BE IT REMEMBERED, that an Elevator Safety Advisory Committee meeting was held at 9:00 a.m. on Tuesday, February 21, 2017, at the Department of Labor & Industries, 12806 Gateway Drive South, Tukwila, Washington.

Committee members present were: Robert McNeill, Al Sorensen, Scott Cleary, and Patrick Strafer. The Department of Labor & Industries was represented by Dotty Stanlaske, Acting Chief Elevator Inspector.

WHEREUPON, the following proceedings were held, to wit:

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AGENDA

February 21, 2017 - Tukwila

Introductions/Purpose/New Meeting Format 3
Comments Regarding November Minutes 4
Chief's Report 5
  Scorecard/Accidents 5
  Hot Topics Electronic Plan Review 7
  Open Seats on ESAC 8
Old Business 10
  Class B Permits 10
  MCP Sub-Committee 15
  Temporary Mechanic Permits 16
New Business 28
  Approval of Charter and Bylaws 28
  Court Reporter 29
  Elevator Program Study Results 31
  Code Adoption Process 42
  City Hall on Audit Results and MCP 46
Elevator Safety Advisory Committee Meeting - 02/21/17

PROCEEDINGS

Introductions/Purpose/New Meeting Format

MR. McNEILL: Welcome to the February 21, 2017, Elevator Safety Advisory Committee meeting. I apologize for the delay. With traffic and accidents, it got us a little bit behind today.

This is going to be a little different format than we've had before. The meetings in the past have been more directive. And what we're going to attempt to do today is make the first part of the meeting informative, the second part of the meeting with feedback from the stakeholders. And you'll see that in the agenda. If you don't have the agenda or the handouts, they're over there, and please grab them.

There's a handout that says Electrical Board Meeting. That isn't a mistake. That's an issue that we want to talk about on how they run their meetings a little later during the meeting.

I'll start with introductions now. I'm Rob McNeill. I'm the Chairman of the Advisory Committee, and I represent licensed elevator contractors.

Patrick, would you start down there?

MR. STRAFTER: Yeah. Patrick Strafer. I'm with IUEC
Local 19. I represent labor.

MR. CLEARY: Scott Cleary, Mobility Concepts. I represent the 270 exemption from licensure, and by default the residential.

MR. SORENSON: Alan Sorenson. I represent the City of Seattle.


MR. McNEILL: Thank you.

Comments Regarding November Minutes

MR. McNEILL: The first order of business is to see if the committee has any comments on the previous November minutes. If not, a vote to accept the minutes.

MS. STANLASKE: I have a comment.

MR. McNEILL: Yes.


MR. McNEILL: Do I hear a motion to approve the minutes?

MR. CLEARY: I motion.

MR. STRAFTER: I second.

MR. McNEILL: The minutes have been approved.

///
Chief's Report

MR. McNEILL: Are you ready for the Chief's Report?

MS. STANLASKE: I am ready for the Chief's Report.

MR. McNEILL: We'll -- going with the new format now, we'll have a brief Chief's Report from Dotty, and then we'll proceed with Old Business.

Scorecard/Accidents

MS. STANLASKE: So did all of you folks get the packets with the clips on it that on over here? There is full packets with the agenda and different attachments. So if you want to take a minute and grab those.

(Pause in proceedings.)

MS. CURRY: Dotty, there's no more.

MS. STANLASKE: There's no more? Okay.

So Alicia's going to run and grab some copies. So when she comes back, if you didn't get a copy -- some of you can share. But if you didn't get a copy, you can grab a copy from Alicia.

But for now, I'll start with the inspections report. And we're still woefully lagging in the number of inspections -- annual inspections that we are getting to.

We had adjusted the expected number of annual
inspections that we targeted to 65 percent. However -- and I apologize for those that don't have the chart. You'll see that we are way below that. We're probably running about I'd say about half of that. So half of 65 is 30 percent. So we're running about 30, 35 percent of meeting our annual inspection schedule. We have been inundated, as lots of you folks have been, with new inspections because of the construction boom. So we've had a number of those.

I don't have any other comments regarding the annual inspections or the number of inspections we're performing.

Does anybody have any questions regarding that? No?

Okay.

All right. And then moving on to the accidents, in -- let me see -- for this time last year -- for this time last year our escalator no-fault accidents were way up there. I mean, they were close to 20. Now this year they're at about 8. I don't know what the reason for that is. I don't know if they're not getting reported or if thankfully people are being educated more or being more cautious. I don't really have an explanation for that.

The at-fault elevator accidents have dropped. They went from approximately 3 to 2.

Escalator at-fault, it doesn't appear that we've had any of those recently.
So that's the report on the accidents. Any questions? No questions? Great.

Hot Topics Electronic Plan Review

MS. STANLASKE: All right. So the electronic plan review, we were scheduled to deploy that back in around December. And we've had to make some changes to our Web pages. We're still working on that. However, I did send out an e-mail to everyone on our listserv regarding the process. And if you do not receive that e-mail regarding that process and the link, please let us know; we'll make sure that you get it. You can let Melissa know.

So does everybody know Melissa? Melissa, raise your hand?

MS. ERIKSEN: Hi (raising hand).

MS. STANLASKE: So you can let Melissa know, if you would, and she'll make sure that we send that e-mail out to you.

In the meantime, I want you to know that we are working with our communications people and our Web people to get that on the Web site.

There's a couple of things that we need to do. We don't want to add additional pages to our Web site. What we want to do is kind of put that in a section that's
logical for folks when they go on the Web site. So that's what we're looking at there.

For those people who have been utilizing that, it's worked very well for the most part. The delay is only in our office because we are down right now -- as you can see, Becky has her arm in a sling. She's going to be out for about six weeks. She had some surgery done. I'm actually surprised to see her here, but she's a true warrior. And she would never miss this.

So -- and Leon is focusing on training some of the inspectors as well as also doing some plan review.

And as Acting Chief, I've been pulled away from the plan review.

So we're trying to get at it. If there's anything you need quickly, let us know, and we'll make our best effort to get that out the door for you.

Open Seats on ESAC

MS. STANLASKE: The last topic for me are open seats on the Safety Advisory Committee.

And Rob, which positions are we looking for?

MR. McNEILL: We're looking for three positions now. We had two vacant positions, and one more position has come up. So we need a -- Philip Scott has resigned due to
workload in his company. So we have a position for an
owners representative. The alternate is Dave Nieman. And
he's interested. So we'll vote on that as a committee
because we do have an alternate.

We do not have alternates for the other two
positions. One is the architect engineer position, which
has been open for over a year now. And the third position
is the general contractor position. Matt Rolf due to
workload also had to resign.

So if anybody's interested that is from those
disciplines, we'd certainly love to have you on board.

What you need to do -- and Dotty, correct me if I'm
wrong -- is you need to send a letter of intent that you
are interested in the position to the Chief. And the
State reviews the candidates.

MS. STANLASKE: Actually it goes to the Director,
doesn't it? Or does it --

MS. CURRY: Well, I get everything together and send
it up. So if it can be a letter of intent and a resume,
if possible, that would be great.

MR. McNEILL: Thank you.

MS. STANLASKE: All right.

And that's pretty much all I have at this point.

MR. McNEILL: Thank you.
Old Business

Class B Permits

MR. McNEILL: We'll start with old business. The first item of business is Class B Permits.

I'll give you an update on that. We have worked very diligently on Class B permits for over a year. The bills went to the House and the Senate. There were two bills.

The bill in the House did not get out of committee, so it is dead. I've confirmed that. We're not going to be able to revive that.

The bill in the Senate, it passed committee, and it has been forwarded to the Ways & Means Committee. So at this point, the Ways & Means Committee will review that and make a decision.

The bill in the Senate also has the $1.1 million request from the State for a new computer system. And depending on how you read the bill, it may seem that the Class B permit is costing us money when in actuality it's going to save the state and the owners and the elevator companies money in the long term.

MR. CORDARO: I don't know --

MR. McNEILL: I don't have -- one moment, and then I'll take questions.

I don't have the names of the committee members on
the Ways & Means Committee. But I will by this afternoon.

I've asked for one of the individuals that's been
quite involved on the hill on this to provide a list of
names for us, and I'll send that to everyone at this
meeting and everybody that has attended the Class B
permits. And if you wish to respond to the Ways & Means
Committee, feel free. In this position I can't ask you to
respond in any way, favorably or unfavorably. But do
what you want to do based on information you have.

