

1 DEPARTMENT OF LABOR AND INDUSTRIES

2 STATE OF WASHINGTON

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4 _____
5
6 ELECTRICAL BOARD MEETING

7
8 TRANSCRIPT OF PROCEEDINGS

9
10 Thursday, April 30, 2015
11 _____
12

13 BE IT REMEMBERED, that an Electrical Board meeting
14 was held at 9:00 a.m. on Thursday, April 30, 2015, at the
15 Department of Labor & Industries, 7273 Linderson Way SW,
16 Tumwater, Washington, before CHAIRPERSON TRACY PREZEAU,
17 BOARD MEMBERS ALICE PHILLIPS (Vice Chair), ROD BELISLE,
18 JOHN BRICKEY, JANET LEWIS, DAVID CORNWALL, MIKE NORD,
19 DYLAN CUNNINGHAM, DON BAKER, DAVID WARD, DENNIS TOWNSEND,
20 BOBBY GRAY, KEVIN SCHMIDT, DOMINIC BURKE, and
21 SECRETARY/CHIEF ELECTRICAL INSPECTOR STEPHEN THORNTON.
22 Also present was ASSISTANT ATTORNEY GENERAL PAM REULAND
23 representing the Board.

19 WHEREUPON, the following proceedings were held, to
20 wit:

21
22 Reported by:
23 H. Milton Vance, CCR, CSR
(License #2219)

24 EXCEL COURT REPORTING
25 16022-17th Avenue Court East
Tacoma, WA 98445-3310
(253) 536-5824

Thursday, April 30, 2015
Tumwater, Washington

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CHAIRPERSON PREZEAU: So good morning. It is 9:00 a.m., and I would very much like to call the April 30, 2015, Washington State Electrical Board meeting to order.

Good morning.

THE BOARD: Good morning.

Item 1. Approve Transcripts From January 29, 2015,
Electrical Board Meeting

CHAIRPERSON PREZEAU: The Chair would love to entertain a motion to approve the transcripts.

Motion

BOARD MEMBER BAKER: Motion.

CHAIRPERSON PREZEAU: Is there a second?

BOARD MEMBER PHILLIPS: Second.

CHAIRPERSON PREZEAU: All in favor, signify by saying "aye."

THE BOARD: Aye.

CHAIRPERSON PREZEAU: Opposed?

Motion Carried

1 CHAIRPERSON PREZEAU: So ordered. Super cool.

2 So Steve, you indicated that Jose was going to join
3 us today, but --

4 SECRETARY THORNTON: He has a -- he was in a meeting;
5 I know. So he is going to come, though.

6 CHAIRPERSON PREZEAU: Okay. So we'll hold agenda
7 item 2.

8

9 Item 3. Appeals

10

11 CHAIRPERSON PREZEAU: So appeals. You can see that
12 -- firstly, a sincere apology to all the Board members
13 that we did not notify you before yesterday that the
14 Segalini Electric appeal, a continuance was granted. And
15 I will take responsibility for that lack of communication.
16 So my apologies.

17 In the event that you did read the appeal pamphlet,
18 which I'm sure Rod and others did, we'll just have to wait
19 until -- we'll just wait until July, and then we'll have
20 that discussion. So I appreciate that.

21 So Potelco -- we have two Potelco appeals, and those
22 continuances have also been granted. So -- we don't have
23 -- this is probably going to be a very short meeting
24 today.

25 Updates, proposed final orders in the matter of

1 Sullivan Heating, they were agreed upon by all parties,
2 so I've signed the final order from the appeal last
3 meeting.

4

5 Item 4. Bylaws Recommended Amendments

6

7 CHAIRPERSON PREZEAU: So bylaws recommended
8 amendments.

9 In front of everyone should be a hard copy of the
10 same version of the bylaws -- proposed bylaws changes that
11 were e-mailed, provided electronically to everyone more
12 than 20 days in advance of this meeting to meet the
13 threshold to allow us to take action on these proposed
14 changes.

15 And I would very much like to thank Alice Phillips,
16 Dave Ward and Dennis Townsend because as a subcommittee
17 they worked on bringing these changes to us -- bringing
18 them to a final proposal, if you will.

19 And so I think we've had a pretty exhaustive
20 conversation. I think we've been going through this
21 process regarding the bylaws for a year, which is great,
22 because it's certainly worth doing -- anything worth doing
23 is worth doing well.

24 So I'm not sure if -- and Alice, you were the chair
25 of that subcommittee.

1 BOARD MEMBER PHILLIPS: Yes.

2 CHAIRPERSON PREZEAU: And I'm not sure if the
3 committee -- if Alice or any of those committee members
4 would like to share with us a little bit about the work
5 that they've done, or if you think that it's -- it's
6 fairly straightforward from my perspective if you've read
7 them.

8 But if you want to walk us through that, I think that
9 would be fantastic.

10 BOARD MEMBER PHILLIPS: Okay. So Tracy let me know
11 that we had a committee.

12 CHAIRPERSON PREZEAU: And you were made the chair in
13 absentia.

14 BOARD MEMBER PHILLIPS: Yes. And I was happy to do
15 so, by the way.

16 And I'd like to thank the other committee members
17 because, you know, we did this by e-mail. Because we
18 didn't even have to meet because the communication was so
19 well. So that's good.

20 I'm looking for my notes on what we were to do. So
21 I'll just go through the changes.

22 If you go to the second page under "b)," we
23 referenced "c)" which is right below in that section.

24 "The elected Chair ... (or) Vice Chair ... shall assume
25 the office immediately upon election and shall serve until

1 their membership on the Board has expired or until the
2 provisions of Article IV, Section C have been enacted."

3 And "c)" is right below that.

4 We added section "d) In the event that the Chair ...
5 or Vice Chair ... fails to discharge the duties of the
6 office held may be removed from office at a regularly
7 scheduled Board meeting by any member in good standing of
8 the Board. The vote shall be by written or voice ballot
9 and a simple majority of Board Members shall be required.
10 If voted out of office he (or) she shall immediately
11 relinquish their position, and a replacement shall be
12 elected. The replacement shall immediately take the
13 elected position and continue with the meeting if
14 appropriate."

15 So that one was put in just in case something happens
16 to the Chair or the Vice Chair and they're not able to
17 attend the meetings on a regular basis or, you know, for
18 whatever reason they can't continue, then the Board has
19 the ability to replace them so that you can continue to do
20 the business of the Board.

21 The next one, "If ... the Chair ... or Vice Chair ...
22 are (unable) to preside over a meeting, function or
23 affairs of the Board, the Board may appoint, by simple
24 majority, a Chair 'pro tem' for that meeting, function or
25 affair of the Board."

1 And this one we actually have -- there's kind of a
2 choice here. Or you can have the wording "In the absence
3 of both the Chair and Vice Chair the Secretary to the
4 Board shall call the meeting to order and the board shall
5 appoint a chairperson pro-tem."

6 So that's kind of a -- either one of those will work.
7 One of them's a little simpler wording than the other one.
8 That is in case Tracy or myself are not here, who presides
9 over the meeting. And this would clarify who would do
10 that.

11 BOARD MEMBER WARD: Both these items were about
12 continuity, just business for the Board.

13 BOARD MEMBER PHILLIPS: Exactly.

14 So the next one is -- and then the rest of them are
15 -- like "b)" on page 3, "In the event the Chairperson
16 cannot preside ..." --

17 CHAIRPERSON PREZEAU: We've already taken care of
18 that.

19 BOARD MEMBER PHILLIPS: -- that language is -- this
20 is replacing that language. So that language is struck
21 through.

22 And then if you go to -- well, it's the next section
23 "In the event" So it's section b) third bullet down,
24 "In the event of the Chairperson's sudden departure, be
25 able to assume (the) responsibilities and functions ...,"

1 that's also covered in the other language, so we deleted
2 that.

3 And then that next sentence, "The Vice Chair ..." --
4 Actually excuse me, this next paragraph replaces the
5 paragraph above.

6 So there was nothing in there saying that the Vice
7 Chair would assume the Chair's duties. And so we
8 clarified that with this language.

9 CHAIRPERSON PREZEAU: So that's really outside of
10 presiding at the meetings. It's in addition to the work
11 that the Chair does between meetings.

12 BOARD MEMBER PHILLIPS: Exactly.

13 CHAIRPERSON PREZEAU: Beautiful.

14 And before you leave that page, I believe Article V,
15 subsection "iv" and "v" that's highlighted in yellow, this
16 is language that Pam has suggested to give guidance to
17 some extent to parties coming before the Board so they
18 have some greater understanding how we operate.

19 ASSISTANT ATTORNEY GENERAL REULAND: Correct. I
20 think I mentioned this earlier when we looked at this and
21 when I made these proposals.

22 As the presiding officer, the Chair of the Board can
23 make decisions in terms of procedural issues, granting
24 continuances, those sort of things, that really have to do
25 with primarily with the appeals that come before the

1 Board. But we get a lot of questions -- or I get a lot of
2 questions from various parties. How do I get a
3 continuance? What's the proper procedure? How should we
4 do that? And so it's my suggestion that we sort of put
5 that right in the bylaws so that people know, so that you
6 know, so anyone acting as the Chair also understands what
7 their duties and responsibilities are.

8 CHAIRPERSON PREZEAU: And so I think the other -- if
9 you go to page 4, additionally the highlighted language is
10 also language that's --

11 Oh, I'm sorry.

12 ASSISTANT ATTORNEY GENERAL REULAND: I'm sorry. I
13 didn't mean to interrupt.

14 But subsection "iv" on page 3 of that, we have time
15 lines that are in the WAC that are talked about 45 days
16 ahead of scheduled meetings. Those were drafted I think
17 pre-e-mail, pre --

18 CHAIRPERSON PREZEAU: Electricity.

19 ASSISTANT ATTORNEY GENERAL REULAND: We don't know
20 that.

21 They are also not always compatible. Sometimes
22 appeals come in within the deadline, but they're only 30
23 days ahead, but they have to be set at a certain meeting.
24 And so it's just some of those deadlines really aren't
25 workable. And so I looked at the statutes and I do

1 believe that the Chair as the presiding officer can modify
2 some of those deadlines. And she usually talks with the
3 Department about making sure that the Department has
4 enough time to get all that material to you folks, and so
5 she considers that. But we thought that that was
6 important just to let people know that sometimes 45 days,
7 it just -- that's not a workable number. At some point
8 hopefully we'll address that issue. But until we do, we
9 needed to have a method to modify those if necessary. And
10 this is an easy way to take care of that problem right now.

11 CHAIRPERSON PREZEAU: Yeah. And I think all of the
12 entire Board would agree that sometimes -- I find it very
13 frustrating sometimes when we are reading appeals, and
14 these appeals have been going on, you know, but by the
15 time they get to us it's been a year or longer. And so
16 this language is really written with the motivation of
17 providing an opportunity to have the appeal reach its
18 final stage in terms of the electrical program. It
19 certainly can go on to superior court after this. This
20 gives people an opportunity to have a speedy redress, if
21 you will.

22 Do you want to talk at all about -- so the
23 suggestions on page 4 are also consistent with equalizing
24 expectations about our process.

25 ASSISTANT ATTORNEY GENERAL REULAND: Correct.

1 I looked at some other -- as I mentioned earlier, I
2 looked at some other proposed bylaws and just thought we
3 should add in a little bit of sort of information about
4 the meetings, agendas, when they're -- you know, how
5 that's going to be set up.

6 Also, in terms of public -- this meeting is a public
7 hearing, and if someone's looking at the bylaws -- not
8 that they do -- just sort of understanding of how public
9 testimony will be taken, sort of a clarification I believe
10 here that it's -- the public testimony is going to be
11 different than testimony that's taken for purposes of the
12 hearing, and that the Chair has sort of discretion to
13 limit the time set for that, just so people know, kind of
14 provide a guidance, which I think is a good idea.

15 CHAIRPERSON PREZEAU: Excellent. So excellent work,
16 Pam and Alice and Dave and Dennis.

17 I would like to suggest that when we look at Article
18 IV, subsection e), I prefer the language "In the absence
19 of both the Chair and Vice Chair, the secretary to the
20 Board shall call the meeting to order" because it clearly
21 defines who is supposed to do that.

22 And then elect -- the Board shall elect a chairperson
23 pro tem. I just think that's cleaner.

24 Any other thoughts?

25 So Rod's indicating he likes it. It sort of feels

1 like the Board likes that.

2 So what I would like to do then is -- I know we need
3 to make a nice clean record. Is there anybody who wants
4 to talk about these bylaws changes?

5 I know, Bobby, this work was really inspired by your
6 comments from the last Board meeting.

7 BOARD MEMBER GRAY: Thank you.

8 CHAIRPERSON PREZEAU: No. Thank you. Because I
9 think -- we've done some really good work.

10 And do you have -- do you concur with that?

11 BOARD MEMBER GRAY: Oh, yes. I think it's excellent
12 work. I agree.

13 CHAIRPERSON PREZEAU: All right. So --

14 Yes, Janet, please.

15 BOARD MEMBER LEWIS: Going back to Roman numeral
16 little "iv" on page 3 about the Chair having powers, can
17 you give me another example how you could override a
18 deadline that's in a WAC? I thought that was one of your
19 examples in terms of appeal.

20 ASSISTANT ATTORNEY GENERAL REULAND: I'm sorry, in
21 terms of ...

22 BOARD MEMBER LEWIS: Or can you just -- you know. I
23 thought that, Tracy, you mentioned you could expedite an
24 appeal within the confines of what the WAC says. Is that
25 it?

