

**Approved Minutes of the
Policy & Standards Committee
of the
Wisconsin Apprenticeship Advisory Council**

April 29, 2022
Department of Workforce Development
Madison, WI

| Members Present | |
|------------------------|---|
| Jim Cook | NECA-IBEW |
| Terry Hayden | Wisconsin Pipe Trades Association |
| Allan Johnson | Local 118 |
| Leigh Emrick | Associated Builders & Contractors of WI |
| Kelly Tourdot | Associated Builders & Contractors of WI |
| John Mielke | Associated Builders & Contractors of WI |
| Gene Jacobsen | PDC Electrical Contractors |
| Michael Daily | United Steel Workers District 2 |
| Nancy Nakkoul | Wisconsin Technical College System |
| Members Absent | |
| | |
| DWD Staff | |
| Owen Smith | Bureau of Apprenticeship Standards |
| Liz Pusch | Bureau of Apprenticeship Standards |
| Andrew Kasper | Bureau of Apprenticeship Standards |
| David Polk | Bureau of Apprenticeship Standards |
| Caitlin Madden | Office of Legal Counsel |
| Nick Abbott | Bureau of Apprenticeship Standards |

| Public Attendees | |
|------------------|--|
| Tim Anhalt | |
| Lyndsey Blumer | |
| Julie Sherman | |
| John Walsh | |

1. Call meeting to order 8:32 AM
2. Review of April 19 meeting minutes. An adjustment was made to the attendance log for accuracy.

Motion was made to approve minutes – seconded – passed – with no opposed

3. The meeting was opened up to all attendees to comment on last meeting's topics.

Bureau of Apprenticeship Standards Director David Polk reiterated the timeline of Wisconsin Apprenticeship Manual approval: get through the subcommittee today, forward final draft to council at next meeting, then after council meeting 90-day comment period will begin. Polk said if manual draft not completed today then discussion would continue with council at next meeting, followed by a special meeting to approve, then the 90-day comment period would commence.

Clarifying item: Liz Pusch stated that meeting cannot be recorded due to Department of Workforce Development policy. Policy was recently released.

Discussion about timeline that council may either approve the manual based on committee's recommendation or have their own review period before giving approval and beginning the 90-day comment period

Pusch and Leigh Emrick clarified that comments from the public will be heard throughout course of the meeting.

4. Committee members continued manual review with discussion of related instruction chapter of manual.

Nancy Nakkoul recommended that language prohibiting non-apprentices enrolling in Wisconsin Technical College System apprenticeship courses be removed or modified because of Bureau's desire to streamline Youth Apprenticeship and Certified Pre-Apprenticeship. Nakkoul stated that sometimes there are not enough apprentices for a separate cohort, so students are allowed to mix in with other students and classes in traditional coursework. She added that Bureau and sponsors may want to have non-apprentices to access those apprenticeship courses, even though they're non apprentices.

Allan Johnson shared concern that opening up classes to non-apprentices to attend apprenticeship courses is premature because the CPA and YA policies are not articulated.

Consensus reached to update manual to clarify that WTCS Aid Code 50 are apprentice technical instruction courses only.

Johnson stated prohibition of union activities in training centers are discriminatory and from a bygone era. Kelly Tourdot said training center should remain neutral, but that the language may be outdated. Consensus reached to improve neutrality policy in the manual to prevent encroachment on the classroom and students' learning experience.

Consensus reached to change header on the section relate to withdrawal from WTCS. Committee discussed March 1 deadline for withdrawing from WTCS instruction. Clarification that the deadline was originally put in place for budgetary planning reasons. Consensus reached to add language that sponsors are expected to communicate their intent to withdraw from WTCS instruction as soon as possible.

Committee discussed process for notification and timeline of withdrawal from WTCS. Nakkoul mentioned that she prefers language that specifies an intent to withdraw then a final withdrawal notification.

Committee discussed about WTCS instructor requirements. Jim Cook stated that "occ doc" requirements used to be brought to state committees. Nakkoul stated that "occ docs" were eliminated based on change in administrative code.

Nakkoul pointed out an error in the manual continuing education requirements for WTCS instructors.

Committee members discussed journeyworker status, experience of instructors and requirements needed to instruct apprentices. Committee members expressed desire to have WTCS ensure instructors have adequate experience. Changes were recommended to include language in manual referencing that apprenticeship instructors must be subject matter experts and what the definition of one is.