Now I'm open for questions.

MR. CORDARO: I asked about a -- (inaudible) -- and I
was helping with that.

MR. CLEARY: Can you please state your name and
affiliation please for the record.

MR. CORDARO: Sure. Sorry,
Dave Cordaro, City of Seattle.
And I'm just trying to track the bill.

MR. CLEARY: So he's looking for the House bill
number.

MR. MCNEILL: The House bill number is 1408. And if
you go there, the Senate bill will be right with it.

Mr. Morrell.

Yesterday I spoke with Mia Gregerson --
Representative Mia Gregerson. She's the co-sponsor of the
House bill. And she over the weekend allowed me her cell
phone number. I'm not going to give that out. But she
returned my call yesterday morning on a holiday. And she
asked me to send her a e-mail following up on our
collection.

And I'd like to read part of my e-mail. It's very
short. But I'd like to read the portion that deals with
incline stairway seat lifts. And it goes as -- my e-mail
goes as follows:

(As read) "Regarding the stakeholder group, my
company is a -- second stakeholder group, my company is a
contractor who installs stairway lifts in private homes.
Individuals who need this equipment are aging in place,
sick with disease, injured or returning home from the
hospital. Their needs are most urgent and without the
lifts are at great risk living at home. If my company
receives an order today, it would take at least a month
and a half before the equipment could be used by the
customer. Most of the time this is waiting for an L & I
inspector. Many times people cannot live at home without
the equipment. Such is the case if someone is returning
home from the hospital. If Class B permits were a reality
today, we could assign a permit number, install the
equipment, report the equipment ready for inspection, and
the customer could begin using the equipment the same day.
This would reduce the risk of personal injury, and 90 percent of the home inspections would not be needed."

So that is something of which I wanted to communicate to the representative because in neither -- both the -- it's a matter of course that these hearings are videotaped. And I have a link to those videotaped recordings. If anybody should like to look at those videotape recordings, contact Amy, my daughter, and she can send you that link. It's relatively long. It's like 32 characters long.

I have another comment, if I may. And that is that I wanted to --

MR. McNEILL: If it's short.

MR. MORRELL: I'll be short.

I wanted to relate to you that we have a customer who is a Vietnam vet who was exposed to Agent Orange during the war. Due to complications, he needed amputation. After seven months in the hospital, he had a lack of motivation to survive. His doctors, hospital staff and his wife agreed to get him home as quickly as possible. He returned home shortly before Christmas.

We were given the task of installing some stairway lifts. And shortly after Christmas, we had an inspection, and the two stairway lifts passed inspection. It took us 45 days for the scheduling of the inspection, and the
customer had to spend Christmas in his basement, and
Thanksgiving as well.

MR. McNEILL: Thanks, Bill.

MR. MORRELL: This is very important legislation.
And I don't think stairway lifts should be shuffled under
the rug.

MR. McNEILL: Thanks for your comment.

When we get to the town hall part, we'll get into
this more. I do appreciate your comments. But we can
spend more time when we get to that point. Right now it's
more questions or short questions and answers.

One thing I would like to say on the Class B permits
is the legislative system is very dynamic and moving. I
personally didn't expect things to change as quickly on a
day-to-day basis as legislators were discussing the bills
and amending bills and changing things or discussing them.

So oftentimes the date that I thought that there
would be a hearing actually moved. So it's good lessons
learned. We're all responsible for government, and we
need to stay on top of it. But it's very dynamic in a
difficult system, and it's the system we have to work
with.

So that's the report on the bill. We can talk about
it more in the town hall.

Anybody on the committee want to say anything or can
Elevator Safety Advisory Committee Meeting - 02/21/17

we move on?

MR. CLEARY: Let's move on.

MR. McNEILL: Okay. Good.

MCP Subcommittee

MR. McNEILL: The next item is the MCP Subcommittee discussion. Dave Nieman is out of town at company meetings.

I did provide a handout from our first meeting. I don't have the handout printed for the second meeting, but I'll give you a quick overview.

The first meeting, a very good meeting. We talked about what needs improvement, what's working, what isn't working, what would be quick wins, how to streamline the MCP, and we developed subcommittee goals.

At the second meeting, we went over the ASME and the WAC codes to make sure everybody had a clear understanding of what the rule says. And it was an interesting meeting. It was a difficult meeting because we were going through code language. But my perception of the meeting was that there was a bit of discrepancies about what the MCP program is supposed to provide and what people think it's supposed to provide.

The next meeting is next week. And please go to the
Web site, and it should have the meeting date. I believe it's the 28th in Tacoma from 9:00 to 12:00.

I've asked my company to provide different MCP's from different states so we can review those MCP's and determine what format -- not just off of those MCP's, but to begin to develop what format would be most appropriate to be used in the future as recommended by the subcommittee.

We also discussed electronic means of transmission. That's going to take a lot of work, and we need everybody's help.

So that's the report on the MCP Subcommittee. And when we get into the town hall, we're going to open it up for discussion.

Any quick comments? If you can keep them under 30 seconds, a minute, that would help us move things along.

If not, we'll move on.

Temporary Mechanic Permits

MR. McNEILL: Pat and Scott, would you like to talk about temporary mechanics?

MR. CLEARY: Yes.

We're looking at the renewed interest in coming up with a modified format or policy on the 09 temporaries.
The one that was in place last year sunsetted in December 31st of '16. So we're reaching out and do we want to resurrect that policy with modifications based on the labor demands. And so we're reaching out to stakeholders to see if there's interest in doing that.

MR. STRAFTER: I mean, you guys know that there's a major need for mechanics in this. And I'd like to see them stay local. Right now it's 75 percent of education needs to be completed to be a temporary mechanic. Everywhere else in the country it's 25 percent. And there's statutes of where you can be TM'ed. And I'd like to see that here. And that's such an order. You can't just TM somebody with 25 percent complete.

MR. MCNEILL: Can you speak up a little bit, Pat?

MR. STRAFTER: Sure. Sorry. I'm getting over a cold. 25 percent complete. You can't TM somebody and pass over somebody with 75 percent complete of education. There's a statute here. It's mechanics and apprentices that are about to take that test. Then there's apprentices that have failed the mechanics test that at 75 percent, 50 percent, 25 percent. I'd like to see that with all the companies also. And it would help ease the workload. And I know that the major companies aren't going to put somebody with 25 percent complete of education on trouble calls at 2:00 in the morning.
They're going to be on jobs where there's multiple mechanics and multiple trained elevator professionals. So I think everybody should be on board with this. I know I am. And this is what I'm going to push through.

MR. CLEARY: To give a little bit of back history for people that aren't familiar with the 09 category, that allows a mechanic who's either in a approved training curriculum with a certain amount of hours accrued and on the OJT hours to be able to get an 09 temporary within the category for -- (inaudible). So that allows them to go out and do work unsupervised.

The reason why the '14 WAC changed things was perceived a lot of abuse of that. And so it used to be unlimited where you get an 09, you pretty much can keep it year in and year out. So in the '14 WAC, a change was made that you could only have it for six months out of the year, two months on, one month off, or however you wanted to do that. And the criteria went up to 75 percent of curriculum completed.

So now that there's -- I feel there's a true need for support and labor support, that we need to look at that and look at how do we get somebody into it, how long of a period. I think two months on, two months off might not be the best way to help with labor backlog.

So we can have a chance to put this in policy,
correct? We can do it under a policy, change the existing WAC?

MS. CURRY: We're working on it.

MR. CLEARY: Okay. So we need input on what people want to see. And then we need to be able to take it to the State and be able to sell it.

Bill, go ahead.

MR. MORRELL: I hear what the union is talking about in terms of temporary, the need for mechanics because of the growth.

But as a small businessman, trying to bring people into the industry, we do have a policy. It's not in WAC or it's not in RCW, but we have a policy in regards to the number of hours and the educational requirements for those trainees -- apprentices, okay?

That -- those educational hours and that whole program in terms of policy was never submitted for a small business economic impact study.

And as you know, Scott, you and I as well as other people sat in, and you were the director of that whole deal. We spent months coming up with those criteria. And I did a pro forma impact -- financial impact. And for me to train one individual, it was going to take $245,000 to follow that program and train one individual.