1 ASSISTANT ATTORNEY GENERAL REULAND: I don't believe
2 that --

3 If I could clarify for you?

4 CHAIRPERSON PREZEAU: Please.

5 ASSISTANT ATTORNEY GENERAL REULAND: Obviously it
6 would not change the appeal deadlines.

7 But, for instance, there is -- part of the WAC says
8 that the briefing and -- for instance, briefing must be
9 filed 45 days ahead of the meeting. But technically let's
10 say an appeal can come in 30 days before a meeting, and it
11 can still be timely. Then we have to set it on that
12 meeting. In lieu of continuing the appeal to the -- you
13 know, wait another four months to the next hearing, if the
14 parties agree that the briefing would be due in 30 days as
15 opposed to 45 days, then you could have the appeal heard
16 sooner and you don't have to just continue it because of
17 that technical glitch of getting the briefing done 45 days
18 ahead when the appeals come in a little bit later, but
19 still the appeal is technically timely for let's say the
20 July meeting.

21 Does that make sense?

22 BOARD MEMBER LEWIS: That -- yes, that clarifies it.

23 But you would bring in the agreement of the parties
24 as well.

25 ASSISTANT ATTORNEY GENERAL REULAND: Correct.

1 BOARD MEMBER LEWIS: Okay. Thank you.

2 ASSISTANT ATTORNEY GENERAL REULAND: Yeah, the
3 parties would always have to agree or make a motion.

4 CHAIRPERSON PREZEAU: Any other questions?

5 So is that -- are you satisfied, Janet?

6 BOARD MEMBER LEWIS: Yeah. No, I'm -- that's great.
7 Thank you.

8 CHAIRPERSON PREZEAU: Any other questions, comments,
9 concerns?

10 So the Chair would certainly love to entertain a
11 motion to adopt the amendments to the bylaws and would
12 also like the maker of that motion to address which
13 Article IV, subsection "e)" we'd like to -- which version
14 of those two options you'd like the Board to consider
15 adopting.

16

17 Motion

18

19 BOARD MEMBER PHILLIPS: So I would make a motion that
20 we accept the revised Washington State Electrical Board
21 Bylaws with Article IV, e) that states "In the absence of
22 both the Chair and Vice Chair the Secretary of the Board
23 shall call the meeting to order and the board shall
24 appoint a chairperson pro-tem."

25 BOARD MEMBER: Second.

1 CHAIRPERSON PREZEAU: Thank you, Alice.

2 So it's been moved and seconded to adopt the proposed
3 bylaws changes to the Washington State Electrical Board
4 Bylaws and incorporate as presented and incorporating in
5 Article IV, subsection e) the language "In the absence of
6 both the Chair and Vice Chair the Secretary to the Board
7 shall call the meeting to order and the board shall
8 appoint a chairperson pro-tem."

9 Discussion on the motion?

10 BOARD MEMBER CORNWALL: Second.

11 CHAIRPERSON PREZEAU: Oh, we already had a second.

12 BOARD MEMBER CORNWALL: Oh, I'm sorry.

13 CHAIRPERSON PREZEAU: Yeah, no. It was moved and
14 seconded.

15 So now we're at any discussion on the motion?

16 Beautiful. All those in favor, signify by saying "Aye."

17 THE BOARD: Aye.

18 CHAIRPERSON PREZEAU: Opposed? Motion carried.

19

20 Motion Carried

21

22 CHAIRPERSON PREZEAU: Very good. So thank you, Board
23 members, and certainly the committee.

24 And I know that Jose has joined us.

25 But very quickly, my apologies for Bethany Rivera,

1 who is a new staff person to the Board and sits -- I'm
2 sure you've become familiar with everybody's e-mail
3 addresses, Bethany.

4 But I would like to take a minute before we have Jose
5 come up, if the Board members would please introduce
6 themselves and state what sector of the industry you
7 represent, which seat you occupy on the Board, I would
8 greatly appreciate it, and I know Bethany will as well.

9 So Dominic, you want to kick off?

10 BOARD MEMBER BURKE: Dominic Burke, Burke Electric,
11 contractor seat.

12 BOARD MEMBER SCHMIDT: Kevin Schmidt, Interface
13 Technologies, telecom vendor.

14 BOARD MEMBER GRAY: Bobby Gray, contractor seat,
15 Southeast Washington.

16 BOARD MEMBER TOWNSEND: Dennis Townsend. I work for
17 CenturyLink. I'm the telecom utility rep.

18 BOARD MEMBER WARD: Dave Ward. I'm the power utility
19 rep.

20 BOARD MEMBER BAKER: Don Baker, contractor seat.

21 BOARD MEMBER CUNNINGHAM: Dylan Cunningham, MW
22 Consulting Engineers, engineering seat.

23 BOARD MEMBER NORD: Mike Nord, communication workers
24 communication seat.

25 ASSISTANT ATTORNEY GENERAL REULAND: Pam Reuland, the

1 AG seat.

2 CHAIRPERSON PREZEAU: Tracy Prezeau, Chair of the
3 Board and electrician.

4 BOARD MEMBER PHILLIPS: Alice Phillips, Vice Chair,
5 in the high voltage seat.

6 BOARD MEMBER CORNWALL: Dave Cornwall, manufacturer's
7 seat.

8 BOARD MEMBER LEWIS: Janet Lewis, 01 electrician
9 seat.

10 BOARD MEMBER BRICKEY: John Brickey, City of
11 Longview, city jurisdictional seat.

12 BOARD MEMBER BELISLE: Rod Belisle, electrician.

13 CHAIRPERSON PREZEAU: And I think you guys
14 (addressing Thornton and Rivera) know each other.

15 Excellent.

16

17 Item 2. Departmental/Legislative Update

18

19 CHAIRPERSON PREZEAU: So Jose, would you -- we would
20 love it if you would come up and let us know -- give us
21 the departmental/legislative update.

22 MR. RODRIGUEZ: So for the record, I'm Jose A.
23 Rodriguez, the Assistant Director for Specialty Compliance
24 Services and Public Safety here at the Department of Labor
25 and Industries.

1 Madam Chair, members of the Board, thank you for the
2 opportunity to address the Board.

3 And I'd just like to -- we're coming up on public
4 service recognition week. And that recognizes those of us
5 who are actually in public service right now. But you
6 really are performing a public service in your roles as
7 members of the Board. I just want to take this
8 opportunity to thank you for your willingness to
9 participate on the Board and your contributions to the
10 Board and to the electrical program. So thank you very
11 much.

12 So I was asked to speak today on a couple of topics.
13 And interesting on the legislative update, there were a
14 series of I count six bills that potentially had an impact
15 on the electrical program in one way or another.

16 I'm prepared to go over those but found out this
17 morning that yesterday when the legislative session end --
18 let me back up.

19 None of those bills made it out of one house or the
20 other house or committee. So right now when the regular
21 session ended, none of those bills had made it out of the
22 committee.

23 But with the special session with the proclamation
24 from the Governor that we're going into a special session,
25 there's an opportunity for all those bills to be

1 reintroduced. And I got a status report this morning that
2 all of them have been reintroduced. It does not mean,
3 though, that they're going to go anywhere. It's just that
4 they are officially all still alive.

5 CHAIRPERSON PREZEAU: Jose, may I interrupt you for
6 just a moment?

7 MR. RODRIGUEZ: Sure.

8 CHAIRPERSON PREZEAU: So certainly -- so -- because
9 at the last Board meeting, we -- the Chief gave us a
10 pretty extensive legislative update. And there was -- and
11 we had some fairly detailed discussion about those pieces
12 of pending policy and in some cases their catastrophic
13 effect on the industry and the work the Department does
14 through the electrical program and specifically the
15 Washington State Electrical Board. There was a piece of
16 legislation that would have had a direct impact on the
17 jurisdiction of the Board.

18 And so because there was so many pieces of
19 legislation and because of their potential dramatic
20 impact, we actually convened a subcommittee -- a
21 legislative subcommittee in the event that -- because we
22 knew that this body would meet after, sine die, right? for
23 the regular session.

24 So that committee consisted of Dennis Townsend, Rod
25 Belisle, Mike Nord and myself. And we monitored, you

1 know, what was happening and knew that none of those
2 policy bills made it past cutoff. But in the event that
3 we needed to articulate our concerns potentially to the
4 Governor, the Speaker and the majority leader, that we
5 were posed to do that. So I just wanted to share that
6 with you. It certainly doesn't make me happy that in the
7 special session they have been reintroduced.

8 But if you would be kind -- do you know what pieces
9 of legislation have been reintroduced that have an impact?
10 Because that would be -- I think I would find that very
11 valuable and maybe the Board would too.

12 MR. RODRIGUEZ: Yeah. It's Senate Bill 5282, Senate
13 Bill 5281, House Bill 1590 or Engrossed Substitute House
14 Bill 2500, House Bill 1315, House Bill 1608, and House
15 Bill 1609. That's as of this morning.

16 CHAIRPERSON PREZEAU: Great. Thank you for that
17 update.

18 MR. RODRIGUEZ: So a couple of other topics that I am
19 going to take this opportunity to ...

20 As you know, the special session, the primary focus
21 is going to be on the budget. And we -- as a program we
22 prepared a decision package which means that we're asking
23 for authorization to spend some money from the dedicated
24 account. And that is to replace the mobile inspection
25 system. I think I've mentioned that before to this Board.

1 I'm sure that the Chief has. But it is included in the
2 Governor's, the House and the Senate budget proposals. So
3 we're hoping that when the budget does come out that we
4 will get the money.

5 But what we've asked for is \$3.5 million in
6 authorization to spend from the dedicated account. And
7 the purpose is to develop a modern mobile technology
8 system to support the work of our electrical inspectors
9 and provide enhanced services to our customers.

10 Some features that we're looking for in this new
11 system is to make sure that it's automated. We want
12 GIS-based trip planning and mapping which currently right
13 now is not available in our system, replacing a largely
14 manual process there. We want to be able to allow
15 inspectors to record their notes on some type of a mobile
16 device that they could carry to the inspection site. And
17 then as soon as they return to their vehicle or place
18 where that data can be transmitted, it would appear on our
19 Web site, and the customer would have that information
20 available immediately so they can start to make
21 corrections and continue with their work.

22 The other thing is we want to -- we're looking for a
23 modern technology architecture. The reason that we need
24 to make this change is that we're replacing a 14-year-old
25 system. There's a lot of things that we wanted to do with

1 this system to modify it to help provide better services
2 to our customers and to our inspectors, but it's
3 incompatible with other systems, and we're hesitant to
4 even mess with it because we might break it. So the idea
5 here is to replace it with something that has an
6 architecture that we can support into the future and is
7 more adaptable to the changing technology in terms of
8 hardware and software.

9 So what we did is we began to work on this project by
10 forming a work group to look at the preliminary
11 requirements. And we have been -- so we've got some
12 representatives from the field and inspection staff that
13 have been working on this initial phase, and we've been
14 covering those costs with our existing variance. We've
15 had some vacancies, and so we've been using that money to
16 get started at least with preliminary planning.

17 So if we get the money, then obviously we'll go into
18 the full-blown requirements. We'll have programmers come
19 on board to -- and project managers to build the system,
20 and we will reach out to our customers to make sure that
21 we get their customer requirements as well.

22 So that's the status on where we're at. We're
23 looking forward to -- hopefully it's in the budget and we
24 can get moving on that.

25 The other issue I just wanted to bring to your all's

1 attention is that we do have a recruitment and retention
2 problem currently within the Department, the electrical
3 program. But it's really in all of our construction
4 trades.

5 With the improving economy, it's drawing on our pool
6 of current inspectors and making it difficult for us to
7 recruit. So for the electrical program, I started
8 monitoring this a couple months ago. I think we were up
9 to 18 vacancies at one point. As of Friday, we had 13
10 vacancies out of 112 inspectors.

11 So obviously this impacts our ability to get to the
12 job sites within 48 hours. And so it's a problem. We
13 think it's going to get worse instead of better. So we've
14 had to come up with a plan to deal with that.

15 We also have a high rate of folks that are retirement
16 eligible. So the graying population, the --

17 CHAIRPERSON PREZEAU: Do you -- so we've had this
18 conversation before. And I appreciate you bringing it up
19 again. Do we know what percentage of our -- of the 112
20 staff members that are retirement eligible, do we know
21 what that percentage is right now?

22 MR. RODRIGUEZ: I didn't bring that number with me.

23 SECRETARY THORNTON: I don't know what it is either.

24 I do know that right now over 50 percent of our staff
25 has been here three years or less, and that a good share

1 of the ones that are left will be eligible to retire in
2 the next five years.

3 CHAIRPERSON PREZEAU: Yeah. I want to say that this
4 is going back to when Ron Fuller was the Chief, we had
5 this consideration about retention and retirement and the
6 Department was going to be very intentional about
7 training. And obviously we've made some -- you know, we
8 have a departmental and program trainer and we wanted to
9 get -- because we knew that not only were we going to have
10 a lot of folks -- I want to say it was like 20 percent of
11 the staff was eligible to retire at like any moment.

12 So I think we have two issues that we really want to
13 be mindful of, which is, Steve, what you just brought up,
14 is if you're having a lot of churn, then you've got a
15 large number of -- you said half of the staff has had
16 three years or less of experience within the program. And
17 then -- so you have that piece. And then the potential
18 for so much more vacancies to happen. Then -- and also
19 the retention. So, you know, I mean -- wow. I don't know
20 what the solution is. But I'm glad that we are aware of
21 that and the Department is putting pieces in place to
22 address that.

23 MR. RODRIGUEZ: So let me just share kind at a very
24 high level the things that we're looking at.

25 First of all, would be obviously compensation. So

1 we're putting some energy into that, right now gathering
2 data about what's going on in the economy in the private
3 market versus the government market. That's a difficult
4 one for us to deal with because there's a lot of process
5 involved with that.

6 CHAIRPERSON PREZEAU: We don't necessarily completely
7 control that process.

8 MR. RODRIGUEZ: Right.

9 But we have an administration here I think that is
10 committed to doing something. So we're working on that.

11 The other one is marketing. We have a pretty good
12 benefits package. So we don't do a really good job of
13 marketing that. So again, getting that out there.

14 We're coming up with some recruitment strategies,
15 working with our recruitment folks to make sure that we
16 are touching all the various groups that we can to get
17 quality inspectors.

18 We are going to continue with the electrical
19 succession planning inspectors. So we have six FTE's
20 currently. We would always have a pool of six FTE's ready
21 to deploy and fill a vacancy. We're going to continue
22 with that.

