

APPROVED

THE VIRGINIA APPRENTICESHIP COUNCIL MINUTES THURSDAY, DECEMBER 9, 2004

The Virginia Apprenticeship Council (Council) met on Thursday, December 9, 2004 at Confederate Hills Recreation Building, 302 Lee Avenue, Highland Springs, Virginia. Chairman Barry Baker called the meeting to order at 10:05 a.m.

COUNCIL MEMBERS PRESENT:

Barry W. Baker, Chairman
Dr. Steven R. Staples, Vice Chairman
Danny Amos
Earl Dickerson
Dudley Harris
Darold S. Kemp
Dr. Toni Cleveland for Dr. Glen DuBois
Kathy Dolan-Marshall for Ms. Delores Esser
Susan Frith Tansey
Lynn Taylor II
John W. Whitaker

STAFF PRESENT:

C. Ray Davenport, Commissioner, DOLI
Beverly Donati, Director, Registered Apprenticeship
Ellen Marie Hess, Director, Labor and Employment Law
DOLI Regional Apprenticeship Representatives

CALL TO ORDER AND INTRODUCTIONS.

Chairman Barry W. Baker called the regular scheduled quarterly meeting of the Virginia Apprenticeship Council to order. The presence of a quorum was established.

Council members introduced themselves.

Chairman Baker asked Secretary of Commerce and Trade, Michael Schewel, Commissioner Davenport, and Vice Chairman Staples to join him in presenting the Outstanding Apprentice Awards.

The 2004 Virginia Outstanding Apprentice Awards were presented to the following:

Kevin Bradley Ashwell, an electric lineman apprentice employed by Southside Electric Cooperative, Crewe;

Michael Barrett, a cosmetology apprentice employed by Salon Bleu, McLean;

Matthew Koren, a millwright apprentice employed by Millwrights and Machinery Erectors Local 1402 Joint Apprenticeship Committee, Richmond;

Darcy Kuehn, a marine designer apprentice employed by Northrop Grumman Newport News, Newport News; and
Juan Mercado, a plumbing apprentice employed by EMC Company, Richmond, Virginia.

Chairman Baker introduced Secretary Schewel. Secretary Schewel told the audience that this was the only awards ceremony that he had attended for each of the past three years. One reason he gave was that he always came away inspired to do more in his life. Secretary Schewel congratulated and thanked the apprentices and their sponsors for the commitment that was demonstrated.

Commissioner Davenport addressed the audience and thanked Secretary Schewel for his support and the support of the administration for the Virginia Registered Apprenticeship Program. Commissioner Davenport congratulated the apprentices for their hard work over the term of their apprenticeships.

Chairman Baker and Commissioner Davenport told the audience that they had both served apprenticeships and both discussed the rewards that apprenticeship had brought them.

A short recess was taken to allow for photo opportunities.

The Chairman reconvened the meeting at 10:35 a.m.

PUBLIC COMMENT:

Mr. Juan Stewart addressed the Council. Mr. Stewart request that the Council reverse a decision made by a previous Council in 1992 and grant him a Certificate of Completion. Mr. Stewart elaborated on the reasons that he was unable to complete his apprenticeship.

Chairman Baker advised Mr. Stewart that he would hear from the Council later.

Dr. Emily Richardson, President of the Virginia Career Education Foundation addressed the Council. She shared the plan for telling real stories of real students who have achieved their goals in a magazine called RU Ready. This magazine describes careers opportunities and apprenticeships that are available. The magazine will be distributed to all high school and middle school students. Dr. Richardson distributed a palm card with the web address for *Know How Virginia*: www.knowhowvirginia.org. She described industry tours are also planned for students and their parents. Dr. Richardson requested that everyone share this information and encouraged all to visit the website.

APPROVAL OF MINUTES:

On proper motion and second the minutes for the Council meeting held on June 17, 2004 were approved unanimously by role call vote.

On proper motion and second the minutes for the Council meeting held on September 16, 2004 were approved unanimously by role call vote.

CORRESPONDENCE:

Chairman Baker referred the members to the correspondence from the USDOL, Employment and Training Administration in response to the Council's letter supporting the proposal entitled "Addressing the Nursing & Health Care Worker Shortage through Career Ladders."

OLD BUSINESS:

Williams Steel Erection Company, Inc:

Ms. Donati reported that to date, Williams Steel had not registered any apprentices. Ms. Hess had been in contact with the company's attorney. Ms. Hess was available for questions. No questions were asked.

NEW BUSINESS:

a: Ad Hoc Subcommittee:

Mr. Darold Kemp, Subcommittee Chairman, reported that the subcommittee met on November 18, 2004. There was a general discussion of the regulations and what should be addressed in the future.