If it's -- if those individuals are trained in a
union program, those costs are spread out over a larger number of people in the industry -- the union industry. And so therefore, there's a significant discrepancy between large businesses and small businesses as to how much it would take to train --

MR. CLEARY: Well, I don't want to mix what the curriculum is for licensing versus what the 09 criteria is.

They are two different separate issues here. One is -- I understand what it takes to get a mechanic and where you are, 75 percent. But this is mainly to talk about what is the criteria that we can put in place that supplements the existing WAC policy for 09 that we can put into policy to help the backlog of labor right now, and that's with the 09. That's what we're trying to -- because there was a policy last year that sunsetted in December.

MR. MORRELL: No, I understand that, Scott. I'm going back and I'm saying there was never an economic impact study done in the first place. It was never submitted to be in the WAC. It was put into policy. And I don't have the code in front of me, but in the RCW and code, it might not be in the elevator codes, but it may be elsewhere that you can't take something like that and put it into policy; it needs to be put into a WAC.
MR. CLEARY: Bryan.

MR. WHEELER: There is certainly a need for this to keep moving forward. And as you said, it sunsettled in December. We need to act on this very quickly. And we're in full support of that, and please let me know how I can help. Because that is something that this industry needs to have some policy put in place. And there's variations of it, whether it's renewing what was in place this last year to get us through another period of time while we develop a more robust one. But something needs to act quickly to do that.

MR. CLEARY: I agree with Patrick. We want to keep, you know, labor local if we really can to keep our force. Because what happens, with the cyclical ups and downs, we want to keep the people here for that to take off.

So we're looking for -- probably we have to put together a small subcommittee to try to put together what stakeholders would like to see in it.

But I agree with Ryan that we need to fast track this because, you know, we're already halfway through the first quarter, and we know things take a little time.

And we're working with Alicia on working with the 03 categories. It would be nice to be able to amalgamate it and make it work with some variations of that, so ... Any other questions? Or is there support among the
stakeholders for this?

MR. FRYINGER: I make a motion to develop a
subcommittee.

UNIDENTIFIED MALE: Second.

MR. CLEARY: All right.

MR. McNEILL: Any committee comments? Al, anything
on that?

MR. STRAFER: Dotty has her hand up.

MS. STANLASKE: So I find it interesting that some
folks have voiced their interest in pursuing this,
especially since this sunsettled December 31st.

Jack had asked many times that individuals that were
interested in at least extending the policy until
something else could be done, contact our office. And
I've only had one individual contact our office regarding
re-implementing the policy that sunsettled, and that
individual, it was only because he had one temporary that
he needed to be renewed.

So again, I would urge you that if this is something
you're interested in, you can't just sit at a meeting like
this and say, "Yes, I'm interested in it." You have to be
able to participate and also let us know through Melissa,
if you would, as to who is interested.

MR. CLEARY: That's a very good comment. Because I
was part of that last meeting about knowing it was
sunsetting, and we did reach out. And now that it's gone, we've lost the opportunity to do it in a quicker fashion. But I think this would be good lessons learned that things that are this important, we really need to have active participation outside of these meetings. So we really want to make sure that, you know, we go ahead and follow through. Go ahead, Bryan.

MR. WHEELER: I'd just like to ask, when the State recognizes that there's so many temporary mechanics already working and have a policy that sunsets, why would the State take a position to let that sunset and not pursue renewal of that more promptly? Because there was discussion about needing it to go. And I think that this meeting being a recorded meeting documented we're on the record as supporting it should be enough to push that agenda forward and make sure that we do continue on with that policy.

MS. STANLASKE: And Bryan, my response to you is: I don't really know why that wasn't enough to put that into play because I wasn't involved with it then.

MR. WHEELER: Fair enough.

MS. STANLASKE: But I do know that Jack specifically asked folks to contact him via Melissa, and that was not done.
MR. CLEARY: So what's happened has happened. Let's take this now and we need to do something expeditiously that we get something put together that works for everybody, all the stakeholders. And I think that can be a slight challenge. We've already got a baseline of what we'd like. I think we need to manipulate it a little bit, you know, change some things. But I think that's all workable.

But we need a commitment to be able to do this in a quick setting. I don't want to kick the can to the next meeting. Right? Because that kicks us into May.

MR. FRYSGINGER: So what is actually the next step? What do we as a body need to do to get going?

MR. CLEARY: Alicia, can you give us some -- what -- how would you -- how could we go about this in an expeditious manner?

MS. CURRY: Well, if it's just going to be reinstating the policy, you know, as it is now, I don't think it's going to be a very lengthy process. It's simply just going to be reinstating the policy. Probably -- I mean, unless you want changes to that policy, then there needs to be discussion. But that, of course, would take a long time period. But -- or keeping it as is.

MR. CLEARY: So I guess the question I need to bring up to the stakeholders is: Is everybody familiar with
their policy? And what I mean by that is: Have they gone through it? Can they live with it? Do they like it? Do they want to change it? So that's a very good point.

So I think there's some things that would like that I've heard feedback before would like to be modified a little bit. So if that's the case, we need to get on it and send those changes requests or recommendations to Alicia or to the State and then seek --

MS. CURRY: Probably to Melissa.

MR. CLEARY: Or to Melissa. And do that. Or do we want to live with what we've lived with for the last year? So that's something we've got to get back from the stakeholders.

MS. ERNSTES: How many mechanics currently sit on the bench?

MR. STRAVER: Two.

MS. ERNSTES: So we have available workers currently that are not working.

MR. STRAVER: Yes, they'll be working by the end of the day today probably.

MR. FRYSINGER: A question. If we did want to make changes to it, what is that general time horizon? Do we have that option or do we need to take a two-step approach to go -- let's enact what we have for is it six months or 12 months; that gives us six months or 12 months to work
whatever process there is to make changes. So what's the
time horizon to make changes to the WAC and get it into
the policy?

MS. CURRY: What you're talking about, changes to the
WAC rule, that's going to be something different. I mean,
that has to go through the rule-making process which takes
a lot longer.

If we're talking about just policy changes, I can't
really give a time frame. I am not sure what the details
of those changes are. And then, of course, we have the
approval. So ...

MR. CLEARY: So I like your idea. Maybe for the sake
-- for the sake of feedback from everybody, maybe we do
request that that be reimplemented like it is. And then
we have some time in subcommittee to put together what
we'd like to see changed, and then do that as an ongoing
process. Because if the history is anything like the
future, if we do this, we'll be -- in our November meeting
we'll be talking about the same thing. And that's just
because of backlogs and work. So ...

MR. MORRELL: The policy which was sunsetted I
believe was for elevator companies -- large elevator
companies and the unions. Okay?

And I know this because we have temporary mechanics,
and when this came into play, I said, "Oh, that's great."
Because one of the things -- you may have misspoken or we may have to check the record. But the policy was to allow temporaries not to have to adhere to the two months on, two months off or the 30 days.

And when I asked Jack about that, he says, "Bill, it doesn't apply to you. It only applies to the union companies." Okay?

So what I would like to say is that to move things along and to get them, you know, renewed, I will write a request to you to revisit the education requirements for temporary mechanics, and to have that as -- to be subject to a small business economic impact study. And then the board can put that on the agenda. It would come in as new business and, you know, in 2018 maybe it'll be considered.

MR. McNEILL: I'm going to move on. Thanks for your comments. Let's continue this in the stakeholder meeting.

MR. CLEARY: Well, but first -- all right, first -- so there is interest.

MR. McNEILL: Because these are reports?

MR. CLEARY: Yeah. And so we just need to get -- yeah, we just need to get some feedback, and then we'll work on the details ...
New Business

Approval of Charter and Bylaws

MR. McNEILL: Okay. In the interest of time, we're going to move to new business. We're close to schedule. So new business, the first order of business is with the committee, and it is the approval of the charter and bylaws.

It was discovered that we did not have committee bylaws approved for the Elevator Safety Advisory Committee. So we do have a quorum. We have four out of seven members present with three members vacant.

So do I have a motion to accept these bylaws?

MR. SORENSON: Motion.

MR. CLEARY: I second.

MR. McNEILL: All in favor?

MR. STRAFTER: Aye.

MR. CLEARY: No discussion?

MR. McNEILL: Yeah, discussion. I'm sorry. Go ahead.

MR. CLEARY: Any discussion?

MR. STRAFTER: No.

MR. CLEARY: Okay. I have no discussion.

MR. McNEILL: All in favor?