23 And we're also thinking that -- this is more
24 futuristic, but if the situation doesn't get any better,
25 we have to figure out a way to manage the current

1 workload. So looking at some innovative approaches to
2 doing inspections in the future.

3 CHAIRPERSON PREZEAU: Very good. No, I like the
4 approach. And I think especially for contractors on the
5 Board and certainly for the electrician folks that are the
6 field, the success of this program truly rises and falls
7 on the field staff and the ECOPE folks and the human
8 beings that make this program run, whether they're here at
9 central office or whatever region they're in. So they're
10 the most valuable resource this program has. So we need
11 to make sure that we -- that that continues, that
12 historical truth continues to the future.

13 Janet, did you want to get in on this?

14 BOARD MEMBER LEWIS: No. I was just going to ask
15 Jose about, you know, using the recruitment retention
16 problem to go after more compensation. Because I've heard
17 that is a large piece of not being able to recruit.

18 And it sounds like that's what you're doing. Thank
19 you.

20 MR. RODRIGUEZ: Uh-huh.

21 CHAIRPERSON PREZEAU: And certainly I think -- you
22 know, Jose, if at any point you think in any of those
23 bullet points, any of those pieces the strategy, if
24 support from this body would be helpful moving forward, I
25 think we are probably universally supportive of getting

1 behind that initiative and make sure that, you know, we
2 have the human resources we need. And if we need
3 assistance in any of those tactics to support this
4 retention recruitment strategy, be more than happy to
5 weigh in on that.

6 MR. RODRIGUEZ: Just keep a close eye on your
7 workers. We're going to try to get them.

8 CHAIRPERSON PREZEAU: Yeah.
9 Don.

10 BOARD MEMBER BAKER: Jose, I don't mean to put you on
11 the spot.

12 MR. RODRIGUEZ: Sure.

13 BOARD MEMBER BAKER: But I know a while back there
14 was a lot of discussion about inspectors and the ethics
15 issue with them instructing, and there was, you know, some
16 disgruntled inspectors over that and maybe a loss of
17 inspectors over that. Where are we at with that issue
18 today?

19 MR. RODRIGUEZ: So that issue is currently before the
20 ethics board. Actually today I'm scheduled to meet with
21 the person that's going to give us that decision.

22 And to be honest with you, I don't know how it's
23 going to go. I think -- I am pleasantly surprised by
24 their willingness to look at it and not say "no" right off
25 the bat. But it's a little complicated. So I have to

1 wait and see what they're going to come up with.

2 And then we'll have to take that decision and take a
3 look at it in our agency whether we stick with the policy
4 we have or change our policy.

5 So I don't have a decision for you. But --

6 BOARD MEMBER BAKER: It's good you're looking at it.
7 Because I know the inspectors have been waiting for a
8 response. And hopefully the ethics board has taken into
9 consideration the economic times and the challenges with
10 trying to retain the inspectors as part of the equation.

11 CHAIRPERSON PREZEAU: Well, and just as an update or
12 I guess a repeat or a refresher, I -- you know, because
13 we've had this conver -- and I'm glad you actually brought
14 it up because it was the one question I was going to ask
15 Jose about is that ethics question.

16 And I don't remember how long ago it was or when it
17 was, but I appreciate the fact that Jose and the
18 Department convened a work group that I got to be a part
19 of, and there's some other folks in the room that were
20 part of it and some inspectors and some other program
21 staff, to figure out if there was some room to allow
22 inspectors to resume that instructional piece.

23 So this has been going on for some time, and we've
24 been trying to get the ethics board to reexam the decision
25 so we can reevaluate the policy potentially. And so --

1 but this is for some Board members that maybe weren't here
2 for that, you know, some really good work got done about
3 that.

4 So I'm hopeful, cautiously optimistic that they will
5 potentially see it differently.

6 BOARD MEMBER WARD: Tracy, a couple questions.

7 CHAIRPERSON PREZEAU: Absolutely.

8 BOARD MEMBER WARD: The succession planning pool, I
9 was kind of curious about that. I think it's a great idea
10 to bridge those gaps in normal times. But it sounds like
11 -- I mean, you got a pool of six. Is that going to meet
12 your needs for what you're facing based on some of these
13 projections?

14 MR. RODRIGUEZ: Well, I would say right off the bat
15 that it probably won't. So one of our considerations
16 would be to up that number potentially. But again,
17 recruiting for that pool is getting --

18 BOARD MEMBER WARD: Is getting hard, yeah.

19 So how many have you --

20 MR. RODRIGUEZ: Because those are non-permanent
21 positions. So you have somebody coming in on a
22 non-permanent status and has two years to find a permanent
23 position.

24 BOARD MEMBER WARD: How many employees have you lost
25 out to the private sector over this last year or so? What

1 kind of numbers are you looking at?

2 MR. RODRIGUEZ: We haven't collected all the
3 anecdotal -- I mean every -- we are documenting every
4 case. I just didn't bring that file with me.

5 SECRETARY THORNTON: And I know of at least four that
6 have gone to other inspection agencies, and at least four
7 that have decided the job wasn't worth what they were
8 getting paid and gone back out into the field. And what
9 the exact number is I'm not exactly sure.

10 BOARD MEMBER WARD: It feels like you got a big
11 at-risk group there of 50 percent only being there for
12 three years or less.

13 SECRETARY THORNTON: Well, and that's a younger group
14 to boot. So they're a little more eager to jump back out
15 when the money gets big enough. So --

16 BOARD MEMBER WARD: It's challenging.

17 SECRETARY THORNTON: Well, it is a challenge. And it
18 may get worse.

19 BOARD MEMBER WARD: Thank you.

20 MR. RODRIGUEZ: So I just wanted to give you all a
21 heads up what we are working on. We're putting some
22 organization, some resources around it. And we'll keep
23 you updated.

24 CHAIRPERSON PREZEAU: Thank you.

25 MR. RODRIGUEZ: The last one is an opportunity that

1 presented itself. We're going to take advantage of it.
2 But the Governor has a program he calls Results
3 Washington. You may be familiar with it. Maybe not. But
4 it's the Governor's performance management system. And
5 it's how he keeps the public and his cabinet aware of
6 what's going on with the various departments and the
7 programs that they administer.

8 And so they were looking for a program to present on
9 May 27th to the Governor's cabinet, and we volunteered the
10 electrical program. So we'll be doing a presentation to
11 the Governor.

12 Having just talked about recruitment and retention,
13 you can see why it's opportune. But we plan to give the
14 Governor a program for review, areas where we think we've
15 been successful and areas where we can continue to
16 improve. And it's -- I haven't attended one of these, but
17 it's a kind of a round table forum where we get to bring
18 in program staff and some invited guests to do a
19 presentation. So we're looking at folks that we might be
20 able to invite.

21 Madam Chair, you might get an invitation.

22 CHAIRPERSON PREZEAU: Just -- I know my schedule.
23 I'm actually in town that day. It's also my sister's
24 birthday.

25 MR. RODRIGUEZ: We also have the opportunity perhaps

1 to bring a customer in. So again, taking a look at what
2 that customer might be. And the customer can be somebody
3 that runs a business or it can be somebody who represents
4 an association. So we've got a -- we still have to figure
5 that out.

6 But it's an opportunity. And for those folks that
7 can't attend, it will be available on TVW. So it's a
8 public meeting. So we're real excited about preparing for
9 that.

10 CHAIRPERSON PREZEAU: That's very exciting.

11 MR. RODRIGUEZ: Right, Steve?

12 SECRETARY THORNTON: We are, yeah. Thrilled to
13 death, yes.

14 MR. RODRIGUEZ: That's all I have to report. Any
15 questions?

16 CHAIRPERSON PREZEAU: Any questions for
17 Mr. Rodriguez?

18 So before you leave, Jose, I'm just curious. In
19 light of the fact that these six policy bills have been
20 reintroduced and possibly more in the special session, I
21 would very much -- I wanted to ask Dennis and Rod and
22 Mike, the legislative subcommittee that was identified
23 last meeting, if you guys would be interested in
24 continuing on that committee through the special session
25 because I think that's important. And I'm looking for

1 some concurrence, and I am seeing that.

2 BOARD MEMBER BELISLE: Sure.

3 BOARD MEMBER TOWNSEND: Absolutely.

4 CHAIRPERSON PREZEAU: Okay, definitely.

5 And just an update, again, to Jose and the Board, we
6 -- the subcommittee did not actually write any letters
7 regarding any of the bills that we were reported on in the
8 January meeting. And it was mostly because we were
9 waiting for different cutoffs to see if the policy bills
10 were going to make it out of their house of origin and
11 then vice versa. Because we sort of felt -- and looking
12 for the entire Board to weigh in on this to make sure that
13 we are following -- that we have the same expectations on
14 this instead of writing a bunch of letters for policy
15 bills that were not actually -- had a lot of traction, we
16 wanted to reserve our voice in the event that we really
17 had a serious battle on our hands. Sort of the chicken,
18 you know, the sky is falling, the sky is falling. Let's
19 not be Chicken Little. Let's only get into the fray if we
20 really need to.

21 And so that's how we've been operating. So we didn't
22 actually author anything, which is why there's nothing.
23 We didn't present anything.

24 So Dennis, you want to ...

25 BOARD MEMBER TOWNSEND: I just liken it to a game of

1 Whack-a-Mole. You just wait to see which one comes up
2 through the -- then you address it. You're all on standby
3 until you see something that emerges. And so sometimes
4 the reaction has to be rather swift because once they
5 emerge to a process where it gets through a committee, it
6 gets through rules and actually gets close to the floor,
7 that's when -- you know. And if they're all serious
8 pieces of legislation, but the ones that move forward
9 sometimes are hard to predict. And that's why the
10 reaction is important as well.

11 CHAIRPERSON PREZEAU: Yeah. And I think that having
12 that subcommittee while the legislature, especially this
13 one -- you know, the regular session and the special
14 session, gives us that flexibility, that nimbleness to
15 respond very quickly to policy issues of serious
16 consequence that seem to be potentially reaching the bars
17 and moving forward.

18 So I just wanted to make sure we shared that with the
19 rest of the Board how we were understanding our
20 responsibilities to be and then just making sure that,
21 Jose, you were aware of that, that we have this team at
22 the ready in the event that some communication from the
23 Board would be effective in explaining to decision-makers
24 on the hill the potential impacts.

25 MR. RODRIGUEZ: So just to be transparent and clear,

1 you asked me -- you had informed me about the committee
2 being formed -- subcommittee, and you had asked if there
3 was any way that we could assist with some information.
4 And I ran that through our process, and the decision was
5 that we can help in the same manner that we do with any
6 stakeholder who's both in favor or against a bill. We
7 provide whatever information/data that we have that's
8 available so that that party can make an informed
9 decision. So I don't know if we got that information to
10 you all in time or not. But moving forward, that's
11 something that we will do a better job of.

12 CHAIRPERSON PREZEAU: Very good. Thank you very
13 much.

14 Any other questions or comments for Jose?

15 Thank you for your time. It's always nice to have
16 you here at our meetings. I really appreciate your -- I
17 know you're a very, very busy man, so I really appreciate
18 your time. Thank you.

19 MR. RODRIGUEZ: Thank God you're not elevators.

20

21 Item 5. Secretary's Report

22

23 CHAIRPERSON PREZEAU: Okay. So Steve, you ready to
24 do Secretary's Report?

25 SECRETARY THORNTON: Yes.

1 CHAIRPERSON PREZEAU: Excellent.

2 SECRETARY THORNTON: Madam Chair and Board members,
3 for the Secretary's Report, budget-wise, the fund balance
4 for March is \$7,792,611. That is about four and a half
5 months worth of operating costs.

6 CHAIRPERSON PREZEAU: Steve, would you -- I'm sorry
7 -- would you say that number again?

8 SECRETARY THORNTON: \$7,792,611.

9 CHAIRPERSON PREZEAU: Thank you.

10 SECRETARY THORNTON: And monthly it costs us about
11 \$1.621 million to operate, which that's if we're fully
12 staffed, which you've heard we're not. So we don't use
13 quite that much every month. But that's about what it
14 costs to operate.

15 And looking at those numbers, that should leave us
16 with about \$7.4 million at the end of the biennium if you
17 look at what our history is as far as our spending and
18 stuff goes.

19 Customer service-wise, we had 28,430 permits sold
20 last quarter. And 25,731 of those were processed on-line,
21 which is about 91. That's about a 1 percent increase from
22 the quarter before. 95 percent of contractor permits are
23 sold on-line. Homeowners buy about 55 percent of their
24 permits on-line. And last quarter was about 80 percent of
25 inspection requests. And that stays pretty consistent.

1 Customers made 66 percent of all electrical license
2 renewals on-line. We continue to try and promote and move
3 into the electronic age to make it easier for everybody to
4 do business with us and make ourselves available to you
5 from your location rather than having to come to us. So
6 as we go forward, I think those numbers will gradually
7 increase. I don't think we'll ever get to 100 percent of
8 any one of them. But we promote people being able to do
9 business with us from your location.

10 We didn't have any new testing labs approved in the
11 last quarter.

12 Inspection-wise, our goal is to do 94 percent of our
13 inspections within 48 hours. We were at 93 percent, which
14 part of that is due to the hiring and retention problems.
15 You know, if we had the other 12 inspectors out there,
16 those numbers would be a little better.

17 Compliance-wise, last meeting we had a number that
18 was considerably behind the pace to meet our goals. This
19 quarter we exceeded that by quite a bit. Most of that was
20 due to the compliance efforts of our E CORE team. And that
21 team consists of Rand Jones, Darin Lyon, Bob Matson, Phil
22 Jordan, and Emilio Castro. They have had some really good
23 luck catching out-of-state contractors doing work in
24 pretty much chain stores. There were some energy-
25 management upgrade systems in O'Reilly Auto Parts and

1 Starbucks that were done by a California contractor that
2 they caught. And those jobs were all taken over by local
3 contractors and permitted and inspected by licensed
4 contractors.

