electric, LLC is currently in the process of resolving the issue.

Mr. Courtland Cox, Consultant, DGS informed DC Electric that as long as the restitution was taken care of and the company had established an apprenticeship program no further action would be taken against DC Electric. Councilmember Carter then asked if DC Electric, LLC have fulfilled that obligation. DC Electric answered no, they were still in the process of resolving the issue along with Smoot-Gilbane. Smoot-Gilbane was responsible for preparing and distributing checks to the impacted employees. Councilmember Carter asked when DC Electric, LLC believe the obligations would be met. DC Electric replied by the end of the month. Councilmember Watson asked DC Electric, LLC if the company could they explain why is it that Smoot-Gilbane was cutting the checks, and who was in violation of Davis-Beacon laws, DC Electric, LLC or Smoot-Gilbane. DC Electric, LLC responded it was a prearranged agreement between the companies to streamline the process.

Councilmember Watson stated that he was confused because the charges were brought up against DC Electric not Smoot-Gilbane and requested verification of payment by DC Electric.

Representatives from DC Electric stated that it was DC Electric funds being used to cut the checks. Program Analyst Brown added that Smoot-Gilbane is withholding payment from DC Electric. DC Electric confirmed. Program Analyst Brown explained that most prime contractors withhold payments whenever Davis-Beacon issues arise.

Councilmember Watson then asked where is Idea Public Charter Academy located. ATR, Samuels answered 1027 45 Street NE, in WARD 7.

Councilmember Carter stated that under DC Electric's eligibility requirements applicants had to pass a background check, what charges would keep an individual from working for DC Electric, Councilmember Carter added; there are a lot of returning citizens in DC. DC Electric responded it's more of a drug test than a background checks. Councilmember Carter replied the background check could be deleted from the Standard application. DC Electric confirmed and added that a few employees had records.

Councilmember Carter inquired about DC Electric's three-year certification for apprentices. DC Electric answered it depended on the apprenticeship program offered. Councilmember Carter clarified her question, "Once the apprentice completes DC Electric program could the apprentice come work for me." DC Electric answered yes, in regards to fire alarm certification, but DC Electric in towards the passage the NICET exam. Chairman Howell asked once apprentices complete DC Electric's three-year program would apprentices become journeymen. DC Electric's answered apprentices would be technicians, because in fire alarm there aren't any journeymen.

Chairman Howell then asked if apprentices were to go to work for a company would it be mandatory to have the NICET certification. DC Electric along with Councilmember Carter responded only certain jobs require NICET certification, and it would depend on the company. Chairman Howell then asked with six journeymen, did NICET plan to bring on any apprentices at this time. DC Electric said that they would need additional contacts to be able to pay apprentices. DC Electric was asked which current employees would fall under the apprenticeship program. DC Electric stated that current labor helpers would become apprentices.

DC Electric also informed the Apprenticeship Council that their three-year DGS contract ensures enough work for apprentices to graduate and receive a certificate.

Councilmember Carter made a motion to approve DC Electric's Standard Application with a thirty (30) day provisional contingent upon DC Electric, LLC' resolution of Davis-Beacon obligations. Chairman Howell also instructed DC Electric, LLC to revise the background check eligibility requirements. Councilmember Watson seconded the motion. Motion was carried unanimously.

NCF Interiors/ Lakota Contracting Company

Apprenticeship Training Representative Alletta Samuels presented proposed apprenticeship standards for NCF Interiors/ Lakota Contracting Company for the trade of Floor Layer. ATR, Samuels reported the recommended changes to the application were made and recommended approval of the standards. ATR, Samuels provided the address and background information on the NCF Interiors/ Lakota Contracting Company's current workforce and work projects. NCF Interiors/ Lakota Contracting Company have no Davis-Bacon violations, no Workers' Compensation violations and an EMR .84.

Ms. Michelle Smithgall, Vice President of NCF Interiors/ Lakota Contracting Company was available to answer Apprenticeship Council members' questions.

Chairman Howell began with questions regarding DC assisted funded projects and a discrepancy within the Standard Application. NCF Interiors/ Lakota Contracting Company application stated three DC assisted funded projects but only The Yards – Parcel D was listed. Ms. Smithgall said yes that's one project but, its several DC projects.

Chairman Howell next asked will that work sustain the company and for how long. Ms. Smithgall answered this year NCF Interiors/ Lakota Contracting Company typically conducts approximately twenty-five million a year, and by the end of 2016 they will have another backlog with anticipated growth within the next five years from twenty million to one hundred million.

Councilmember Holland asked if NCF Interiors/ Lakota Contracting Company planned to bring on any apprentices. Ms. Smithgall answered absolutely, if the NCF Standard application is approved, the company has planned on bringing in two apprentices and have already put it into their 2016 budget. Chairman Howell asked if NCF Interiors/ Lakota Contracting Company would work with the DC Department of Employment Services (OAIT). Ms. Smithgall replied she was looking forward to it.