COMMITTEE: Aye.
MR. McNEILL: Opposed? It passes four-zero.

These will be available over on the table as well as on the Web site if you're interested to see what the bylaws are.

MR. CLEARY: The Vice-Chairman was Phil. So I think we're going to need to -- (inaudible) -- to be voted on too.

MR. McNEILL: We'll do that as well.

MR. McNEILL: The next item is court reporter.

We've been asked as a committee to determine if we want to continue with the court reporter in these meetings to keep minutes or to have the State supply someone to provide minutes.

MS. STANLASKE: May I make a comment?

MR. McNEILL: So I'm going to open this up to the committee for comments. Dotty, go ahead.

MS. STANLASKE: The reason why we're bringing this up to the Advisory Committee is because this came about as a recommendation from the study that was performed, and that is the only reason why it came about was somebody mentioned it. It was brought forth as a recommendation, so we have to address it here.
MR. McNEILL: Any comments?

MR. CLEARY: I just want to -- I want to say that I'm in support of keeping it. I think it's very important to be able to go back and refer to it over time. It -- I know some of the comments that were made on why they want to get rid of it, but I think it's extremely important to keep it and have a record for anybody to be able to see and have it completely unfiltered by a unbiased report. And I don't mean that in a derogatory sense. I'm just saying it's -- I'd like to keep it. So I'm in support of keeping it.

MR. SORENSON: I'm also in support of keeping it. I think if anybody has something they don't want recorded, just don't say anything. It's that simple, if you're worried about that kind of thing. The rest of the stuff is -- it's really good to have a record of what we all talked about and agreed to.

Sometimes down the road a year or something, a definition gets clouded, and so it's good to have a paper record of that.

MR. McNEILL: Does anybody else have any comments?

MR. STRAFER: I wish I had more of a filter, but I don't, and I'm okay with that. So I'm in support of keeping this.

MR. McNEILL: So do we have a motion to retain or not
retain the court reporter?

MR. STRAFTER: I make a motion to retain.

MR. CLEARY: I second it.

MR. SORENSON: I agree.

MR. McNEILL: All in favor?

COMMITTEE: Aye.

MR. McNEILL: The court reporter will remain. Well done. Congratulations.

Elevator Program Study Results

MR. McNEILL: Okay. The next new business item is the Elevator Program Study Results. Jose' will present the study results as well as the progress that the State has been making.

I'd like to hold the comments until we get to the town hall. So if you have comments, keep them. And then when we get to the -- we have one order of business after this, and then we will get into the town hall where we can get some very direct feedback from the stakeholders.

Jose'.

MR. RODRIGUEZ: So you won't mind if I give you all my back here?

MS. STANLASKE: Not at all.

MR. RODRIGUEZ: Well, good morning. How's everybody
doing?

Well, for those of you who don't know me, I'm Jose' Rodriguez. I'm the Assistant Director for Field Services and Public Safety. That's a fancy title.

So on the public safety side, I'm responsible for the statewide programs that have to do with electrical, elevator, factory assembled structures and pressure vessels.

Then on my field services side, I'm responsible for the 19 field offices that we have around the state -- (inaudible) -- 22 different programs.

So it's my distinct pleasure to be here today to address you all. And I'm glad to see that you have a good turnout today.

So the subject that I'm going to talk about is the elevator performance study. And this study was published on December 30, 2016.

Next slide, please. That's the end. Let's go to the beginning. Okay.

Can you all hear me okay? If you can't hear me, just raise your hand, and I'll try to speak louder.

But this study actually came about last year. Several legislators approached the Department about conducting a study about the elevator program due to some concerns from their constituents that were being voiced to.
the legislators.

So the Department agreed. And we then -- we were trying to figure out what was the best way to conduct the study in an impartial way. And so we reached out to Stellar Associates, LLC, which is a third party. They contract with the State to do different studies. And they conducted the study.

The three focus areas that the study group was looking at are up here. And this was based on some feedback they had initially gotten about how the program was organized and was set up to run.

So the first area was the program's rule-making process. The second one was the quality and consistency of the inspections and the workload. And then the third bucket was the effectiveness of the business relationships that we have -- that the Department has with all of its stakeholders. So the building owners, the companies -- the elevators companies, and, of course, the Department itself.

Next slide, please.

So the study team put together the methodology, and this is how they went about doing their work. It took them about eight months, eight and a half months or so to get it done. So they did a thorough review of all the Department's documentation. So everything that we had in
our files about rule-making, inspections, the status of conveyances, anything that you can think of that was documented, they had access to.

They also did some independent research of other states' agencies and programs. And what they were looking for there were best practices, trying to compare what we do here in Washington to other states, other jurisdictions, and try to cull out and point out some of the best practices.

They did a great job of trying to reach out to stakeholders and try to get some stakeholder input by having some forums. So they actually met with stakeholders. I don't know how many of you here may have been involved with that. But they reached out to about 3,100 folks, and about 370 or so were interviewed.

They also did some surveys, the same thing. They sent out a lot of surveys, and they got those back.

Here I just want to pause to say that your voice is very important. Okay? And I got to say that this group -- the study group made an extensive effort to get ahold of everybody, but we only reached about 3 percent. And we only got back feedback of about 3 percent of all the folks that were reached.

So again, if you want to have your voice heard, you need to respond. That's not an admonition; it's a fact.
Go back one more (slide), please.
And then they actually went out and met with our work
units and actually saw some inspections taking place.
So the bottom line is they came back with a 90-page
report, had 11 conclusions and 37 recommendations. And
these are the kind of the big buckets that those
recommendations fell into.

They wanted us to adopt -- or they suggested that we
adopt a more formal rule-making process. So today on your
agenda, you've seen a few things about rule-making. And
what we're going to try to do going forward is take a look
at how that process works and is it getting you, the
stakeholders, what you need. Do you have -- do you feel
like you have a voice in that process? And do you feel
like you understand the steps in the process and you can
anticipate what the next step is.

So that's that one.

The second one is to adopt a more customer-centric
approach. And in that, they pointed out that enforcement
-- I mean, we're a regulator. You know, L & I is in this
industry; we regulate it. But at the same time, you are
our customer. So taking a look at how our penalty
structure is organized and using more carrots rather than
the stick. And so what is it that we could do in the
future to try to incentivize voluntary compliance.
Because most people wake up every day and want to do the right thing. They just need to know what the rules are, how to get it done, you know. And then there are a few who once you educate them and they don't -- and it's clear that they don't want to abide by the rules, then you can go to some level of enforcement. So you got to have a combination of both, but we're looking at a different approach to enforcement.

The second part there is education and outreach. Again, we need to do a better job of educating our stakeholders about your roles and your responsibilities and our roles and responsibilities because we have to work together to get the job done.

Part of that -- then the next one is helping customers resolve problems. So what we were hearing from the stakeholders in the study group was that they wanted us to partner with the industry to get their jobs done.

As an example, there are large companies that have -- or excuse me -- building owners who have multiple buildings. And this is just an example. For us to inspect one building one day, the next building another month, another day, and the other building another day, it's kind of confusing for them. So they wanted to see some kind of a portfolio where we can manage the inspections and then also have in that portfolio all the
reports about how each of those conveyances is doing.

So that's just an example of kind of what the
customer would like to see. So helping the customers
resolve those problems. And this is a kind of a
management thing.

The next big bucket was for the Department to
identify options to manage our workload and the
inspections backlog.

As you all know, part of the discussion today was
about temporary licenses. Well, we are struggling to hire
and retain inspectors. We are authorized 27 positions.
Right now we have 11 inspector positions filled, and I
think we're short 9 today. And we haven't had an
application in two years. So real difficulty there.

As a result, last year we put together a hiring --
what we call a Lean process, and we put together a hiring
and compensation kaizen, and we put together a package
that is in the legislative budget now to increase the
salary of our inspectors. But I think it's still going to
be a significant gap between what the State can pay and
what the industry can pay.

So it's going to be a challenge for a while, and
we're going to have to find better methods to recruit and
retain inspectors.

Which leads to the last one, which is they
recommended that we look for a way to train inspectors.

    Historically we have taken an elevator mechanic and
then provided the training to make them an inspector. So
is there another approach that we could take so that we
could get inspectors.

    And the one on the end there, it's kind of -- it's an
internal thing. It's hard to say, but some of our
inspectors felt like we didn't respect and value the work
they do. So that's something that we're going to have to
work on as well.