5 CHAIRPERSON PREZEAU: Because, Steve, you shared with
6 me, those -- the out-of-state contractor was not licensed,
7 the workers were not certified, there was no permits
8 pulled, no --

9 SECRETARY THORNTON: Right. Nothing, yeah.

10 CHAIRPERSON PREZEAU: They were completely flying
11 under the radar.

12 SECRETARY THORNTON: Right. And --

13 CHAIRPERSON PREZEAU: All across the state.

14 SECRETARY THORNTON: Yeah. And there were a couple
15 hundred involved in that when you look at all the stores
16 and individual citations for no contractor's license, no
17 permits, and all of those things.

18 Other issues have been some HVAC contractors that
19 were unlicensed with uncertified individuals, which once
20 we catch those people, there's usually a long list of jobs
21 they've already done before we catch them. So they amount
22 to large amounts of citations that get issued.

23 BOARD MEMBER NORD: A question, Steve.

24 SECRETARY THORNTON: Yes.

25 BOARD MEMBER NORD: These large chain stores that are

1 doing these upgrade operations, is this becoming a very
2 common problem with unlicensed people doing the work?

3 SECRETARY THORNTON: I think it's been a problem for
4 a long time, yeah. And there's different reasons why you
5 can see how it happens. But chain stores in particular
6 are, you know, run from a corporate office back east
7 somewhere, and whether they don't care, they just don't
8 bother to check what the rules are. There are places
9 where we find a lot of that kind of stuff going on.

10 CHAIRPERSON PREZEAU: And it's-- you know, it's
11 unfortunate because the local management of the
12 establishment, whether it's Starbucks or Chipotle or
13 whatever, is -- you know, they're good -- and they don't
14 know either. They just say corporate is going to -- you
15 know, we're going to get -- corporate says we got to have
16 these new light fixtures. Corporate says we got to have
17 these new displays. So then the vendor's going to come in
18 and take care of it. And they don't -- there is an
19 assumption I think that somebody, the decision-makers, are
20 doing their due diligence. And it's not happening.

21 So I -- I mean, I applaud the work that the ECORE
22 team does and has done is --

23 BOARD MEMBER NORD: Is remarkable.

24 CHAIRPERSON PREZEAU: -- truly remarkable.

25 SECRETARY THORNTON: And -- yeah. And who knows how

1 many steps there are between corporate and the person that
2 actually ends up doing the installations. There could be
3 six or eight different steps in there where it just falls
4 through the cracks.

5 CHAIRPERSON PREZEAU: Alice.

6 BOARD MEMBER PHILLIPS: And just for clarification,
7 like Starbucks -- we'll pick on them -- they'll hire a
8 contractor, and that contractor will go statewide and do
9 the upgrades to all of the coffee shops that get the new
10 display case.

11 SECRETARY THORNTON: Right, sure.

12 BOARD MEMBER PHILLIPS: So they could be at multiple
13 locations unlicensed.

14 SECRETARY THORNTON: Yes.

15 BOARD MEMBER TOWNSEND: And multiple states.

16 SECRETARY THORNTON: And, in fact, they may have a
17 contract for the whole West Coast. Who knows. Yeah.

18 And there's another ongoing investigation right now
19 at Walmart stores and installation of pizza ovens also
20 done by an out-of-state contractor that will be, you know,
21 in the next meeting's numbers.

22 But something else that has come to the surface is
23 that there may be some issues with some of our CEU
24 providers and their course hours and such. So we're
25 starting to do an investigation on that. And I'll let you

1 know where that goes. But we've just started that in the
2 last couple of days.

3 CHAIRPERSON PREZEAU: So since it's a pending sort of
4 investigation, I don't want to get too much detail, but is
5 the suspicion that they are giving folks credit for hours
6 of education that they didn't receive? Or --

7 SECRETARY THORNTON: I'm not sure what the actual
8 issue is. It's just something that I -- I know the E CORE
9 team and audit is starting to look into as far as some
10 issues on that.

11 So inspection-wise, we do about nine and a half stops
12 per day for inspections. And that translates in the last
13 quarter, we did 49,806 inspections. And we drove almost
14 450,000 miles to do those. And so there's a lot that goes
15 on.

16 In those inspections, we wrote 9,719 electrical
17 disconnect corrections.

18 On our licensing turn-around, the goal is three and a
19 half days. We have same-day turn-around on here. But if
20 you look at the licensing comment below because of an
21 increase of 1,403 electrical licenses, it's actually 1.5
22 days, but that's still considerably less than the goal.

23 Plan review has a goal of -- a turn-around of three
24 weeks or less. They're at a point eight weeks which must
25 be about four days -- four or five days. So they're

1 getting real busy now with everybody trying to get their
2 plans and stuff approved and through for the summer glut
3 of school remodels and such.

4 Licensing this quarter, like I said, it was up 1,403
5 from the previous quarter.

6 And I think that's all I have on that Secretary's
7 Report.

8 CHAIRPERSON PREZEAU: All right. Any questions for
9 Steve?

10 BOARD MEMBER GRAY: A couple.

11 CHAIRPERSON PREZEAU: Yes, go ahead, Bobby.

12 BOARD MEMBER GRAY: Thank you, Madam Chair.

13 Steve, is there a point to where the surplus becomes
14 a target for perhaps diverting that money into either
15 general fund or perhaps to another program that isn't
16 operating sufficiently as ...

17 SECRETARY THORNTON: I don't know that there's a
18 particular point. But anytime there gets to be a fair
19 amount of money in there, you have to assume that somebody
20 may look at it.

21 Right now with the mobile inspection money kind of
22 earmarked, that doesn't seem to be too likely a
23 possibility right now. But you never know.

24 CHAIRPERSON PREZEAU: So Bobby, just a little more
25 history there.

1 BOARD MEMBER BURKE: They've done it before.

2 CHAIRPERSON PREZEAU: We've -- I've been on this
3 Board since 2005, and our dedicated fund has been swept
4 twice.

5 The first time we had in excess of \$13 million in the
6 dedicated fund, which was really a, you know, big shiny
7 flag.

8 And the last time we were right around \$9 million I
9 believe, which has prompted a conversation that this Board
10 had -- because it used to be the Board had an expectation
11 of wanting six months of operating expense in reserves, if
12 you will. And we had a long conversation about whether or
13 not that is an appropriate expectation of the Board. And
14 the chief at the time, we had a discussion regarding what
15 is standard accounting practice, and so we've sort of
16 ratcheted that expectation back down to four months. So
17 we're really pegging that thing nicely. And I think we --
18 the program and the Chief that has -- you know, we've had
19 -- that have been presiding over the program and the
20 finances and the interim chief because of the -- I will
21 refer to it as a construction depression because I think
22 all metrics indicate that that's what it was. We really
23 -- you know, the focus was really close every day on the
24 amount of money that we had in our dedicated fund, and
25 decisions about full-time employees and expenditures and

1 variances, and it really refocused in a very good way I
2 think keeping tabs not only on the finances but also that
3 question of, you know, we like to see money in the account
4 because we like to have -- because everybody likes money
5 in their savings account, but we also want to be very
6 cautious of creating that greater awareness of the assets
7 that we have.

8 So I don't know if that's helpful, but ...

9 BOARD MEMBER GRAY: Yeah. Thank you.

10 CHAIRPERSON PREZEAU: Don, you had questions for the
11 Chief?

12 BOARD MEMBER BAKER: Yeah, I got a couple.

13 Going back to the manpower shortage. You mentioned
14 12 inspectors short. Is there a particular region or
15 areas that you're seeing the shortage in?

16 SECRETARY THORNTON: Well, they're pretty much
17 everywhere. There are some offices that are less likely
18 to have those issues. East of the mountains for one is a
19 harder area to recruit for. We've kind of changed our
20 recruiting outlook from -- we used to recruit by office,
21 very localized, because we got a fair amount of
22 applicants. Now we recruit statewide and try to maybe
23 hone the group to be a little more higher quality. And
24 they don't always want to go across the state to get a
25 job, but at least we've got a better pool of people that

1 we can try and entice to do that. So that has seemed to
2 work better for us than the localized individual
3 recruiting and training and hiring.

4 BOARD MEMBER BAKER: So when you're recruiting
5 statewide, I mean, do they know they're applying for a
6 position they could be sent over to Moses Lake or

7 SECRETARY THORNTON: And it's not that they could be
8 sent over there, but they know that they are applying for
9 a pool of possible jobs anywhere in the state. Then it's
10 up to them to decide whether they want to go or not.

11 You might apply and want to go to Kennewick, but I
12 have an opening in Vancouver, and I might ask you, you
13 know, there's an opportunity here, and then if you want to
14 take that, then you can -- when the chance comes, you're
15 always eligible to transfer back.

16 BOARD MEMBER BAKER: The other question I have for
17 you was: The increased licenses, 1,400, I'll ask the
18 question. As contractors, we know we have low manpower
19 shortage issue, and coming up there's going to be a real
20 shortage. And I'm just wondering if you're seeing guys
21 coming in from out of state and redoing their license. I
22 don't even know if you track that.

23 I know Oregon a while back set up a reciprocity
24 agreement with Washington for guys to come in and just --

25 SECRETARY THORNTON: And I'm not sure where that

1 1,400 number comes from. I don't think it's that.

2 There are some coming from out of state. And the
3 manpower pool is shrinking to just about nothing. So
4 they're going to have to come from somewhere.

5 CHAIRPERSON PREZEAU: Any other questions for Steve?
6 Great.

7

8 Item 6. Certification/CEU Quarterly Report

9

10 CHAIRPERSON PREZEAU: So Certification/CEU Quarterly
11 Report.

12 Larry, do you want to come up and join us please.

13 MR. VANCE: Madam Chair, members of the Board, my
14 name is Larry Vance. I'm a technical specialist for the
15 Department of Labor and Industries.

16 Over the last several Board meetings, I talked of a
17 project that I was working on. And what the project
18 consisted of is I had a year's worth of data on our exam
19 candidates -- the 01 exam candidates. And it's always
20 been kind of a mystery to be able to figure out who's an
21 on-the-job trained electrician, who's enrolled in an
22 apprenticeship program, which apprenticeship program.

23 So what this project is, is I got a year's worth of
24 exam data from our testing firm, PSI. There was 848
25 people that attempted the examination in this given period

1 of time. The average pass rate for those 848 people --
2 this is the first-time pass rate -- was 57 percent. So
3 that's what everybody -- that's everybody.

4 Now, if we break that down and look at who's who, we
5 have the Washington OJT trainees have been identified.
6 There was 218 of those. They're the largest class of
7 people other than -- they're right up there with what I
8 would like to call "other." "Other" is everybody that is
9 not an apprenticeship, in an apprenticeship or an OJT
10 person. These are people that are retaking their
11 examination for some reason. They lapsed. That would be
12 what I categorize as Washington Other, meaning you hold a
13 certificate; you just let it lapse. Folks coming in from
14 out of state --

15 CHAIRPERSON PREZEAU: So that goes to Don's question,
16 right? So in this "other" category, there's not a
17 complete understanding of candidates coming in from out of
18 state in the last year, but because there's other folks in
19 there, in addition to candidates coming from out of state,
20 folks that let their license lapse and have to retest.

21 MR. VANCE: Right.

22 So there's not a huge population of people that let
23 their licenses lapse and retest. But we do it seems like
24 every month hear from somebody that did that
25 unfortunately.

1 Our previous Chief Electrical Inspector, Ron Fuller,
2 retook the examination because for some reason he forgot
3 when his birthday was.

4 CHAIRPERSON PREZEAU: Perhaps it was just because he
5 wanted to take Doug Erickson's revised exam, all the work
6 that he did.

7 MR. VANCE: It could be. It was probably R and D
8 work.

9 CHAIRPERSON PREZEAU: Because that's what I would
10 like to think of it is.

11 MR. VANCE: Yeah.

12 But he did have his master electrician certificate
13 framed and on the wall commemorating that he retook it.

14 So it is 90 days. Everybody has 180 days in which to
15 renew. That's 90 days before and 90 days after your
16 expiration date. And some people don't get it done within
17 those 180 days for some unfortunate reason. And the
18 result of that is that they have to take the open book
19 examination test. So there's a few of those.

20 Lots of people coming from out of state, though.

21 And when we look at the pass rate here for everyone
22 that was part of this -- the 655 records that is either
23 Washington OJT or apprenticeship, their average pass rate
24 is right at 60 percent. The average of everybody, all 848
25 who took the exam is right around 57 percent. So that

1 would kind of tell us that this everybody group, this
2 approximately 200 people that are someone else other than
3 a trainee or an apprentice, that they're somewhere right
4 around that average also.

5 So looking at the data, there's a couple of things
6 here. The Washington OJT trainees, they're down at about
7 30 percent. They're 20 points below that. And these are
8 people that have just had 8,000 hours of supervised work
9 experience. And at the time of this test group here
10 somewhere between July 1 of 2012 to June 30th of 2013,
11 they would have been required to have 48 hours of basic
12 classroom instruction at that time.

13 It's RCW 19.28.205 that requires that they would have
14 96 hours, and that didn't come into effect until July 1st
15 of 2013.

16 So this is data that's before that.

17 Previous data I've given to the Board, though, shows
18 that when that came into effect July 1st of 2013, that it
19 really hasn't had any significant effect on the exam pass
20 rates. In other words, that line was kind of flat in a
21 chart that I previously provided to the Board.

22 So right now, 01 Washington OJT's are at around 30
23 percent in passing the electrical examination on their
24 first attempt. And as you can see, other organizations
25 are higher. There's another organization that's lower.

1 And this is just a snapshot in time. This is just one
2 year's data.

3 It's very difficult -- people can be released from a
4 program. They may take the examination. They may not
5 take the examination. There are people in Oregon, for
6 instance, that are part of the Local 48 JATC that may not
7 be taking the Washington exam until there's a need. They
8 may just take the Oregon exam. There's folks in that --
9 there's two groups that are in Oregon. Oregon area 1, and
10 I think that that is the IEC of Oregon. I'm quite sure
11 that that is. So the Oregon area 1 is IEC. And then
12 you've got IEC of Washington. And they're affiliated
13 organizations according to my understanding.