Break at 9:46 AM – resume at 9:57 AM

Committee recommended minor corrections to manual chapter including capitalization of Associates Degree, citations to WTCS administrative code, preference for term "independent training providers," and changes to professional development plan required of WTCS instructors.

Committee asked about requirements of non-WTCS instructors and who would ensure and "equivalent" course for teaching techniques requirement. Terry Hayden, Johnson and Cook asked if process would remain the same and if National Training Institute programs and the UA instructor training program would qualify. Pusch state that they would still be acceptable under revised manual.

Committee discussed professional experience requirements for training instructors and how it would be assessed and calculated. Committee recommended a policy to the effect that an instructor must have experience equivalent to the term of the apprenticeship plus two years of professional experience; or if an apprenticeship was not completed, then the length of an apprenticeship in that occupation plus two years. Nakkoul recommended using hours instead of years to account for part-time work.

Committee questioned how these requirements would apply to unpaid related instruction providers and ultimately recommended for removal of some existing language and to revisit the policy in the future to discuss unpaid related instruction provider requirements.

Committee recommended reorganization of manual sections pertaining to related instruction schedule and delivery and curriculum approval and modification. Members also recommended removal of some policy language pertaining to curriculum modification.

Break and resumed meeting at 11:47 AM

Committee opted for referencing WTCS instructor requirements by citation as opposed to list of actual requirements.

5. In reference to the public meetings section of the manual, committee members asked Caitlin Madden about the definition of governmental body and if the Policy and Standards Committee falls under this definition and why? Madden stated that it does, because it's a committee of the Wisconsin Apprenticeship Advisory Council, which is created by statute.

Committee asked Madden when telephonic or virtual access is required for public meetings; Madden stated that whenever practicable, but that this is separate from individual accommodation afforded to apprentices who need it to attend meetings.

Committee members asked Madden if members of the public need to request virtual access, or does it need to be available at all times for local apprenticeship committee meetings. Madden stated she would provide the Bureau with clarification.

Break for lunch – resumed at 12:53 PM

Resumed discussion on public meetings and public records. Cook asked about possible guidance, maybe through local committee technical assistance guide (TAG), as it relates to keeping meeting minutes.

For the public records section, Tourdot asked if preliminary records regarding an apprentice's progress was a public record. Madden said it depends on the type of the document, stating that generally drafts are not public records, also public records are different from recordkeeping requirements of a sponsor, though there may be overlap.

6. For the litigation chapter of the manual, Hayden asked what means for the Bureau to be "aware" of an issue. Madden said decisions the Bureau is involved with, or were aware of, and concurred with. This includes cancellation, etc., but might not include an employer decision.

Cook said once the local apprenticeship committee is made aware, for an employer-related issue under the federal Equal Employment Opportunity Commission or Wisconsin Equal Rights Division, etc., they try to involve the Bureau staff immediately. Cook asked about what happens after administrative proceedings under Wis. Admin. Code DWD 295 that are elevated to circuit court after a hearing. Madden said she would look into it and provide an answer

Cook asked about internal Wis. Admin. Code DWD 296 procedure and how it relates to liability and what the actual process is for this complaint proceeding, especially if it goes outside of the Bureau at a certain point, such as to the EEOC or ERD. Cook talked about his local committee's experience related to an EEOC case, and apparent reversal of the liability section. But said he was happy with what exists in writing now and will be able to approve it.

Tourdot said TAG training can be important in these matters to convey the type of risks involved in managing an apprenticeship program. Johnson recommended specific examples for the TAG session regarding liability.

7. Andrew Kasper shared written public comments received by email and read through them with the committee members.
8. No comments were shared by members of the public in attendance during meeting.
9. Committee motioned and voted to approve manual for the Council—contingent on a 90-day public comment period.

Cook recommended that changes made during the public comment period be brought to the Council, or possibly the Policy and Standards Committee.

Emrick requested that we continue to advance the new policy items identified during the manual review process, so they don't fall off the radar. Hayden said the Council should decide on the revision process.

Committee discussed contingencies related to approval process with the Council.

10. Committee moved to adjourn at 2:13 PM

Minutes recorded by Andrew Kasper, BAS analyst