    So it's a 90-page report. I didn't print it for you
all. I'm assuming that most of you have read it. It's
posted on our Web site, and that's the link to it there.
So you can take a -- get onto that link and you get the
full report.

    Next slide please.

    So what are our next steps? So today -- well, excuse
me. The last couple of months since the end of December,
we've been putting together our project steering
committee.

    And Wayne Molesworth here, he's a project manager in
my division, and he's been assigned to this project, and
he will be leading this project.

    We have Ernie LaPalm, the Deputy Director for the
Department, who's the executive sponsor. I'm going to be
the business sponsor.

And so what we're doing right now is putting together our project plan so that we can take a look at all those recommendations and put some work behind them.

Some of the things that you're seeing today are things that we've already started to act on.

We've identified some priorities. We've taken all of those recommendations and put them into short, medium and long term. And right now what's come to the top as the top priority from the stakeholders was they wanted us to move towards adoption of the 2016 ASME code.

So we're going to launch on that. And that -- obviously we have to put a process in place. We have to take a look at those procedures to make sure that it works, again, so that everybody knows what's -- has a voice in that, knows what the next steps are, and can act appropriately. If we get that done, that would get us mainly through the conclusions that are in the first five conclusions. A lot of them were around rule-making.

Then we got some quick wins and some in-progress projects. There's about 19 items. They cover the whole gamut of the conclusions.

Conclusion number 6 is right in the middle of the report, and conclusion number 6 is great news because it says that the Department and all of our stakeholders, we
all agree that the safety of the public, the workers are number one for all of us. So we all agree on number 6. So that's good.

So right now we're in the middle of the Advisory Committee meeting here, and I committed as part of our project plan to come here and address you all about the study. And one of the findings also was the charter and bylaws for the committee to kind of refresh those things. And so you're already starting to see some of the things that were in that report coming up on the agenda.

So let me just say that, you know, whenever you get a report like this, it's mixed emotions. You know, the Department and managers and staff, we all feel like we're working pretty hard. We're under-resourced, and everybody's working pretty hard to get the job done, but obviously our stakeholders aren't very happy with the job we're doing. So we have to find a better way to get the job done and to meet your needs.

And so our commitment is that we're embracing this study. We don't necessarily agree with every recommendation that's made. But we're not going to form any opinion. We're going to take every recommendation, and we're going to make sure it gets full consideration. And we're even considering at this point kind of a third party again to make sure that we do consider every
recommendation, just to keep us honest.

The next thing is we can't get this done without continuing to have a dialogue with you all and get your input and actually form partnerships about how do we get the work done. You have the same challenges that we do, and if we partner together, we've got a chance that we're going to be successful in getting our jobs done.

And last but not least, our program has that commitment and a mandate to provide code-compliant conveyances that are safe and well maintained for everybody.

And so last week in regards to this part of our mission and our vision and our organization, we met last week in an all-day meeting with representatives from the program, and we're working right now to make sure that we refine our mission and our vision and we get that in alignment with what the study recommends, and we should be able to come up with an organization that will help support you all.

One of the things that's in this is the need for -- when I talk about education and outreach is a consultative arm of our inspection program. So -- I don't know what that might look like, but conceptually it would be that if you're starting a project and maybe there's something new or unique about it, you could ask for us to take a look at
it just like DOSH does, our safety guys, with no penalties. Just come in, take a look and see what's going on and see if you can help us work through the problems.

So again, we're understaffed right now to do that, but we have a commitment to take a look at how we can provide some consultative services.

So that's my presentation, short and sweet. I'm open to any questions that you all might have and you control my time here.

MR. MCNEILL: We'll hold those questions just for a moment. We have one more item of business in new business, and then we're going to have our town hall; although it says city hall.

And then we'll start with the report and get your feedback. And then if we have time, we'll get into the maintenance control program for discussion.

Code Adoption Process

MR. MCNEILL: The last item on new business is Code Adoption Process. And I believe you're going to see a handout in your packet on the elevator program code adoption process.

Oh, and one thing that isn't on the agenda but fits in is the handout you got that said Electrical Board
Meeting. I'm going to put these two items together.

Three of us attended the last Electrical Board
meeting to observe how another agency provides information
to the stakeholders -- and the secretary's report would be
the chief's report -- as well as what their function is.
So we have a copy of the agenda for your use. And if I
need more copies for you, you can make them. Wayne
Molesworth, Dotty and myself attended that meeting.

There were some things in the meeting that more than
likely that we wouldn't want the Elevator Safety Advisory
Committee to do such as appeals on licenses. But there
are a lot of things that work very well in that meeting.
And one of them is their code-adoption process.

So what the Electrical Department does is they
provide a technical advisory committee. And if you have
this handout, it goes over the complete process. I'm not
going to go over it in detail today. But the committee is
comprised of stakeholders and individuals either
associated with the industry or not associated with the
industry that comment on proposed changes in the WAC. And
then those -- so it's a subcommittee. And those proposals
either go to further subcommittees or the advisory
committee for recommendation to the State on how they
would like to progress with the rule changes.

What I'd like everybody to do is absorb this and be
prepared at the next meeting to discuss it or during the
stakeholder meeting. Didn't give you a lot of notice on
this. We'll have it posted on our Web site.

Would you like to talk about it a little bit?

MS. STANLASKE: Yes. And I appreciate what you said
about everybody having an opportunity to absorb this.

I believe that this is something more that the
committee needs to address, and I would urge you to
address it sooner rather than later because this is the
process that we would like to follow, and it's similar to
the electrical program's process.

The reason why we would like to follow this is so
that everyone has a clear understanding of what's going to
happen when. We would post this on our Web site, and all
the folks that are interested in participating hopefully
would then participate.

But the purpose of the discussion for this today I
believe was more to have the Advisory Committee look at
this and determine if this is something that they would
support.

Because we are going to start having discussions on
the differences between the 2010, 2013 and 2016 codes
beginning next month. That discussion will be the basis
for the process as we go through the code-adoption
process.
MS. CURRY: And I just want to mention on this code-adoption process that there's also a CR103 part of the rule-making process, and that is the actual adoption process. And that follows after the public hearing. It looks like it just didn't get included on here. So we need to make that correction.

MR. McNEILL: Okay. So thank you for that guidance. Has everybody on the committee seen this?

MR. CLEARY: I've seen it.

MR. STRAPER: I have not. Just looking at it now.

MR. CLEARY: I think we need --

MR. McNEILL: Some more time? I'd like to make a decision today, but I didn't think we have a quorum to -- (inaudible) -- up to speed on that.

MR. CLEARY: I think --

MR. McNEILL: It's just going to hold back the process of adopting code if you don't act on it, correct?

MR. CLEARY: Well, we don't -- we haven't had a really slow process in the past. I think any process is better than what we've been working to. And as long as we hold to what that schedule is, I think that's what's really important.

So one of the questions that I've been asked by -- and I'm asking and have been asked to me is where are we with this cycle? And right now we need to start
somewhere. And I think any process is better than what we've done in the past.

MR. McNEILL: So let's table this for the moment. We'll let Al and Pat look at this while we have the town hall. And if we have some time at the end, we either make a decision not to decide right now, or we make a decision either yes or no.

MR. CLEARY: Protocol. If we don't decide in this meeting, does that mean it's shelved until next meeting?

MR. McNEILL: It would be. So ...

MR. CLEARY: That's too long to wait.

MR. McNEILL: I don't disagree, but I need to let the representatives have an opportunity to see it.

City Hall on Audit Results and MCP

MR. McNEILL: We're going to move on with the town hall, and we'll get back to this piece of new business at the end. So a lot of protocol, but based on the urgency of the situation, I want to give them some time.

So we're going to open the meeting up to the stakeholders, which is completely different than we have in the past. Usually we do that in the stakeholder meeting.

We're going to have a few small rules. Constructive
criticism is allowed. But if there is constructive
criticism, please make it constructive. And if you have
any recommendations on how to make things better, we're
all here the hear them.

Jose', I'm going to let you come back up right now,
and we'll start with questions and comments on the state
audit and go from there.

MS. STANLASKE: Study.

MR. McNEILL: Pardon?

MS. STANLASKE: Study.

MR. McNEILL: Study; excuse me. Audit/study.

MR. RODRIGUEZ: Thanks for that opportunity.