14 So I guess what I'd ask -- you know, I look at this,
15 and there's been some talk of increasing requirements. We
16 wrote an Electrical Currents newsletter article last month
17 and talked about the difference between Washington and
18 other states that surround us. And Washington is looked
19 at as a pauper state when it comes to training.

20 Our trainees or our apprentices, their minimum by the
21 electrical laws and rules, the minimum requirement that
22 they have to meet is 96 hours of in-class training.

23 Everyone around us, the border states are -- they're
24 144 hours a year, and you multiply that times 12. 144 is
25 the minimum. My understanding that it's actually more

1 than that. So they're getting a lot more education.

2 And some of these apprenticeship programs here,
3 they've also got higher education requirements. They're
4 around 144 or more per year.

5 And the OJT's down here, they are 96 maximum. At
6 this time they would have been 48 maximum because there is
7 the potential to renew your training certificate one time
8 with your 48 hours of in-class training, apply for the
9 examination, never renew your training certificate, and
10 take the examination and pass the examination or fail the
11 examination, one or the other, with only 48 hours. That
12 loophole was closed effective July 1st of 2013. So now
13 you have to in order to take -- be eligible for the exam,
14 you have to have all of your in-class training, whether
15 you're a specialty electrician or a journey-level
16 electrician.

17 So there is not -- I mean, if one were to look at
18 this, this is again just one year of data. The approach
19 for identifying who's who is essentially looked up each
20 licensing record, all 848 licensing records. Look at
21 their history of affidavits of experience. If they had no
22 affidavits of experience and it was evident that they
23 came from out of state, if there was hours reported by an
24 apprenticeship, we knew that they were in an
25 apprenticeship and we knew which apprenticeship it was, if

1 all hours were reported by a given contractor or a number
2 of contractors, we knew they were an OJT. In some
3 instances there was a mix because someone might have
4 started their career as an OJT electrician and finished as
5 an apprentice or vice versa. And based on the balance of
6 that experience, they were categorized accordingly.

7 One of the other statistics that's interesting is
8 that there is -- when we looked in March there was 17,193
9 people in the state of Washington with electrical trainee
10 certificates. 17,000. So that's -- out of that number,
11 if you look at the number of 01 and 02 apprentices, and
12 that's the most prevalent apprenticeship programs which
13 would be the bulk of the apprentices in the state, there's
14 only 1,598 of those. So that's 9.3 percent of the persons
15 out there that are learning the electrical construction
16 trade that are involved in an apprenticeship. That's a
17 very small amount.

18 BOARD MEMBER BAKER: That's staggering.

19 MR. VANCE: It is. It is.

20 But what it shows is I think that, you know,
21 essentially the most populist group among all the
22 electrician categories is the 01 electrician. There's a
23 lot of people out there that are carrying a trainee card
24 in their pocket with the hope of one day accruing the
25 hours and be eligible for the 01 examination. But in the

1 meantime, they're -- you know, in order to keep the
2 trainee card active, they have to take the requisite
3 number of in-class training hours. So it gets to be kind
4 of -- one would want to maybe work more towards becoming
5 certified where the number of hours training are less.
6 When you're a certified electrician, you're looking at
7 eight hours of continuing education per year, 24 hours per
8 renewal period, versus being a trainee where you're
9 looking at 48 hours every two years, essentially 24 hours
10 a year. And the going rate for continuing education
11 classes seems like it's somewhere around \$120 or more per
12 eight hours of training. That seems to be what continuing
13 education's marketed at. So it does become a little bit
14 of a cost issue for some folks, depending on what kind of
15 training that they're taking in order to stay active. So
16 there's 17,000 folks out there renewing their
17 certifications.

18 CHAIRPERSON PREZEAU: And certainly some of those
19 17,000 can be specialty electrician certificate holders
20 that -- like you said, whether they're an 02. That's
21 probably the most typical, you know, universally true.
22 But somebody is a residential journey level specialty
23 electrician and is carrying a trainee's card as you said
24 in the hopes of accruing another 4,000 of commercial
25 industrial work so that they can be eligible to sit for

1 the 01 exam.

2 MR. VANCE: Right, right.

3 BOARD MEMBER BAKER: Just curious. Have you ran the
4 numbers for how many licensed journeyman you have and ran
5 the ratios to see if --

6 MR. VANCE: It was -- we're around 15,000 -- this is
7 just straight from memory, but around 15,000 01 journey
8 level electricians in the state. So

9 CHAIRPERSON PREZEAU: Well, Larry, this is a huge
10 amount of work. I know -- it's summarized on one page
11 back to back. But, you know, I have an appreciation for
12 certainly how much time and like this one page represents.
13 And I think it's hugely valuable on a number of levels,
14 right? in terms of opportunity for advancement in the
15 industry. It's also about what is -- so when
16 Mr. Rodriguez was here talking earlier about a number of
17 subjects but including recruitment and retention and, you
18 know, within the field members of the Department, but also
19 know that as we've been talking about a skills gap in the
20 building and construction trades that's been pend -- you
21 know, it's been coming. People have been talking about
22 its arrival for a long time. And, you know, I believe we
23 are now on the cusp of that real arrival. And if we are
24 in a position in Washington state where we do not have a
25 adequate pool of qualified tradesfolks doing electrical

1 work, doing plumbing work, doing pipefitting work, doing
2 all that. And obviously that's a problem. But
3 additionally, there's another layer onto that, which is
4 if, you know, if apprenticeship programs that -- and I
5 will say that are in the -- that are truly committed to
6 the training and education of their apprentices because
7 it's clear to me that some are more committed than others
8 in terms of outcomes, you know quantified in this report,
9 if we are not able to keep up with the demand for the
10 workforce and in an intentional way, then what does that
11 -- do you really have a pool of skilled tradesfolks or
12 not. And I think -- I think there needs to be more
13 discussion about these issues, right? from a larger group
14 of stakeholders. How do you fix this?

15 MR. VANCE: And the -- now that I've been through it
16 once -- and I do apologize for how closely I got through
17 it, but I did have some interruptions that kind of
18 derailed me. I did learn a lot about the process. And I
19 really do want to undertake it again with a new one-year
20 period of data here to get another look at it and see if
21 it's consistent.

22 CHAIRPERSON PREZEAU: Yeah, rather than an anomaly,
23 it's a reality.

24 MR. VANCE: Right, right.

25 CHAIRPERSON PREZEAU: I think that that would be

1 fantastic.

2 Kevin.

3 BOARD MEMBER SCHMIDT: I just had a quick -- do you
4 have any type of a goal that you feel is -- would be a
5 good number for passing it on the first -- I mean, I look
6 at this, and my question -- obviously there's a very
7 large, you know, span of numbers here. And if with 100
8 percent, I might be concerned that, you know, we have a
9 problem there as well. I mean, do you have an idea what
10 you thought was the --

11 MR. VANCE: I look at it from personal experience.
12 Our exam is based on one's ability to be somewhat familiar
13 with information but able to find the information in the
14 reference material that's commonly used in the industry.
15 And what we find is, is that it's quite evident by this
16 that more exposure to that material results in better
17 first-time pass rates. So if you equate that to someone
18 out there making an electrical installation, are they
19 actually looking up and looking at the code for what
20 they're doing or are they just doing -- parroting somebody
21 else saying I think two-inch conduit with 3/0 wire will
22 work because that's what we always used. It may be an
23 8,000 foot run. But that's what we always used.

24 So the danger is, is that if you -- are people making
25 safe electrical installations when they obviously don't

1 have the ability -- they demonstrate the ability that
2 they're not very able to find the codes that govern the
3 work they do.

4 I don't have a set number in mind. I just think that
5 common sense would tell us that it's got to be at least
6 above 50 percent. I mean, that's a flip of a coin. And I
7 would think that -- my own personal opinion, not the
8 agency's, but I mean, I would think somewhere in the mid
9 70s into the 80s, you know, lower 90s would be a
10 reasonable goal. Because it's an open-book examination.
11 The answers are verbatim out of the code book.

12 So I don't know that we're asking that much by asking
13 someone to demonstrate the ability to find code
14 requirements that are applicable to their electrical
15 specialty on a journey-level examination.

16 CHAIRPERSON PREZEAU: Yeah. I mean, and it's my
17 understanding that -- and I'm looking to Larry to confirm
18 this -- but you can -- applicants that are sitting in the
19 exam bring in any copyrighted material. So you can bring
20 in, you know, either the most current version of the NEC
21 or the application version that the exam is covering.

22 Last quarter we had a report from technical
23 specialist Rod Mutch about phase in of -- you know,
24 because we've adopted the 2014 code, and so at what point,
25 you know, do you flop the exam questions over to the 2014

1 from 2011. But you can also -- and then obviously the
2 exam also covers the Washington Administrative Code and
3 the Revised Code of Washington. So you want to have
4 those. But if you want to have a firm's fact finder, you
5 want to have an Uglies book or something that sort of
6 helps connect electricians to the code in a maybe more
7 expedited way in some instances, you can have those things
8 when you sit in the exam.

9 MR. VANCE: Exactly.

10 CHAIRPERSON PREZEAU: Larry, is there any way we can
11 sweet talk you into providing this to the Board members
12 electronically?

13 MR. VANCE: Absolutely.

14 CHAIRPERSON PREZEAU: That would be fantastic.

15 MR. VANCE: I just finished it yesterday, so

16 CHAIRPERSON PREZEAU: This is a pretty amazing amount
17 -- assembly of information, and I am very excited that you
18 are going to undertake this challenge again, as you said,
19 to determine whether or not this is an anomaly or is this
20 reality. I think that would be -- I look forward to
21 seeing that report as well.

22 Any questions?

23 Or anything else further you'd like to add, Larry?
24 Are you pretty much ...

25 MR. VANCE: I'm pretty much ...

1 CHAIRPERSON PREZEAU: Yes. I'm sorry. Bobby.

2 BOARD MEMBER GRAY: Thank you, Madam Chair.

3 Just a question.

4 There could be a relationship between the rate and
5 the quality of training that these people are getting as
6 well. And I know you're busy right now with a lot of
7 other things, but is there any thought to perhaps auditing
8 some of the training that's being presented that might
9 have a direct effect on not only on the ability of these
10 people to pass the test, but also in their ability to
11 apply that out in the field from a safety aspect. I know
12 you can see clearly Southwest Washington is providing some
13 really good quality training down there evidently, but --
14 I mean, I know you review the applicants for instructors.
15 You also review the curriculum that's being presented.
16 But do you actually go to the class at all and sit in and
17 evaluate the instruction that's being provided from a
18 quality standpoint?

19 MR. VANCE: With the number of providers out there,
20 it's -- we don't really have the resources to do that.
21 And it's -- we kind of look at it is if we're going to --
22 it's like a parent going and sitting in a classroom, you
23 know. You're going to experience the best experience that
24 instructor can deliver. So it's a difficult thing.

25 One of the things with the --

1 CHAIRPERSON PREZEAU: But you have the ability to do
2 that.

3 MR. VANCE: We do have the ability --

4 CHAIRPERSON PREZEAU: I mean, if you had the luxury
5 and the time and the resources to be available. You have
6 access.

7 MR. VANCE: We do have access. And the rule does
8 give us access.

9 But do we have the resources to do it? And if we
10 committed the resources to doing it, what would be the
11 experience?

12 Did you want to talk a little bit about this, Steve?

13 SECRETARY THORNTON: That's part of what the
14 investigation is starting is to see just what's going on
15 in some of these training classes and such, whether we go
16 or not or whether we just audit what's going on.

17 But we're starting to look at this. Because this --
18 like you said, this right here (indicating), the amount of
19 work that went into that is a matter of wading through
20 each one of those individually by hand. It's not
21 something that's easy to do. So Larry's put a huge amount
22 of effort into this.

23 And it will be interesting, like you said, to see
24 what the next go-around is, and if it's not quite that bad
25 or is it really that bad.

1 CHAIRPERSON PREZEAU: So I know Janet has a question.
2 But to your point, though, Bobby, it's a different layer
3 of answer maybe.

4 And that is, Larry, it's my understanding that this
5 report has been shared with the apprenticeship division of
6 Department of Labor and Industries; is that correct?

7 MR. VANCE: Yes, it has.

8 CHAIRPERSON PREZEAU: And so we have the electrical
9 program sort of looking at both apprenticeship, you know,
10 and then the basic classroom training on-the-job
11 situation. But there's potentially another avenue of
12 evaluation if the apprenticeship division of the
13 Department of Labor and Industries decides to at least
14 when it comes to apprenticeship get into the classroom and
15 see what is actually happening and look at those pieces
16 that you -- so the test is one metric that determines the
17 value of the education, but application is really the best
18 metric. So there's another opportunity there.

19 Janet.

20 BOARD MEMBER LEWIS: That was basically my comment
21 that these apprenticeship programs, the authority to
22 review and approve them is with the apprenticeship program
23 of L & I. And I don't think the electrical department can
24 go in and audit apprenticeship programs, but they can
25 audit continuing education and trainee programs. Just for

1 clarification.

2 CHAIRPERSON PREZEAU: Rod.

3 BOARD MEMBER BELISLE: I'd be curious in the next
4 years with the advanced requirement for the classroom
5 trainee hours, you know, that 17,000 as far as the
6 quantity of electrical trainees out there, I'm wondering
7 if that number will start to decline once the increased
8 requirement for hours goes into effect.

9 I have a hunch that there's a lot of people that get
10 a trainee card, and they try it and, you know, if it's
11 easy to renew over the course of a few years, they'll
12 renew it. But once it all of a sudden requires them to
13 attend a fair amount of training, they might decide either
14 I'm going to do this or I'm not. I would expect that
15 number -- and I'd be curious what it was maybe two years
16 ago compared to now and what it'll be two years from now.