Exemption from Examination:

Mr. Earl Dickerson reported that there was one request for exemption. Mr. Dickerson briefly described the process for exemption. The sponsor (2004-01) met all ten of the criteria listed. Mr. Dickerson moved, Mr. Baker seconded the approval for exemption of this sponsor. The motion carried unanimously on roll call vote.

Virginia Apprenticeship Alumni Association:

Mr. Dudley Harris, VAAA President, reported that the Alumni now had their own website which continues to be linked to the DOLI website. Membership forms are available on line. He told of future plans to acknowledge apprentices. Mr. Harris encourage all present to become members. He invited anyone present to attend the Alumni meeting following the Council meeting.

REPORTS:

Virginia Community College System;

Dr Cleveland addressed the Council and reported: 3900 apprentices registered, 1009 sponsors, and 298 completed related instruction during the first quarter.

U.S. Department of Labor, Bureau of Apprenticeship Training:

Mr. Walker, USDOL, Bureau of Apprenticeship Training (BAT) State director addressed the Council. Mr. Walker brought greetings from the USDOL national and regional office. He introduced BAT apprenticeship representatives John McDowell and Nat Dailey. Mr. Walker distributed information from the BAT National Office. He reported that the local BAT office and the DOLI staff continued to work together. This year the emphasis will be on the President's High Growth Job Training Initiative. For the first time, there will be no numerical goals

established. There will be emphasis on EEO Audits and Quality Reviews. He reported on the ongoing investigation of the AFL-CIO complaint regarding quality of apprenticeship sponsor's programs. Mr. Walker commended Commissioner Davenport for his support of Apprenticeship.

Department of Labor and Industry, Division of Registered Apprenticeship:

Ms. Donati introduced the DOLI staff present, Ray Kroniser and new staff member, Karla Torres Rodriguez. Ms. Donati briefly reviewed the staff conference held in November. She reported that the regulations require that 10% of sponsors be evaluated each year and that EEO Reviews of sponsors with five or more apprentices are required to be done annually.

To date there are 12,087 apprentices registered; 2,035 sponsors participating in 2,581 programs.

The next Council meeting is scheduled for Thursday, March 17, 2005. The next subcommittee meeting will be held on Thursday, February 9, 2005.

Department of Labor and Industry:

Commissioner Davenport began by reporting that the investigation into the fatality at Northrup Grumman Newport News had been closed. In November the Governor's Summit on Manufacturing was held and Commissioner Davenport attended the Summit. He was able to share the advantages of Registered Apprenticeship with those present.

The Commissioner represents Secretary Schewel on The Governor's Taskforce on Construction. This Taskforce was formed to address the training needs of the construction industry. Mr. Harris, Mr. Kemp, and Ms. Donati are also participating. The concern that some members support "short term, quick fixes" was discussed.

Language clarifying Student Apprenticeship has been developed and was distributed to members of both Taskforces and to our staff. The current language should help employers and the general public understand the value and advantages Registered Student Apprenticeship.

The Commissioner encouraged everyone to become a member of the Alumni Association.

New Business continued:

Chairman Baker called on Ms. Ellen Marie Hess for advice regarding Mr. Stewart's request.

Ms. Hess advised the Council that actions taken by this council are governed by the Administrative Process Act. Under the Administrative Process Act, the action taken by this Council concerning Mr. Stewart's apprenticeship was a case decision. Once the Council made its case decision, according to an Official Opinion of the Attorney general, the Council was not able to change its decision. The decision could only be changed on appeal. Appeals of Case decisions are governed by Rule 2A:2 of the Rules of the Supreme Court of Virginia. The rule states that any person appealing a case decision must do so by filing a notice of appeal with the agency within 30 days of the case decision and by filing an appeal within 30 days of the notice. Ms. Hess stated that Mr. Stewart's rights on appeal ran out on May 30, 1992.

Mr. Stewart requested to address the Council. Chairman Baker stated that the Council must first take action on the request for a Certificate of Completion.

Chairman Baker stated, “upon consideration on the advice given by the DOLI staff based on an opinion of the Attorney General; this request is out of order and we will take no action.”

Mr. Steward asked to speak. Chairman Baker advised Mr. Steward that he could speak with him after the meeting. Mr. Steward asked if this was on the record. Chairman Baker asked advice of Ms. Hess. Chairman Baker replied to Mr. Steward. “on the advice of staff, that request is out of order but I will be glad to talk to you after the meeting.”

ANNOUNCEMENTS:

Chairman Baker on behalf of the Council wished all those present a happy holiday season and thanked everyone for coming.

The meeting was adjourned at 11:35 a.m.

Barry W. Baker, Chairman

C. Ray Davenport, Secretary