MR. McNEILL: So go ahead.

MS. GOULD: So with all this being published, did
this help? There's so little of the program that is not
dedicated fund. Could this help your program finally
become a dedicated fund so you have better resources to
manage your workload and future needs?

MR. RODRIGUEZ: Yes. One of the recommendations in
the study talks about a dedicated account for the elevator
program.

We have a -- it's in our -- it's agency-request
legislation right now. So -- I can't remember what the
status was on Friday.

MS. CURRY: Dedicated account?
MR. RODRIGUEZ: Yeah.

MS. CURRY: I believe so.

MR. RODRIGUEZ: So I think it's made it out of both committees.

And so we obviously can't solicit anybody's support. But a dedicated account for those of you who don't know is the elevator program right now sits in the General Fund. And the General Fund is, you know, where the State collects its taxes, it goes into the General Fund. And then that General Fund then is split up between law enforcement, education, you name it.

I'll use the electrical program as an example. The electrical program has a dedicated account. So sometime back in the past, the legislature said, Hey, this is a fee for service. So customers paying a fee; you should get the service, and those funds should be dedicated to providing those services.

So we have -- this will be our third attempt to try to get the elevator program to a dedicated account. And if we make it into a dedicated account, we still have to ask the legislature for appropriation for the ability to spend the money. But it will allow us I think more flexibility on how to manage the program. And it will take us out of the General Fund, and we won't be competing against education and everything else.
So that's kind of where we're at.

MR. CLEARY: Jose'?

MR. RODRIGUEZ: Yes, sir.

MR. CLEARY: I want to add to that. Because I've spent numerous hours going through this. And one of the key things I gleaned from this is a lot of the problems that we have as stakeholders and what's in this thing is caused because you don't have control over your budget. And having a dedicated fund I think will take care of -- or remove some of the roadblocks that we have.

I just think it's unacceptable that if we have an urgent project that we cannot request a inspector off hours or weird hours even if we're willing to pay whatever rate there is to have them out there, and having control of that, the dedicated fund, I think would go a long ways of helping that.

And like I said, we've been trying to do that for years. And I just think it's really shortsighted when that -- from this report, and I don't have all the fiduciaries, but you make money, right? You got what, $3.5 million of a budget and you've brought in over $5 million last year, right?

MR. RODRIGUEZ: We brought in 5.5 revenue. And we spent --

MR. CLEARY: Okay. So that's -- I can see why they
don't want to let you leave the General Fund.

MR. RODRIGUEZ: Right.

MR. CLEARY: But the money that we generate as all
the stakeholders that we paid for all this is not being
used to help the industry. And I just think that's
critically important.

And what can we do as an advisory of stakeholders to
help push this?

MR. RODRIGUEZ: So let me just explain a little bit
-- and I'm looking at Alicia here because I don't have the
proposed law in front of me. But in the past couple of
years, we haven't been able to get the fund approved as a
dedicated account for those budgetary reasons. So we had
to work on the language with various stakeholders. And
the language basically says that we would be moving the
program to a dedicated account, but for a period of time
-- how many years is it? -- that we're going to make the
General Fund whole. In other words, what we collect in
penalties and those kinds of things are going to continue
to go to the General Fund for a couple of years, and then
after that it all becomes then part of the program's
revenue. And so --

MS. CURRY: I want to say it's like seven years or
something.

MR. RODRIGUEZ: Yeah, it's like seven years.
So it's not getting us out of the water right away. But again, if we're only spending 3.1 million and generating 5.5 --

MR. CLEARY: Well, to me, it's not -- it's government. So how they move the shells around is a fiduciary exercise.

To me, it's like being able to get more support from the State and being able to get off-hours inspections and other things that I think other agencies do around the country that helps the end users. And so I think that's a critical thing. So having more flexibility I think is more important than what your account ledger is at the end of the year.

MR. RODRIGUEZ: But to be fair, I mean, the legislature has supported us. I can't say they haven't supported us. I mean, right now we have again another -- a package in there for seven FTE's, seven additional inspectors. So they recognize that our, you know, inventory's up to 18,000 plus conveyances, and it grows every year, and those conveyances have to be inspected every year, and those inventories don't go down like other programs. Electrical when you inspect it, you don't go back; it's done. You know, they -- you move on to the next inspection. Here, we have to come back. And so these things remain in our inventory.
So again, education and outreach is not only to our stakeholders, but also to our authorizing environment. We're working with them to let them know how the program operates and some of the challenges that we have.

So we've got a package in for seven FTE's. But again, we haven't had an applicant in two years now.

MR. CLEARY: But kind of getting back to getting inspectors off hours, you go to the state of Washington, I know the City of Seattle, you can request that. And I think working in the same geographical area, we should do some of the best lessons learned to implement them.

Al, how do you guys ...

MR. SORENSON: Well, we do -- we offer overtime. It's basically it's owner-paid overtime. The city doesn't pay overtime.

And the way that works, we also -- we have to have an inspector who's willing to work overtime. We can't work our inspectors overtime. So there are a few inspectors who like working more overtime and others that don't. So we usually only have one or two around willing to work a little bit of overtime.

MR. RODRIGUEZ: So we have the overtime capability. And because we do have a vacancy, we do authorize overtime right now. We just don't charge the customer for that right now.
MR. CLEARY: But you don't do off hours, correct?

MR. RODRIGUEZ: Not off hours. Again, we are -- also
we'd have to deal with our -- the union management and
labor management aspect of that.

MR. SORENSON: Well, we realize our customers are
more than happy to pay for overtime. We've never had an
issue with that portion of it.

MR. RODRIGUEZ: The other thing would be to --
potentially. I mean, we're just looking at solutions.
And I know we got inspectors back there. Don't start
throwing stuff at me.

But we'd be -- if we had more inspectors, then we'd
have more flexibility on how we use them. So, you know,
we can stagger hours; we could do different stuff.

We're doing the same thing in the electrical program.
We've got some folks who voluntarily are willing to do
inspections on the weekends. And that's good for our
homeowners who have to be home to give us access to their
buildings.

So, you know, there's different options. But you got
to have the personnel to have that flexibility.

Yes sir.

MR. MORRELL: My question doesn't relate to the
performance study, but it does relate to things you
brought up in your discussion.
The bills that have been submitted to the legislature, the 1408 and I think it's 5340 in the Senate, the budget request was attached to those bills, the budget request of $1.1 million, the additional inspectors and I believe the computer program, things like that.

To me that is cumbersome to evaluating the merits of the proposed legislation. I mean, if you look at the proposed bills, maybe perhaps if they didn't have to consider the budget request and just looked at the merits of what that would do in terms of the industry, how it would help us, it might be better. But to attach that budget request really, you know, having to go to a Ways & Means Committee as opposed to just -- see what I mean? So could you comment on that?

MR. RODRIGUEZ: Well, I'm looking at Alicia again to help me out in case I trip over this.

Because they -- the legislators can package them however they want. But every time that we submit a bill -- so I think you're talking about Class B -- so we have this proposal to help manage our workload and make it easier for our customers by issuing these Class B's.

To -- (inaudible) -- Class B's, we would have to get them into our conveyance management system. Right now our system is not working very well, and it cannot take on this new function.
So what you're seeing is a fiscal note that says we are asking for our conveyance management system to be updated. That's a separate budget proposal. Okay?

I don't think that if we -- if for some reason Class B's doesn't move, they would still look at our conveyance management system as part of the budget proposal.

MR. MORRELL: Are you telling me that the legislature decided to attach it or did you make that recommendation?

MR. RODRIGUEZ: Is it attached --

MS. CURRY: For the fiscal note? Yeah, OFM requests it. It goes with the bill package.

MR. RODRIGUEZ: Anytime you propose a bill, you have -- the question is: What's it going to cost? How are you going to implement this? Are there costs with implementing it? And so there's a fiscal note attached to it.

MR. CLEARY: On that fiscal note, they're offset because not having inspectors going out and spending time is a savings. So if you just put a budget -- a cost to it that offsets, that's huge -- that's huge when people think of that number then, correct?

MR. RODRIGUEZ: It's in there.

MR. CLEARY: Is it in there?

MR. RODRIGUEZ: It's a cost-benefit analysis.

MR. McNEILL: And the same thing works for elevator
companies not having to go back and retest after they've already tested, which is a significant amount of money.