Chairman Howell asked were there any questions from the council members. Councilmember Watson asked NCF Interiors/ Lakota Contracting Company about the in-house provided related instruction to be performed during work hours. Ms. Smithgall asked if Councilmember Watson was speaking of the curriculum or work process. Councilmember Watson stated he was seeking the location of the related training. Ms. Smithgall said in their DC office, they currently hold trainings twice a month for the entire day and they bring in different people depending on the topic.

Councilmember Watson and Ms. Smithgall than had an exchange on related instruction. Whereby Ms. Smithgall explained NCF Interiors/ Lakota Contracting Company conducts a hybrid of

monthly classroom and on-line training. For example, the OSHA 30 certificate is an on-line once a month thing, he said that he was talking about the classroom where they go at least two or three days a week, not once or twice a month, to him that's training not classroom related instruction. Ms. Smithgall then said that some of the classroom learning is online training, the OSHA 30 certificate is an online training program, the LCP tracker is an online training program, as far as going to an actual classroom at a university as such, Ms. Smithgall was cut short from speaking when Councilmember Watson said, not even a university but at your office where they could ask questions and receive some on hand stuff. Ms. Smithgall answered that they absolutely do. Program Analyst Brown verified that related instruction can vary as long as it's being delivered to the apprentice to enhance their knowledge to become a journey worker and perform at the skilled craftsman level.

Chairman Howell asked what are the benchmarks for measuring related instruction, are there tests given. Ms. Smithgall answered apprentices absolutely are required to take a test and have to pass the test with a certain percentage, also stating that they send offsite for training.

Councilmember Carter then asked additional questions about the 144 hours of related instruction; how many hours are actually conducted at NCF Interiors/ Lakota Contracting's facility; the qualifications of instructors to teach the curriculum. Ms. Smithgall replied about 50% or 72 hours of related instruction is conducted on site. Ms. Smithgall also answered the topics determine type of instruction, the online OSHA 30 is an online instructor; first aid is a classroom certified instructor.

Councilmember Carter asked about the background check in section 4 of the proposed standards. Ms. Smithgall stated that NCF Interiors/ Lakota Contracting Company does not conduct background checks as a company, but they do have projects that may require background checks. Councilmember Carter replied we're speaking of employees hired by NCF Interiors/ Lakota Contracting Company. Ms. Smithgall said her company does not conduct background checks. Councilmember Carter instructed NCF Interiors/ Lakota Contracting to remove background checks from the proposed standards. Ms. Smithgall responded that she would reword the background check in section 4 of the proposed standards.

Chairman Howell asked if there were any more questions from council. Councilmember Watson made a motion to approve NCF Interiors/Lakota Contracting Company proposed standards. Councilmember Carter seconded the motion. Motion was carried unanimously.

JRB, LLC

Apprenticeship Training Representative, Larry Barnes, presented proposed apprenticeship standards for JRB, LLC for the trade of Carpentry. ATR Barnes reported the recommended

changes to the application were made and recommended approval of the standards. ATR, Barnes provided the address and background information of JRB, LLC current workforce, work projects. JRB, LLC have no Davis-Bacon violations and an EMR .84. Within the last 3 years just one Workers Compensation complaint has been filed against JRB, LLC.

President, Jason Burghauser, JRB, LLC was available to answer Apprenticeship Council members' questions.

Chairman Howell requested information on JRB, LLCs' location. Mr. Burghauser replied, north of Baltimore off Route 24 near Bel-Air, Maryland. Chairman Howell inquired about JRB, LLC recruitment and hiring process, especially as it related to hiring DC residents. JRB, LLC confirmed currently there are no District residents employed with the small company and they used an informal employee word of mouth for recruitment. Mr. Burghauser requested assistance with recruiting District residents as apprentices and ATR, Barnes confirmed his assistance with recruitment.

Chairman Howell asked if there were any questions from council members. Councilmember Carter asked how many apprentices JRB, LLC could hire. Mr. Burghauser answered one immediately and possibly a second after JRB, LLC started on the SW Waterfront project. Councilmember Carter asked about the duration of the SW Waterfront project. Mr. Burghauser answered it's probably going take at least a year and a half. Councilmember Dean asked if JRB, LLC would hire DC residents and select a related instruction provider in DC. Mr. Burghauser affirmed yes.

Councilmember Watson asked if JRB, LLC would explain the single Workers Compensation claim against his company. Mr. Burghauser reported on a former employee involved in an automobile accident. The next day the employee returned to work and claimed he was carrying 2X4s when someone shoved him causing him to dislocate his shoulder. There are no witnesses to the alleged work place accident and no company employee has admitted to causing the accident. The employer quickly exited the job site, filed a claim and is currently in a long drawn out battle trying to acquire money from JRB, LLC.