17 CHAIRPERSON PREZEAU: Any other questions? Sorry,
18 Dominic.

19 BOARD MEMBER BURKE: Just one.

20 Do you get pass-fail rates from each individual
21 provider?

22 MR. VANCE: As far as the different organizations
23 listed, we don't. Because it's not something that the
24 electrical program monitors.

25 BOARD MEMBER BURKE: That would essentially perform

1 your audit, right? Or could?

2 MR. VANCE: I believe people leave apprenticeship
3 programs for different reasons. I mean, some of them are
4 asked to leave. Some of them leave voluntarily. And
5 whether they actually graduate from the program or not.

6 I think that the exam is just one component of that.
7 And that's kind of what I'm looking at is that, you know,
8 from a safety of installation standpoint who can most
9 likely make a safe electrical installation based on the
10 codes. And that's what this shows. It shows that there
11 is quite a differential in who could most likely make a
12 safe installation and who could not make a -- maybe might
13 not be able to make a safe installation.

14 Again, you know, these percentages on here are very
15 close. I would not state the fact that it's exact.
16 Because when you're looking at someone -- I know the ones
17 that are OJT. They're very evident. The ones that have
18 some mixed experience with both apprenticeship and OJT,
19 when I categorized those, it wasn't arbitrary; it was just
20 best judgement. Was the majority of their training
21 apprenticeship? If yes, they went into the appropriate
22 apprenticeship. If not, they went into the OJT standard
23 class.

24 So it's a very, very close percentage, though. I
25 mean, I would say that it was accurate -- it would be

1 accurate for what I would call accurate. And I'm kind of
2 picky.

3 CHAIRPERSON PREZEAU: You have a pretty high standard
4 I would say.

5 Yeah, no. I mean, I think from a -- you know,
6 looking at this and reflecting upon this from a
7 industry-wide perspective, I think employers, I think
8 customers, I think consumers, I think general public.

9 I find it, you know, somewhat alarming that as of
10 March 2015 there's -- I subtracted the 1,598 trainees that
11 are in a registered apprenticeship program from 17,193
12 electrical trainees. That's 15,595 trainees that are --
13 you know, if you're to use this one metric to determine
14 whether safe installation should not -- show it's
15 universally applicable in every place. There are people
16 that are really good mechanics, really good electricians,
17 not so good on taking the test. Right? So I mean, I
18 won't say that I want to ring the alarm bells, but, you
19 know, it's almost 15,600 folks currently operating in the
20 electrical construction industry, and I'm wondering if
21 whether those installations are truly the best and safest
22 as they could be.

23 Which goes back to me. I've been sitting on this
24 Board for quite some time. And I'm going back to the
25 Secretary's Report and, you know, the electrical

1 scorecard, we have -- you know, in three months, 9,719
2 electrical disconnect corrections, which mean in three
3 months -- that means the Department inspection -- or
4 installations where they are actually permitted and rules
5 were followed, there was 9,719 instances where unless it
6 was corrected that you could not be energized; it was
7 unsafe. This number has been consistent really the entire
8 time I've sat on this Board, and I think that these two
9 pieces of data are intrinsically linked.

10 Rod.

11 BOARD MEMBER BELISLE: You know, as you were talking
12 about that, I started thinking the OJT programs, the
13 trainees in those programs are probably being taught by
14 someone who learned via the OJT program.

15 I can tell you in large part at least with the union
16 apprenticeship programs, the large majority of those
17 people have gone through that union apprenticeship and
18 therefore teaching the same people that, you know, they
19 went through the same training. So there's probably a
20 link to that as well as the training they're receiving may
21 not be at the quality level, but that's going to prove to
22 -- to show improvement over the years.

23 CHAIRPERSON PREZEAU: A very valid point.

24 Thank you, Larry.

25 Any other questions on this?

1 Thank you very much, Larry. It's greatly
2 appreciated.

3

4 Item 7. Public Comments

5

6 CHAIRPERSON PREZEAU: Okay. So we have public
7 comment regarding items not on the agenda left.

8 I also am curious. I would like to -- I know we -- I
9 would like to take a break, but I would also like Rod
10 Mutch, technical specialist Mutch, would you come up to
11 the -- I have one question, and then -- I think it can go
12 fairly quickly, and then I think we can take a break, and
13 then I think we can have the public comment.

14 Does that seem reasonable?

15 Oh, yeah. And then we have a couple other piece --
16 we have, yeah, a couple other pieces too.

17 So Rod.

18 MR. MUTCH: Good morning. My name's Rod Mutch. I'm
19 a technical specialist with the Department.

20 CHAIRPERSON PREZEAU: So thank you, Rod, for being
21 here and for coming up.

22 But in the transcripts from the January meeting, you
23 indicated that the new exam questions that you had been
24 working on in correcting and also flipping over the 2011
25 to the 2014, had indicated that the implementation date

1 for those questions to go live was going to be July 1st.

2 Is that -- are we still on track with that?

3 MR. MUTCH: Yes, we're still on track for that.

4 The way it will be implemented -- I believe there was
5 a Electrical Currents newsletter that explained that to
6 the stakeholders.

7 New applicants for the exam for electrician
8 certificates that are approved after July 1st will be --
9 their exam will be based on the 2014, the new exam
10 questions.

11 Administrators -- applicants that will take the
12 administrator's test don't need any prior approval. So
13 their date will be based on when they first take the exam.

14 So if I'm an exam applicant for the 01 electrician
15 certificate, I get approved to take the exam June 30th.
16 My test will be based on the 2008 code. I may not take
17 that exam until later in July or even August. So it's
18 based on when they are approved to take the exam.

19 But that is still on track. And we're going to
20 implement that July 1st.

21 CHAIRPERSON PREZEAU: It's a lot of variables to keep
22 track of.

23 MR. MUTCH: It is.

24 CHAIRPERSON PREZEAU: Very good.

25 Thanks, Rod. I appreciate -- that's the only

1 question I had for you about the exam. I appreciate that.

2 Super. So let's -- 15 minutes? Oh, sorry.

3 So you really don't want us to take a break? Okay,
4 go ahead, Pam.

5 ASSISTANT ATTORNEY GENERAL REULAND: Thank you.

6 Members of the Board, I just want to let you know
7 that I'm not going to be here for the July meeting. So I
8 wanted to introduce Kevin Elliott. If Kevin could stand.
9 There you go.

10 Kevin is an attorney in my office in Spokane. And
11 he's going to be here and covering for the July meeting
12 for me. And he will also if need be be a backup to me.
13 But Kevin's a great guy. I know that you guys will like
14 him. So I just wanted to let you know who will be here.

15 And, of course, I'll give him any information that I
16 have and stuff beforehand.

17 But I just wanted to let you know.

18 CHAIRPERSON PREZEAU: Okay. And then the other thing
19 I would like to do is I'd like to ask the Department -- so
20 we approved the bylaws through a majority vote, and if
21 it's possible to get this -- to print a version -- so
22 we've got all the signers in the room. We have to sign
23 the most current version of the bylaws.

24 So maybe we could print during the break before we
25 leave here today so we can get some administrative support

1 is, yeah, is get rid of -- like correct it and then
2 produce a clean version that we could actually sign today
3 and wrap this baby up.

4 All right. So with that, thank you, Pam. We will
5 take 15 minutes, and then come back, and we will be under
6 public comment.

7 So I have some people who have signed up. I'll put
8 the signature page back over here in the event that others
9 want to sign up.

10

11 (Recess taken.)

12

13 CHAIRPERSON PREZEAU: All right. So it has been 15
14 minutes, and I would like to reconvene the April 30th
15 Washington State Electrical Board meeting.

16 Okay. So we did get a clean copy of the newly
17 adopted bylaws of the Washington State Electrical Board.
18 So genuinely very appreciative of that. There was a
19 little bit of electronic wrangling to get that done.

20 And so we are under the last agenda item, which is
21 public comment. And we have several entities that have
22 signed -- several folks that have indicated that they want
23 to sign in -- or want to address the Board, and I think
24 that's fantastic.

25 I will call them up in the order that they've signed

1 in.

2 Would very much like folks to understand something
3 when it comes to the public comments. If in the event --
4 I'm going to be very interested in understanding what it
5 is that you are seeking from the Board. And the reason
6 for that is if hey, if you just want to tell us you're
7 concerned about something, we would obviously welcome
8 that. But because there is formal avenues by which to ask
9 this Board to weigh in on industry issues, and as
10 stipulated in 19.28.121, request for ruling from the
11 Board, "Any person, firm, partnership, corporation, or
12 other entity desiring a decision of the board pursuant to
13 RCW 19.28.111 shall, in writing, notify the director" --
14 there's a process.

15 So I want to caution folks in -- I just want to
16 establish some expectations is if you're -- the folks that
17 want to make public comment, if you're asking the Board to
18 make a formalized decision, we cannot do that in this
19 forum today because there is a formal process and because
20 we would not want to prejudice the Board in the event that
21 any of these entities or other entities ask us to engage
22 in the formal decision-making process get a decision from
23 this body, I want to be very cautious about engaging in a
24 long debate and detailed debate about policy.

25 Does that -- is everybody -- is that clear? Does

1 everybody understand that?

2 All right. Very good.

3 But it certainly -- in no way do we want to allow
4 that legal process from -- statutory process from
5 restricting good public comment. It's a balance.

6 So with that, I would like to ask Al Hewitt from
7 Eaton Bussmann to come up. He wants to talk about
8 selective coordination.

9 MR. HEWITT: Thank you, Madam Chairman and the Board.

10 Based on what you just said, I don't know if this is
11 the right forum for me to be here. So --

12 CHAIRPERSON PREZEAU: So Al, would you please state
13 your name and spell it for our court reporter, please.

14 MR. HEWITT: Thank you.

15 Alan Hewitt. I'm with Eaton Bussmann.

16 B-U-S-S-M-A-N-N is Bussmann. Eaton -- E-A-T-O-N. And
17 A-L-A-N, H-E-W-I-T-T.

18 I have some handouts. Is it possible I can pass out
19 the handouts first, and then perhaps have a discussion on
20 whether this is the right forum for this or not?

21 CHAIRPERSON PREZEAU: So what do you -- so before you
22 do that, why don't you just give us a better understanding
23 of what you want to talk about or what your concern is and
24 then what you really are asking this Board to do before
25 you hand those out.

1 MR. HEWITT: Sure.

2 The City of Seattle is not in compliance with the
3 National Electrical Code nor the WAC rules. They have
4 chosen to take a lesser standard in terms of the subject
5 of selective coordination. It's been going on since 2008.

6 My request is to have the Board review this and make
7 a decision whether Seattle is equal, better or greater per
8 the RCW and find out how direction can be taken at that
9 point to effect this.

10 CHAIRPERSON PREZEAU: Great. So -- and I'm going to
11 look at, right, the Chief. Because we've had
12 conversations in the past, some through public comment and
13 other generated internally. But it is my understanding --
14 and I'm looking for guidance here, but it's my
15 understanding that when it comes to conflict between equal
16 or better standards -- equal standards between WAC, RCW
17 and the National Electrical Code and authorities having
18 their own jurisdiction, that is a determination that rests
19 with -- that begins with the Chief Electrical Inspector.
20 And then should that formalized process go forward -- that
21 review process go forward, that members of this Board
22 actually engage in that decision-making piece.

23 Is that -- am I getting that correctly?

24 SECRETARY THORNTON: I believe you are, yes.

25 CHAIRPERSON PREZEAU: So in the event that it is your

1 contention that the City of Seattle is not meeting the
2 similar or equal standard, then I believe -- and I'm not
3 going to give you legal direction because I'm not an
4 attorney, nor do I play one on television, but I believe
5 your recourse if you are seeking formal recourse starts
6 someplace else than here.

7 And I would certainly encourage you to speak with the
8 Chief Electrical Inspector about what that process looks
9 like and what -- how to initiate that process.

10 MR. HEWITT: Okay. Fair enough.

11 CHAIRPERSON PREZEAU: So I would ask -- so the
12 information that you brought for the Board, I would
13 certainly welcome you to share that with the Chief and
14 explore what your options are.

15 MR. HEWITT: I will, yes.

16 CHAIRPERSON PREZEAU: But given the fact that it sort
17 of feels to me that that's ultimately what you're asking
18 for is a review of that --

19 MR. HEWITT: And action.

20 CHAIRPERSON PREZEAU: Pardon me?

21 MR. HEWITT: And action.

22 CHAIRPERSON PREZEAU: So then having this
23 conversation is not going to get you there.

24 MR. HEWITT: Fair enough.

25 CHAIRPERSON PREZEAU: But I appreciate your presence

1 today, and I appreciate your public comment.

2 MR. HEWITT: Thank you.

3 CHAIRPERSON PREZEAU: So next on the list is Joan
4 Albert and Mark Stenberg who want to have a conversation
5 about the 06A license.

6 So if you folks both would state your name and spell
7 your name for the court reporter, that would be greatly
8 appreciated.

9 MS. ALBERT: I'm Joan Albert. J-O-A-N, A-L-B-E-R-T.

10 MR. STENBERG: Mark Stenberg. M-A-R-K,
11 S-T-E-N-B-E-R-G.

12 CHAIRPERSON PREZEAU: And you are more than welcome
13 to sit down if you'd like.

14 MR. STENBERG: Thank you.

15 MS. ALBERT: Well, first of all, I want to tell
16 everybody that we tried to come last week. We got in the
17 truck and raced up here, then we realized halfway up here
18 we were a week early.

19 And I also want to take the opportunity to
20 congratulate you, Steve, on your new position. So I know
21 Steve. I am from Vancouver. And so I know several of his
22 inspectors. And we're happy you got the position.

23 SECRETARY THORNTON: Thank you.

24 MS. ALBERT: We're here to discuss the LEB, compare
25 it to the 06A scope of work and possibly find a way --

1 some of your suggestions, your opinions how we might go
2 about -- your guidance -- remedying this issue that's been
3 for about the past two years where the LEB apprentices,
4 Oregon cannot -- well, they apply, but they're never
5 accepted to take the 06A exam.