MR. MORRELL: But you needed a new computer program whether you submit this bill or not. You need additional inspectors and pay them a higher level of salary when you say nobody's applied in the last couple years to be effective. Perhaps one reason would be that their pay scale is too low compared to let's say go to work for a union elevator company. Okay?

So, you know, those things would have to occur for the benefit of the Department anyway. It doesn't necessarily -- I mean, the whole Department currently is under a manual paper program as opposed to a modern technological program, and I understand that. But for my special interests of stairway seat lifts, it could very well work with a manual program. And I don't need a new -- the Department doesn't need a computer program to figure that out.

MR. RODRIGUEZ: No, you're right on a lot of issues here or a lot of your statements are correct.

MR. MORRELL: Now, in my conversation with Mia Gregerson, she said, Well, maybe the legislature can do something about my special interest. Maybe perhaps they could, you know, separate --

You know, during these discussions, Rod, you can
account for the many times during those discussions I asked that the stairway seat lifts be separated from minor alterations because putting them together slowed everything down. By years it slowed it down. Okay?

And so our customers are inconvenienced because we couldn't move the paper -- you know, it could be a paperwork program as opposed to a computer program.

And in our situation, if you look at the number of inspections required for new turn ons on stairway lifts versus all other new turn ons, at one time it was suggested that we accounted for like 70 percent of the new turn ons. Well, if you didn't have to do but 10 percent of those inspections, it would free those inspectors up because also not only the time, the 15 to 20 minutes to do the inspection, but the time to get there. It frees them up to stay on the job doing their annual. Okay? And so we're going to be slowed down.

Even if these bills passed, based upon the way things go, it might be a couple years before those bills go into effect.

MR. RODRIGUEZ: Well -- okay. So let me try to address some of the issues you brought up and maybe provide some clarity. But this is sausage making. Okay? Once you're making laws, there's a lot of ingredients that go into it.
One of the things is the language that was proposed, that was what we call agency-requested legislation. So we heard in this forum here that there was a need for this. Okay? And then we internally realized that we need it as well to help manage our workload.

So when the agency proposes legislation, it's our Director's policy that if we don't have everybody's agreement, we kill the bill.

MR. MORRELL: Well, that's exactly what happened in the House. And I did watch the videotape recording of that, and the agency representative who was there -- I think her name's Tammy, and Pat was there testifying -- they didn't comment on the number of hours and years Rob's subcommittee of which I went to faithfully every quarter -- I think I might have missed one meeting. The committee labored for hours to come up with a definition of "minor alterations." And they did make a list of all the typical minor alterations. And if a mechanic needed to question whether or not there was a -- it was a minor alteration or not, their company that they work for has a list; all they have to do is check the list to find if it's a minor alteration. And Tammy in the meeting said there was no feedback from the stakeholders.

So it could very well be another communication thing that was pointed out in the study that no one kept us
informed as to when those bills -- what the bills were and
when they were going to come fruition in terms of hearings
in this legislature. I found out about it late.

MR. RODRIGUEZ: So --

MR. MORRELL: There was a list when Jack was here of
all the people that were involved. You know, if you were
on that list, that broadcast e-mail list, okay? And I had
Amy go back and check our e-mails, and we didn’t receive
an e-mail as to when these bills left the Governor’s
office and when they were assigned a number by the
legislature and when the hearings were going to be. We
never received any communication.

MR. RODRIGUEZ: Well, it’s a public process now. It
doesn’t make it -- I mean, in the future, one of the
recommendations that’s come out of the study and how I can
best address this is we got to be -- make this process
more visible to everybody. And we’re going to use our Web
site hopefully to help with that. And we’re considering
some type of a newsletter or some other document that can
help us with this process.

Because the board -- the committee here does great
work. But meeting every quarter just doesn’t -- we need
to stay involved more frequently.

MR. McNEILL: And I’ll -- let me make a comment.
I’ll take responsibility on the communication. I know
it's not my job, but I was intimately involved.

MR. MORRELL: You were under a dam that was flooding. Your house was floating away. You're excused.

MR. McNEILL: I think it's a good lesson learned. It's not helping us now with the assembly bill. The Senate bill's still open. It's a great time for the stakeholders to give the Ways & Means Committee feedback because they're going to make a decision I believe by the end of the week.

MR. MORRELL: They have to by the end of ...

MR. RODRIGUEZ: What they would like to get is probably some amended language. So if somebody has some concerns with the language and you can come up with a proposal that one of the legislators would sponsor, that bill can be amended. I mean, that's the process.

MR. MORRELL: Well, the House bill is not necessarily dead I'm told. I'm told the Senate bill passed; it went to the Ways & Means. If it passes Ways & Means, it comes back to the House for further comment.

Then as stakeholders we need to give the House feedback. Oh, wait a minute. There was stakeholder -- it wasn't mentioned during the original hearing. It may make you feel better that there was a subcommittee where many hours were spent defining "minor alterations."

MR. RODRIGUEZ: All of that is actually in the -- not
in the bill language, but in all the paperwork that the legislators get.

MR. CLEARY: I'm going to -- I'll get you off this really tough subject; I'm going to give you an easy one for you.

CMF's. Looking at what was published in this report, the numbers aren't even close to what -- the conveyance numbers, especially the grain industry who I represent. And look at -- and in the residential, you've got nine elevators in the whole state. So this has really got to be looked at. Because these numbers don't -- aren't even close.

We always use the 17,000 number or 18,000 number, but I don't know how you get there because I think there's a lot of them that are missing in the conveyance area which I represent. They're not even close.

MR. MORRELL: And in terms of the stairway lifts, there's like -- on those numbers there's like 187 or something. I have 430 active customers of stairway lifts.

MR. RODRIGUEZ: So remember, this was a study. And so those people went in there and took a snapshot of one day or a couple of days of activity. And what they were able to look into the system -- now, our system will produce different numbers on different days.
MR. CLEARY: Okay, Becky.

MS. ERNSTES: Well, what those numbers mean are the annual inspection workload. We don’t do annual inspections on residential elevators. So when you’re looking at stair lifts, you’re looking at the number of commercial stair chairs that we have a duty to inspect.

People wonder when they look sometimes and they see "inactive" under a conveyance, "inactive" means they don’t get a bill, they don’t get an inspection, that they’re exempt from annual inspections. And we have thousands of those.

So that report is our workload. And it is actually not really accurate either, but it doesn’t involve residential.

MR. CLEARY: But you do -- in the grain industry, hand pulls and everything else, special purpose and electrics all get operators and get annuals. So they should represent accurately in there, and they don’t.

MR. McNEILL: Spencer, you had a question?

MR. MORRELL: Thank you for the clarification. Yeah, that helps a lot.

MR. ROSS: If it’s been two years since anyone has applied to a state inspector position, and you got 30 to 35 percent caught up on your annuals, it implies a pretty big backlog. And those numbers -- (inaudible). But the
general feel of the report is the State maybe isn't the
best body to address all of these concerns. And I'm
wondering how seriously you're taking like third party
independent inspectors that --

MR. RODRIGUEZ: So third-party inspections is one of
the recommendations that we're going to be taking a look
at.

Just like any other recommendation, all the other 37
that we're going to look at, there's pros and cons, and
we're going to lay them all out.

Our commitment -- my commitment is to look at every
one of those recommendations.

MR. McNEILL: Any other questions? I'm sure there's
got to be more.

MR. POTRATZ: We participated in the survey. It was
very interesting. We appreciate the opportunity. And I
would suggest a couple things.

One is we're on the very east side of the state. To
have meetings in Wenatchee is really not on the east side
of the state quite yet. So you might want to consider
furthering your grasp a little bit.

I'm wondering about how the partnership portion of
your statements are going to play out.

One of the things that really concerns us is that we
have 165 conveyances. The various rules that get applied
whether you're talking 17.1 and the various other things that get implemented in the strategies for maintaining safety trigger lots of different things. And most often the big triggers put us into the requirements to do modifications or a complete mod on an elevator. And the cost for that is now half a million dollars. And the allocations from the state if I were to implement that strategy, I'm looking at $80- to $100 million to take care of all the mods within the 20-year period.

I want to know from the partnership standpoint how are we going to work together to solve those safety issues, and there's other things, without having to take every single step to automatically trigger everything. Because it's untenable for us.

MR. RODRIGUEZ: So again, I'm going to have to remind everybody; I'm talking hypothetical here.