Chairman Howell asked if there were any other questions from councilmembers. A motion was made and seconded to accept the company's proposed apprenticeship standard application for approval. The Motion was carried unanimously.

The following revised apprenticeship standards were presented to the Apprenticeship Council for recertification approval:

GCS, Incorporated

Apprenticeship Training Representative, Larry Barnes presented revised apprenticeship standards for GCS, Incorporated for the trade of Carpentry. ATR, Barnes provided the address and background information of the company current workforce and work projects. GCS, Incorporated has been a registered apprenticeship sponsor since 2010 and has indentured five apprentices, all five have been residents of the District of Columbia.

Although GCS, Inc. has not graduated any apprentices, three apprentices are in their third year, another one in his second year, and the last apprentice hired is in his first year. GCS, Inc. is committed to the apprenticeship process and system. The company has no current Workers Compensation violations; however eleven Workers Compensation claims were filed in the last three years, has an EMR 1.39, no current Davis-Bacon issues and none within the last three years. GCS, Incorporated are currently working on six projects in the District and during the last five years GCS, Incorporated have worked on fifteen projects in the District of Columbia.

Operations Manager Jacky Copeland, GCS, Incorporated was available to answer Apprenticeship Council members' questions. ATR Barnes informed the DC Apprenticeship Council that GCS, Incorporated attended the previous December 2015, Apprenticeship Council meeting. Councilmember Dean reminded Mr. Copeland he was expected to present an improvement plan for utilizing current employed District residents as carpentry apprentices.

Initially Mr. Copeland struggled to answer questions from Apprenticeship Council members regarding graduates for this year; employment status/ classification and related classroom instruction. Mr. Copland then stated the District residents are currently working at the project site and two would graduate this year and two additional District residents will graduate the following year. GCS, Incorporated will be adding another apprentice in the next six months and will recruit District residents via ATR, Barnes.

Councilmember Dean asked Mr. Copeland if he ran the company. Mr. Copeland answered he was the Operations Manager and he managed facilities, equipment and laborers. Councilmember Carter asked if the apprentices would be attending Idea Charter School for related instruction. Mr. Copeland answered GCS, Incorporated would offer related instruction at Yost Place and that he was now a certified instructor. ATR Barnes added that Mr. Copeland is also an NCRR instructor at Idea Charter School. Council member Carter asked for clarification and Mr. Copland responded, he teaches at Idea and GCS, Inc. Chairman Howell asked if Mr. Copland recently received his certification? Mr. Copeland answered yes. Chairman Howell stated GCS, Incorporated has satisfied the concern.

Chairman Howell next asked if the Apprenticeship Council if there were additional questions on this particular question. Councilmember Dean asked Mr. Copeland if he was teaching years 1 through 4. Mr. Copeland answered he begin teaching January 20th, teaching the different levels separately and following the approved curriculum. Mr. Copeland added the apprentices would

begin testing in the upcoming weeks with anticipation of a spring graduation class. Councilmember Dean expressed interest in attending the spring graduation ceremony.

Chairman Howell then stated that the issue to satisfy now is successful completion and implementation of the plan. Councilmember Dean stated that he would like to follow up with GCS, Incorporated at the end of spring to ensure at least three or four more apprentices are coming thru GCS, Incorporated based on the volume of work.

Program Analyst Brown followed that there were other concerns with GCS, Inc. especially retaining apprentices on a full time basis and working in the carpentry trade. GCS was having apprentices work with other subcontractors when GCS, Incorporated didn't have the sufficient work. Councilmember Cox added, with the volume District funded work GCS/Segal has ample opportunities to provide apprenticeships in the trade of carpentry.

Program Analyst Brown then asked if GCS, Incorporated had an opportunity to balance work in the carpentry trade for the apprentices and ensure graduation from the sponsored program. Mr. Copeland shared his concerns and stated he was personally tasked with the responsibility to ensure work in trade of carpentry and ensure retention and graduation rates. Program Analyst Brown and Councilmember Dean suggested ATR, Mr. Brown periodically make site visits to ensure and report if GCS, Incorporated was in compliance. Chairman Howell asked Mr. Copeland if additional site visits were amenable to GCS, Incorporated. Mr. Copeland answered yes.

Chairman Howell asked if there were any other questions or comments. Councilmember Dean made a motion to approve GCS, Incorporated Recertification Apprenticeship Application with a 6-month provisional contingent upon satisfactory follow-up inspections. Councilmember Carter seconded the motion. Motion was carried unanimously.

R.V. Carey's Plumbing & Heating, Inc.

Apprenticeship Training Representative, Ramon Gillead presented the revised apprenticeship standards of R.V. Carey's Plumbing & Heating, Inc. for recertification approval for the trade of plumber. Mr. Gillead reported the recommended changes to the application were made and recommended approval of RV Carey's Plumbing & Heating standard application.