6 CHAIRPERSON PREZEAU: I don't -- LEB, what is that?
7 What does that stand for?

8 MS. ALBERT: It's the HVAC license required.

9 MR. STENBERG: It's the Oregon limited electrical
10 class B for the state of Oregon.

11 MS. ALBERT: And previously -- this changed about two
12 years ago, but previously they were always accepted to
13 take the 06A exam when they finished their LEB
14 apprenticeship at Local 290. And for some reason it
15 changed. And there's no code or rule or law. It's not in
16 the WAC, it's not in the RCW's why this change occurred.

17 We have some ideas, but we'd like to kind of explore
18 maybe what we can do to remedy this issue.

19 CHAIRPERSON PREZEAU: So have you had any
20 conversations with the Chief Electrical Inspector and
21 their technical specialist about why we are at the place
22 that you feel that we are at?

23 MS. ALBERT: Yes.

24 CHAIRPERSON PREZEAU: And have those conversations
25 not proven to be satisfactory to you?

1 MS. ALBERT: No, they haven't really.

2 MR. STENBERG: It's simply in my mind a little bit of
3 confusion between the two states' requirements for the
4 licenses. And we'd like to clarify some of that today and
5 then possibly make a suggestion on how the application can
6 determine some qualified people versus maybe some
7 non-qualified people.

8 CHAIRPERSON PREZEAU: Okay. So I applaud your
9 tenacity. But I'm also going to be very cautious because
10 there's another statute that -- 19.28.051 that talks about
11 examinations. And the reason why is "It shall be the
12 purpose and function of the board to establish, in
13 addition to general electrical contractor's license, such
14 classifications of specialty electrical contractors'
15 licenses as it deems appropriate with regard to individual
16 sections pertaining to state adopted codes in this
17 chapter. (And) it shall be the purpose and function of
18 the Board to establish and administer written examinations
19 for general electrical administrators' certificates" --
20 you can see where this is going to go, right? So that's
21 really in the wheelhouse of the Board.

22 In all other aspects, we basically serve in an
23 advisory capacity with the exception of this. Like we own
24 the examinations. Which really goes -- is the key of what
25 your dispute is.

1 If you've had conversations with -- I'm excited and
2 very happy that you've had conversations with the Chief
3 and the Department and the program and the technical
4 specialist regarding the conflict or the change -- policy
5 or interpretation difference.

6 I would really want to err on the side of allowing
7 for public comment, but want to be very cautious. There's
8 a -- I don't want to prejudice the Board because there is
9 -- if you are not getting the remedy that you believe is
10 appropriate from the Department, you can petition formally
11 the Board to review that ruling.

12 MS. ALBERT: Right.

13 CHAIRPERSON PREZEAU: And because you have that
14 ability to do that and because you have not found
15 satisfaction with your interaction with the Department up
16 to this point, my conclusion -- and you tell me if I'm
17 wrong -- seems that we might end up going down this
18 formalized dispute-resolution process.

19 MR. STENBERG: I think what we're here today is to
20 make just a clarification on the standpoint where we're at
21 today, but also to put forward maybe a remedy or a
22 possible remedy to help these apprentices get their
23 examination on the 06A.

24 For example, after they go through their five-year
25 apprenticeship and they -- for HVAC we're talking about,

1 for maintenance -- they sit for the Oregon state HVAC
2 license which is called the limited electrical class B.

3 CHAIRPERSON PREZEAU: And you're -- just for
4 clarification, you're saying that the equitable
5 certificate on the other side of the state in Washington
6 is an 06A certificate.

7 MR. STENBERG: Yes, uh-huh.

8 And so when they get ready to take their state exam
9 for the LEB, they're fat and sassy and ready to go for the
10 06A. And the difference at this point is that the LEB for
11 Oregon also has got the communications and data guys in
12 that license.

13 So during the application process for the State of
14 Washington, if there was a category to check off on the
15 box "Did you work in the HVAC industry," boom, then all
16 those applicants go over here. If they say "no," they've
17 obviously been in the data communications and/or some
18 other category and not been in the HVAC. So if there's a
19 dissemination for that because it's very clear in both
20 states under all the guidelines of apprenticeship as well
21 as the WAC rule what their training is very, very specific
22 to compressors, fan motors, VFD's, pumps, high voltage
23 stuff. We're talking maintenance now, just maintenance,
24 no installation. It's already been inspected, installed
25 by line-voltage electricians and contractors.

1 So that's the dissemination that we're looking at
2 today and -- you know.

3 Is that --

4 MS. ALBERT: I have some -- I brought copies just for
5 educational purposes of the Oregon codes and the
6 Washington codes, if you wouldn't mind if I gave them out.
7 No, it's not evidence or anything; it's just copies of the
8 WAC --

9 CHAIRPERSON PREZEAU: Yeah, no. I mean, yeah. If
10 you want -- I have the RCW and WAC like always at my side.
11 But I don't have an Oregon one, so I would be -- I would
12 actually like that.

13 MR. STENBERG: While she's doing that, I'll just real
14 quickly, the Oregon LEB has 4,000 hours just like the 06A
15 has got 4,000 hours. The classroom hours for the Oregon
16 LEB is 288 hours. The apprenticeship for which they're
17 registered, however, is a full five-year apprenticeship.
18 It's just not two years which is required for the Oregon
19 LEB, you know, about three times the amount that
20 Washington is requiring for the 06A.

21 And the training that the HVAC guys go through and,
22 you know, is very, very specific to factory training,
23 whether it be on pumps, Carrier equipment, Trane, all
24 manufacturers, including the building automation equipment
25 like you've got in here for sensors and room controls. So

1 it's very, very intense, specifically to some of the VFD's
2 and the drives for pumps today that are energy efficient.

3 So again, maintenance we're talking about. It's
4 already been inspected. It's already been -- so it's just
5 for changing out like for like just like your wording in
6 the WAC rules.

7 And -- I don't want to beat this too hard. You can
8 see where I'm going.

9 CHAIRPERSON PREZEAU: Yeah. And I would like to just
10 let the record reflect that what Ms. Albert handed out was
11 consistent with -- it is applicable statute from Oregon
12 and applicable statute and rule from Washington regarding
13 this issue. So it's not -- it's factual, fact-based
14 information.

15 So here's what I would suggest. So I understand -- I
16 think I understand what you are asking, you know, what you
17 think the remedy could possibly be. And inasmuch as I --
18 just like with anybody that comes to address the Board, I
19 genuinely appreciate your appearance and your time,
20 especially, you know, being here for two hours and ten
21 minutes before you even get your shot, plus the week
22 before is -- but also your dedication to the industry as a
23 whole. I mean, you're here -- all these folks are here as
24 volunteers basically because they care about this
25 industry, and you're here because you care about this

1 industry and the workers that work in it. And I share
2 that passion.

3 But -- and I would ask -- again, I'm going to sort of
4 throw the ball back over to the Chief is -- you know,
5 because we can't render -- it is outside of our purview to
6 render a informal decision.

7 MS. ALBERT: Right. I understand that.

8 CHAIRPERSON PREZEAU: But I -- you know, the other
9 thing that this Board has historically been committed to
10 doing is solving problems. And not being -- you know, we
11 are not problem makers; we are problem solvers. And, you
12 know, there's the world as it could be, the world as it
13 should be, and the world as it is. And we are very
14 dedicated to making it -- moving it forward from the world
15 as it is to could be, should be with respect to the
16 electrical industry.

17 MS. ALBERT: And I was a previous Board member with
18 Ron Fuller, so I understand it a little bit probably
19 better than most.

20 And we're really just looking for guidance. We're
21 not looking for a decision at all today. We're just kind
22 of trying to air the problem a little bit, inform people
23 what the problem is, not -- I know that a decision is
24 impossible today. But it's good to communicate about it
25 and talk about it, talk it over and see maybe what some

1 ideas are, or what some questions even are.

2 CHAIRPERSON PREZEAU: Yeah. So and I -- so what I
3 thought -- Mark, what I thought I heard you say was that
4 potentially you think that there is a way to resolve this
5 -- the issue from your perspective -- and I just want to
6 make sure I understand this.

7 Say I'm an applicant for the 06A exam -- or I'm an
8 applicant. I am coming from Oregon, and I -- and an LEB
9 in Oregon, and I want to -- I'm a graduate of this
10 five-year apprenticeship program that's tied with HVAC
11 maintenance and repair, and I want to petition the
12 Department to be approved to sit the 06A examination.
13 What I think I'm understanding you to say is it's not
14 always clear that I am getting routed to that 06A because
15 the LEB scope of work in Oregon encompasses both the HVAC
16 and the building automation like scope for what would be
17 an 06 certificate in Washington? Is that correct? Am I
18 hearing that correctly?

19 MR. STENBERG: That's very, very close, yes.

20 I think also along with that is that the scope for
21 the LEB in Oregon as broad as it is will eventually be
22 probably fine tuned as well. I've talked to Keith
23 Anderson, the chief down there. I sit on the Oregon State
24 Boiler Board, and so I see him quite a bit down there.
25 And I met with him last week, along with the building

1 codes director and talked specifically about this problem
2 for Oregon to help facilitate what can happen here in
3 Washington. So they're well aware of the problems down
4 there.

5 But like I say, that's why we kind of came up with
6 this solution. There's been applicants that have been
7 working for HVAC contractors. It's pretty obvious where
8 their OJT, their on-the-job training, is coming from.

9 MS. ALBERT: What's happening generally -- I'm a
10 continuing ed instructor, so I teach a lot of trainees,
11 and I actually teach at Local 290 as well.

12 And so they finish their five-year apprenticeship,
13 and then they apply to Washington to take the 06A, and
14 only 2,000 hours are counted for Washington, and they're
15 asked that they provide 2,000 more hours of work in the
16 state of Washington, that we provide invoices from the
17 contractors, payroll summaries to verify that they were
18 actually in Washington. And, you know, contractors aren't
19 just going to provide their invoices to anybody who wants
20 them. And that's not working.

21 And the answer I got was that LEB's aren't permitted
22 to do line voltage. And in the scope of LEB when you look
23 up LEB itself, you don't see line voltage. It's in the
24 contractor's scope of work that actually allows them to
25 work on the line voltage within their appointment. They

1 can't run a branch circuit or install an overcurrent
2 device ahead of that branch circuit. They can work from
3 the disconnect. But if there are line-voltage components
4 that we repair or replace or maintain, yes, they can
5 actually work on the line voltage in their equipment. But
6 it says that in the contractor scope of work, not the
7 individual scope of work.

8 So I think that's one kind of snafu that we're having
9 when you read the LEB and compare it to the 06A, the 06A
10 says not limited by phase, volt or amps. And so they're
11 also limited in their equipment too. So the language is a
12 little bit different in both states, but they virtually do
13 the very same thing.

14 And half of these apprentices that are being denied
15 live in Washington, and they want to work in Washington
16 because it's their state, and they're not being allowed.
17 We're not asking for a reciprocal. We just want them to
18 be permitted to take the Washington state exam and become
19 legal in Washington.

20 When you live on a river like we do, there's two
21 states involved always. And Steve, you know about all
22 that.

23 SECRETARY THORNTON: And every bridge across the
24 state ends up in my area.

25 MS. ALBERT: Every bridge there is that problem. And

1 we just want to make them legal.

2 And I'm also a master electrician for a company in
3 Oregon, and it's very difficult to now have these LEB's or
4 a journeyman in Oregon, and then now they can't come over
5 to Washington without supervision and the proper ratio,
6 and so you send two people out for service. And it's just
7 getting crazy.

8 And there's such a limited amount of people to hire.
9 So we want to get some more people licensed so we can
10 start training some more trainees under now the new
11 journeyman that are passing their exams.

12 CHAIRPERSON PREZEAU: Yeah, so you can grow your
13 certified workforce.

14 MS. ALBERT: Yes, which is shrinking, shrinking,
15 shrinking all the time.

16 And usually the new people that we have been hiring
17 have no license at all. And so the very first thing we do
18 is come to Washington and buy them a training card, and
19 then they can start counting their supervised hours.

20 So they all have their training -- have had their
21 training cards the whole time. They are required to have
22 in their apprenticeship 288 hours of continuing ed or
23 classroom training. Plus, they have to take the 48 hours
24 that Washington now requires for their training card. So
25 they're well over 300 hours of class. So it's not that

1 they're not qualified to take the test; it's just that
2 there's a little misconception on the line-voltage part is
3 my opinion.

4 CHAIRPERSON PREZEAU: Okay. So this document that
5 consists of your contact information or, you know, your
6 intent, basically the issue -- declaration of the issue,
7 and then corresponding statute and rules, did you provide
8 one of these to the Secretary, the Chief?

9 MS. ALBERT: Yes.

10 CHAIRPERSON PREZEAU: Very good.

11 So what I would like to do is -- certainly in light
12 of maybe the discussion today and these documents and
13 maybe your potential solution that you articulated today,
14 I would encourage you to go back and continue to work with
15 the technical specialist and the Chief in the hopes that
16 maybe with this information that you've provided the Board
17 and greater awareness maybe also is some new pieces for
18 the Chief and his staff in the hopes that you can arrive
19 at a mutually beneficial outcome, right? that all parties
20 can agree to.

21 And then certainly know that if your future
22 conversations don't provide you with a level of
23 satisfaction that is acceptable, then you can certainly
24 have a formal process to engage the Board to take an
25 action rather than just hear your concerns.

1 MR. STENBERG: I feel that the staff has been very
2 cooperative in helping us to get, you know, down this
3 path. So we look forward to meeting with them again and
4 seeing if we can get down this street. Because I think
5 it's -- there's something that can be reached I'm sure.

6 CHAIRPERSON PREZEAU: Oh, I'm very happy to hear
7 that. You know, it does not surprise me that you have
8 been -- you know, the staff has been very helpful.
9 Because again, they are problem solvers, not problem
10 makers. And they also share your passion for this
11 industry. And so I'm just very optimistic that there's a
12 solution that benefits all parties and the industry as a
13 whole.