ATR, Gillead provided the address and background information of the company's current workforce, work projects and violation status. R.V. Carey and Maurice Hill, president and vice president of the company were available to answer DC Apprenticeship Council's questions. Chairman Howell asked if there were any questions from the council.

Council member Dean asked was this R.V. Carey Plumbing & Heating's first recertification. ATR, Gillead answered R.V. Carey's Plumbing & Heating appeared before the council for recertification in 2002, 2006 and 2010. Councilmember Dean asked for the number of graduates from R.V. Carey's Plumbing & Heating apprenticeship program. R.V. Carey replied one graduate in 2014.

Chairman Howell asked if the council had additional questions. Councilmember Watson expressed his dismay regarding one apprentice graduate, "I know it's not up to you, it's the individual, but is there anything that you could do to increase retention and graduation rates?" R.V. Carey's Plumbing & Heating reported on the difficulties on retaining apprentices; primarily leaving for increased wages elsewhere. Councilmembers Watson and Dean urged R.V. Carey's Plumbing & Heating to implement different strategies and to work closely with DOES and the Apprenticeship Training Representative to improve recruiting strategy, retention, and graduation of apprentices.

Councilmember Dean said "I understand what you're saying but each contractor is required to hire District residents and produce a good performance record in order to become and maintain a registered apprenticeship sponsor."

Councilmember Dean suggested that R.V. Carey's Plumbing & Heating work with Program Analyst, Mr. Brown to develop a plan to hire DC residents and steps for hiring certified manager for the shop.

R.V. Carey's Plumbing & Heating reported how much the company is learning regarding apprenticeships and wages and expressed his appreciation for council's consideration of the company's good faith efforts at recruitment.

Program Analyst Brown then asked if R.V. Carey's Plumbing & Heating had any availability to take on any additional apprentices at this time. RV Carey responded two maybe three apprentices. Councilmember Dean clarified that they were talking three District resident apprentices.

Chairman Howell then stated he believed the council had exhausted all concerns regarding R.V. Carey's Plumbing & Heating. Chairman Howell reiterated the concerns and instructions from the council to improve recruitment and retention of District residents.

R.V. Carey's Plumbing & Heating, Inc. withdrew their revised apprenticeship standards application for the trade of plumber until the June apprenticeship council meeting.

Director's Report

Last month the Department of Labor via email & telephone informed the Office of Apprenticeship, Information and Training, the US Congress has made available \$90 million for apprenticeships through Department of Labor that will be available for state apprenticeship registration agencies. The grant is going to be grouped into four buckets where it can be used in areas such as state operation, expansion of different industries, outreach to recruit certain populations and promotion. The funds will be available in April of this year, the details about applying for the grant will come out late fall of this year. The Department of Labor is also pushing to have this grant in the same amount of \$90 million to be available annually each year for the next five years. The conference call was with all state apprenticeship registration agencies and the Department of Labor asked each state apprenticeship registration agencies to generate some ideas about parameters for the RFP's.

Secondly the Department of Labor will begin hosting a series of meeting on Apprenticeships USA, SEA Accelerator meetings which will bring together businesses and other partners to discuss challenges in apprenticeship expansion and identify solutions and a plan of action.

Smoot Construction hosted a bidders contractors' interest meeting at RKF regarding the new DC United Soccer Stadium, all units within the Business Engagement Division, Office of Apprenticeship, Information and Training, Business Services Group, and First Source attended and provided overview presentations. Over a hundred contractors attended, the prime contractors Smoot, Clark and Keystone Plus will be issuing procurement packages, and the completion date is projected to be February 2018. The DC United Stadium is a Project Labor Agreement P.L.A. project.

Finally, the Business Engagement Department is invested in the LCPTracker data collection system. LCPTracker monitors District funded construction projects. The system verifies compliance of the First Source law and o enables contractors to upload their certified payroll records, wages and fringes enabling apprenticeship training representatives to confirm compliance via their desk computers.

Old Business

No old business

New Business

Council member Carter had a couple of questions, requested that DC Apprenticeship Council members receive the board agenda and minutes in a timely manner. Program Analyst Brown

assured the Council members going forward DC Apprenticeship will receive all pertinent materials well in advance and in a timely manner. Councilmember Carter next asked who handles the Davis-Bacon issues. Program Analyst Brown responded that he and ATR, Samuels both handle the issues with him talking lead. Program Analyst Brown also reported on a recent call from the Department of Labor regarding a 2010 Davis-Bacon issue.

Adjournment

Chairman Howell asked for any other new business, with no additional business, Chairman Howell entertained a motion for adjournment. Councilmember Dean made a motion to adjourn the motion was seconded and the meeting was adjourned.