14 MS. ALBERT: And again, we're not here for the
15 decision today. It was mostly to bring awareness about
16 the problem.

17 CHAIRPERSON PREZEAU: Yeah, no, absolutely. And
18 genuinely appreciate your time. Thank you for coming and
19 thank you for addressing the Board.

20 MS. ALBERT: Thank you.

21 MR. STENBERG: Thank you very much.

22 CHAIRPERSON PREZEAU: Great. Thank you.

23 And lastly asked to sign in, I believe it is Heather
24 Hartman, Jason Carlson and Rick Freeman. I think they
25 are all representing an entity called Stay'n Power, and

1 they want to speak on the 07 license and UPS and battery
2 systems.

3 MS. HARTMAN: Hi. Thank you for your time.

4 CHAIRPERSON PREZEAU: Absolutely. Thank you.

5 And so, again, to have an accurate record, if all of
6 you would state and spell your name for the record and our
7 court reporter, we'd appreciate it.

8 MS. HARTMAN: Heather Hartman. H-E-A-T-H-E-R,
9 H-A-R-T-M-A-N.

10 MR. CARLSON: Jason Carlson. J-A-S-O-N,
11 C-A-R-L-S-O-N.

12 MR. FREEMAN: I'm Rick Freeman. R-I-C-K,
13 F-R-E-E-M-A-N.

14 CHAIRPERSON PREZEAU: And I'm assuming you guys were
15 all in the room when I gave my -- you've heard the
16 confines with which we are operating with this -- we want
17 to have public engagement, we want to have public comment,
18 but if you're going to ask the Board to do -- make --
19 render some official decision, that's potentially most
20 likely outside of our ability to do so.

21 MS. HARTMAN: I'm not sure this is the correct forum
22 for me to bring this up in. And I appreciate everybody's
23 time to at least help me understand how I can move forward
24 with some of the questions that I have and give me some
25 direction on what we can do as a company.

1 So we're looking on clarification on permit
2 requirements that have been adjusted in the WAC rule.
3 Open discussion and just a clarification are really what
4 we're looking for today more than anything.

5 Stay'n Power, we are a third-party UPS testing
6 company. We sell, maintain, repair and respond to
7 emergencies for our customers and critical power systems.

8 The addition on the WAC rules which was 296-46B-907,
9 and number (7), the exception called out, an electrical
10 permit is required for the installation, alteration or
11 maintenance of an electrical system except for the
12 like-in-kind replacements of lamps; a single set of fuses;
13 a single battery smaller than 150 amp hour; contactors,
14 relays, timers, starters, circuit boards, or similar
15 control components." That's the portion that I'm looking
16 for some clarification on.

17 I have worked with different inspectors from the
18 state and from the cities, and it is understood that that
19 statement right there requires any battery replacement in
20 our UPS systems to require a permit. Because if it's a
21 string of batteries, we're looking at 36 or 40, that is
22 more than one, so therefore requires a permit.

23 Just going through the educational process of that, I
24 don't know if there's small batteries that -- like a
25 double A battery that you're replacing in something, that

1 there's five of them. Does it go down to that component
2 level?

3 I'm trying to understand who is qualified to do that
4 work. I don't feel that it's -- I'm not as familiar with
5 all of these rules.

6 We'd also like to bring to your attention that this
7 does cause a financial pain and impact for service vendors
8 and our customers, that we have extreme tight profit
9 margins on our jobs which now require electricians to be
10 on site as part of all of these replacements, which we
11 have some on staff, but for the amount of customers that
12 we support, this is requiring us to now sub out to other
13 electrical contractors to be able to support equipment
14 that we sell, maintain, warranty to our customers.

15 There is also a large of amount of admin hours and
16 time behind purchasing the permits because the cities are
17 issuing them, and they aren't up to the same speed of
18 being able to buy them on-line like I can with the state.
19 I'm personally spending the time to go down there to get
20 these permits, meet with the inspectors.

21 Am I ...

22 CHAIRPERSON PREZEAU: Yeah, no. So there is a part
23 of me that really -- like in all of these questions,
24 whether it was the selective coordination or the 06A or
25 this, I want to, right? engage, but my -- because we want

1 to be problem solvers and not problem makers. But have
2 you brought any of these concerns in an informal -- have
3 you spoken with the Chief Electrical Inspector or any of
4 his technical specialists regarding all of the questions
5 and concerns that you just articulated to us?

6 MS. HARTMAN: I have not addressed all of them. I
7 had been working with Rod Mutch. I talked to him a little
8 bit. He gave me some great insight on it. But that
9 actually caused us more pain as a company, more financial
10 strain on us to understand those rules. And I don't know
11 that they're the best for our industry.

12 CHAIRPERSON PREZEAU: Okay. So -- so my attorney --
13 our attorney is counseling me to ask: What are you asking
14 the Board? What do you want us to do?

15 MR. FREEMAN: If I may interject here?

16 CHAIRPERSON PREZEAU: Yes, sir.

17 MR. FREEMAN: I own Stay'n Power. We're an
18 Oregon-based company, but we have employees here in
19 Washington. We've been around for a little over 15 years.

20 We've been in the critical-power industry and in
21 business for a long time and have worked with many
22 electrical contractors here in the state. And we
23 primarily work inside the box.

24 So take a fire alarm panel, if you will. Most of you
25 electricians and electrical contractors have worked with

1 fire alarm companies. When they're inside the box,
2 they're basically free to do what they need to do inside
3 that box, whether it's replace the battery that's inside
4 that box, disconnect and reconnect a board in that box.
5 They don't need a permit. They don't need supervision.
6 They're asked to do a task.

7 In a UPS system, you have a UPS system that has
8 electronics in it. They have circuit boards, fuses,
9 contactors, controls, relays, assemblies, components. And
10 then you have the battery cabinet that's right next to it
11 that is a very integral part of that UPS and will not
12 operate without it.

13 For us to go in and test these batteries, for
14 instance, if we go in and test these batteries, when we
15 find one battery that's bad, that customer's load and that
16 customer's business is at stake during this time. That
17 system will not operate like it's supposed to and could be
18 very costly to that company.

19 For us to replace one battery if we find one battery
20 bad out of 40, sometimes you have to remove four to get to
21 that one battery. Some of these batteries weigh anywhere
22 from six pounds or one pound to 105 pounds. Some
23 batteries are 450 pounds. You have to have very
24 specialized equipment. You have to have the method and
25 procedures written. And most electrical contractors do

1 not understand that portion of that particular job. And
2 so they leave it up to the experts at hand to be able to
3 write those method and procedures, perform the work, use
4 the proper safety equipment and do that work.

5 We've been doing this work now for the last 15 years.
6 And now it's become known that we have to now pull a
7 permit for that same customer who's under the gun to be
8 able to keep their systems up and operational. Sometimes
9 it's life safety. Other times, it's if you're in a
10 hospital. Other times it could be a data center. And we
11 have to be able to respond to that particular event right
12 away.

13 And we've had instances just recently to where we
14 might have had an electrical inspector come in because we
15 did have to pull a permit, which we followed the rule, the
16 electrical inspector's actually crossing the safety
17 barrier while the system's on-line, luckily we're here on
18 site telling him, "You can't do that. Don't touch that
19 system. It's hot." Because they're checking components,
20 making sure they're tight.

21 So we have equipment that actually tests that type of
22 equipment for us. So if we install a battery, we have a
23 piece of equipment that -- as resistance testing within
24 that cabinet to verify the connections are tight, and then
25 when it's operational we can then verify it's safe to

1 close the breaker.

2 But if you were to ask any kind a electrician, "Hey,
3 this is what I've done," typically they don't understand
4 what we're doing in that box. And that's what we want to
5 make sure that we bring to your attention regarding the
6 rule because it's -- we understand a permit or whatever.
7 But when we go in and have our technicians trained and
8 then get licensed, typically the training that we have --
9 are having our technicians go through have nothing to do
10 what their job does on a day-to-day basis, nothing at all.
11 It has none of that training that we go through to get
12 that license, even discuss anything that we're doing
13 within that box.

14 And those are the kind of things that I want to make
15 sure we bring them to your attention. Because it does
16 cost us money. Now we have to have a licensed electrician
17 to supervise us, and they don't even know what we're doing
18 in some instances.

19 MS. HARTMAN: So how do we go about requesting
20 information on exactly what that entails and if there's an
21 option to make a modification to it?

22 ASSISTANT ATTORNEY GENERAL REULAND: Can I step in?

23 CHAIRPERSON PREZEAU: Sure.

24 ASSISTANT ATTORNEY GENERAL REULAND: I guess I just
25 -- for the Board's sake, I wanted to seek some

1 clarification in terms of this Board provides guidance to
2 the Department on the rules.

3 Are you saying that you are challenging a recent
4 amendment to the WAC that came in in the last go-around
5 session, or is this a rule that's been in place for a
6 while?

7 MS. HARTMAN: I think it's been in place since July
8 2014. Is that correct?

9 ASSISTANT ATTORNEY GENERAL REULAND: So are you
10 asking the Board in terms of how you would challenge the
11 provisions of the rule?

12 MS. HARTMAN: Yes.

13 ASSISTANT ATTORNEY GENERAL REULAND: And that I --
14 this Board's not a legal body in terms of how you want to
15 do that.

16 There is the rule-making process that you would have
17 to go through if you don't like -- the Department is the
18 first line of interpreting the regulations that it is
19 charged with enforcing. And then if there is a challenge
20 to the rule, you obviously can file a legal challenge to a
21 rule in Thurston County. Or if you're cited for a
22 violation, you obviously have recourse.

23 But this Board I don't think has the legal authority
24 to tell you what your legal remedy is when you disagree
25 with a rule.

1 MR. FREEMAN: Well, we don't want to be cited.

2 That's our issue. We haven't been cited.

3 We are going through the processes of making sure
4 we're not cited. But we also don't want to go through the
5 process of losing money and not being able to support our
6 customers during that process. I know that process can be
7 a lengthy process is what you're describing. But we're
8 talking about pretty thin margins that customers are
9 having to deal with on a day-to-day basis.

10 ASSISTANT ATTORNEY GENERAL REULAND: And my concern
11 for purposes of this Board and as legal counsel to the
12 Board is that you are asking for an interpretation of how
13 a specific rule might apply to your specific
14 circumstances. And it's really not appropriate. This
15 Board can't make that inter -- it can't make that decision
16 because that invades the province of the Department.

17 The Department is the first line in terms of making
18 that decision in terms of whether what you do does or does
19 not conform. And then if you disagree with the
20 Department, then you would have to figure out what are
21 your legal remedies.

22 This Board is not the body that can adjudicate an
23 individual circumstance and whether that meets the rules.

24 CHAIRPERSON PREZEAU: So my -- layman's terms, right?
25 is continue to work with the Department through the Chief

1 and his technical specialist, whether it's Rod or other
2 folks, and to gain greater understanding of -- from your
3 -- how they apply the interpretation of the rule to
4 specifics circumstances that are more closely related to
5 the work that you do. And then in the event that you are
6 not satisfied with that outcome, you know, then there are
7 -- as I said, there's some provisions in the RCW for the
8 Board to step in and make a formal decision.

9 But I am highly -- just like with the other folks --
10 I am highly confident that there's a potential mutually
11 agreeable solution that you can seek without expending
12 money on additional finances, right? You can have
13 conversations with the Chief and the technical specialist
14 to resolve the conflict and get more -- get the
15 information that you're seeking to help resolve the
16 conflict.

17 MR. FREEMAN: Just one more question.

18 Regarding talking with your technical staff, will
19 that also help us with the cities and the local
20 authorities as well?

21 SECRETARY THORNTON: Probably not. They have their
22 own set of rules. It's something that you'd have to deal
23 with them on.

24 CHAIRPERSON PREZEAU: And so we have an Electrical
25 Board member, John Brickey, who is representing those

1 jurisdictions, those cities that have their own inspection
2 permitting programs.

3 And so, John, maybe you -- I don't want to put you on
4 the spot. But it's my understanding that that association
5 of cities maybe has a similar problem-resolution
6 mechanism, or maybe not. Would you be willing to engage
7 these folks on this issue regarding potential pathways for
8 a solution from the city level?

9 MR. BRICKEY: I would certainly be willing to engage.
10 It would be through the Washington Association of Building
11 Officials Association which represents all the cities, and
12 that's how we come together.

13 There are some cities in the Puget Sound area that
14 have pulled together their resources and they adopt a
15 identical code among themselves. But there are other
16 cities that do not at this time. And so it's going to be
17 in some cases a case-by-case basis. But certainly I'll
18 give you my card and see what I can do to bring the cities
19 together.

20 CHAIRPERSON PREZEAU: Problem solvers, not problem
21 makers.

22 So maybe not exactly what you wanted, but maybe
23 getting closer to an outcome that you find satisfactory.

24 MS. HARTMAN: Pointed in the right direction.

25 CHAIRPERSON PREZEAU: Very good. Anything else you

1 guys want to add?

2 MS. HARTMAN: No.

3 CHAIRPERSON PREZEAU: Very good. Thank you very much
4 for your time.

5 MS. HARTMAN: Thank you.

6 CHAIRPERSON PREZEAU: All right. So let the record
7 reflect that that exhausts the list of individuals
8 requesting to speak.

9 And I think with that, unless there are any
10 additional issues, comments, concerns from the Board, the
11 Chair would entertain a motion to adjourn.

12

13 Motion

14

15 BOARD MEMBER NORD: Motion.

16 BOARD MEMBER BELISLE: Second.

17 BOARD MEMBER BAKER: Second.

18 CHAIRPERSON PREZEAU: It's been moved and seconded to
19 adjourn. All those in favor, signify by saying "aye."

20 THE BOARD: Aye.

21 CHAIRPERSON PREZEAU: Opposed?

22

23 Motion Carried

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1 CHAIRPERSON PREZEAU: We are adjourned. Thank you.

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3 (Whereupon, at 11:40 a.m.,
4 proceedings adjourned.)

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