MR. POTRATZ: Certainly.

MR. RODRIGUEZ: Because we haven't really formed any work groups yet to look into each of these in some detail. So to talk to kind of the partnership aspects would be we need to get more familiar with your inventory and see what that gap is, okay? where you're at now and where you should be, okay? And then work with you to figure out how we get there.

What we heard from like non-profits was, you know, I
don't know that I have something happening until the
inspector shows up and find's something wrong. And I
don't have it in my budget to fix it, you know.

And it's the -- the example is the church elevator
that only gets used once a week maybe on Sundays. And so
the ask is to help us with that budgeting, identifying
what the gap is and help us -- give us some time to
budget.

And the other piece of that then is to take a look at
the risk and go after corrections or changes that make --
that give the most -- that provide the most safety to the
rider.

And again, there's pros and cons to everything. The
law says you have to do it or the code says you got to do
it. But again, if we have these challenges, how do we get
there, how do we incrementally get us to where we need to
be.

Does that help?

MR. POTRATZ: That's good. And I have one other
comment.

Sort of a praise. I think from our standpoint as an
owner, we think that the MCP program is a pretty good
idea. As we've watched it play out, having the elevator
companies actually take more ownership of that portion of
the responsibility I think is working out pretty well for
us.

The one thing that I would say that still needs to happen is the paperwork portion of that really doesn't match up with the sophistication of the MCP. Because you're asking elevator companies to work with a paper process, a little paper process, and we're in the age where paper is -- I mean, if we can't trust someone with electronic signatures or things like that, you know, we're in the wrong era. And so --

MR. RODRIGUEZ: So the MCP is one that, again, I think you pointed out, I think we're kind of over that hurdle, the shock of the MCP.

And again, there's pros and cons to it. This was the course the Department chose to do, and I think it's been good in terms of educating the owners about the responsibilities and where they're at with maintaining those things. But at the same time, we do have a subcommittee that's working on the MCP.

I attended the first meeting that you all had a couple of months ago to see how we could come up with something that better meets that customer requirement. It could be electronic; I don't know. But some type of a standard too.

But let me just say this, ladies and gentlemen:
That's where the partnership comes in. These are all
tough, tough decisions. And unless we can agree on moving forward, then it just doesn't happen, you know, we're stuck. So we got --

I'm extending the olive branch to say, Hey, if we haven't had the best relationship in the past, we're ready to try again to try to win over your business. That's what we should be doing is you're our customer; we should be trying to win over your business, just like you're trying to win over your competitors' business too.

MR. McNEILL: I guess this will be the last question and we'll complete the meeting.

MR. RODRIGUEZ: Yes, sir.

UNIDENTIFIED MALE: You mentioned when you gave the presentation that the State was going to try to have a softer stick in terms of discipline.

MR. RODRIGUEZ: I said carrots and sticks.

UNIDENTIFIED MALE: Right. So -- okay. Offer carrots instead of a stick. So could you elaborate on that a little bit?

MR. RODRIGUEZ: Well, there's some --

UNIDENTIFIED MALE: I know you're still thinking about it as --

MR. RODRIGUEZ: Again, if you look at some of the data that the study came up with and what some other jurisdictions are doing, there's something like a Gold
Star program or Gold Seal. And this is happening in safety already where if you're an employer and you have a good safety program, you get a badge or a seal, right? and you can advertise that. It's a good recruiting tool. It's a good business tool. Because people know that when they're dealing with you as a customer, you know, that's part of your culture is safety.

So the idea would be here taking a look at whether or not something like that could be done to this industry. And so what that gives you then would be -- I'm trying to look for the politically correct word; don't quote me here -- but some way where, again, we periodically check you versus checking every bit of your work. We audit you versus doing -- following right behind you on every job you do.

But then that gets to the competency issue that, you know -- I mean, the law talks about competency, that you got to be competent to have a license and to do this work because it is very -- it's skilled and it's important for safety reasons.

So we just got to make sure that those seals aren't given out like candy either. There's got to be some competency.

MR. McNEILL: You want -- make it quick.

MR. CLEARY: Real quick.
You know, you talk about not having any good resumes for inspectors for two years. We’re in a building boom, so that means the amount of conveyances coming into inventory's increasing. You're at 40 percent for your annuals.

Would you entertain a recommendation or have you thought about doing some sort of a stop gap, bringing in a third party in an interim to try to get back up towards that 100 percent mark? Because it seems like your trajectory's not going to -- nothing's going to match.
You're going to keep getting farther and farther behind.
Is there anything that you've thought about or would you recommend -- would you entertain the advisory giving you some sort of a stop gap third party inspection protocol to try to get you back up and get you above water here?

MR. RODRIGUEZ: So to be honest with you today, we have not looked at it. Those are in the recommendations 7 through 11. And we just haven't had a chance to look at it.

But that is a huge bucket that we have is the workload, how do we manage the workload.

MR. CLEARY: Because per the RCW, that's your number one obligation, right? That's your number one --

MR. RODRIGUEZ: Right. It's mandated in the law that we provide an annual inspection.
MR. McNEILL: Jose', thank you very much for standing up and taking the pressure and the questions.

MR. CLEARY: Becky had something.

MR. McNEILL: Sure.

MS. ERNSTES: I feel it's my responsibility and my duty to address the performance study. Not all my statements will be positive or constructive.

The inspector's first take on this performance study was I guess we don't do anything right, that we don't know how to do our job.

So today I'm speaking as a person who was mentioned numerous times. I was mentioned as the person who does not have the expertise to do my job. So I won't be speaking as an elevator expert; I will be speaking as a person who has experienced the industry and my personal point of view.

You might say I grew up in the elevator industry. I was born into an elevator family. My grandfather installed elevators, my father, my sister, my brothers -- brother, numerous uncles and cousins.

During my grandfather's day, people took pride in doing maintenance and doing their work. They used to have a saying in the elevator trade back then that you could eat off a machine room floor. I've spent 37 years working in the elevator industry. Until the last few years, I've
been pretty proud to be a part of an industry that L & I
and the elevator industry took seriously and did their
jobs. But in the last few years, the climate has changed.
We have a broken elevator industry. From legislators that
don't have the means to fund all the demands placed on
them to owners who are held responsible but complain that
they have no power. But they continue to sign contracts
that do not hold elevator companies responsible for the
work that they pay them to do. Why no performance
clauses? Why no accountability?

From companies who hire managers who have not been in
the industry whose bottom line is to make a profit. For
mechanics who have more elevators on their route than they
can cover to government workers who are not provided the
tools and resources they need to do their jobs.

But the above has been going on for years and years
and years. So what happened?

What happened was accountability. The owners, the
managers, the mechanics and the AHJ's get to see firsthand
what is not being done out there.

MCP's are a window into the elevator world. What we
see is that elevator companies are not doing the work.
The inspection reports clearly show no maintenance, no
testing, no examination. And we're not talking a couple
of them; we're talking the majority of them. Inspection
reports mostly say the same thing. No maintenance, no
testing, no examinations.

In 1997 I became an elevator inspector. The first
thing I asked my fellow inspectors was: What is your
biggest complaint about your job?

They all said the same thing. We write up the same
corrections year after year, and most of the things don't
tget taken care of. Why are we here if no work doesn't get
done?

Why I inquired do you think this is happening?

Because there are no consequences, no one cares.

That was the inspectors' perspective.

So L & I developed a simple fine structure. We wrote
clear letters to owners and we gradually got more
compliance.

Stellar Association was given a clear number of a
simple fine of $100 to $114 that did motivate people to do
the work, yet they wrote that the Elevator Section assumes
we were willing -- that owners were willingly
noncompliant. That is an egregious statement.

We don't make assumptions. We work on documentation.

Owners and managers are required by law to submit reports,
and those reports are late and late and late. The owners
who contact our Department complain about lack of help.

They're not complaining about the lack of help from the
elevator program mostly.

We had a survey of less than 400 people. That's about the same outreach we get when we outreach to people. We have over 10,000 owners and customers, and we get 300 negative -- mostly negative responses.

You know, inspectors are not making up corrections; they're recording their findings.

I could stand up here and give you line after line after line of how this study misrepresents the way we do business. Most of the untruths are easy to point out. And when reading this study, they were pointed out. They were pointed out to Stellar, and they were pointed out to upper management. The truth is upper management chose to let this study go through with many untruths and with a gross misrepresentation of how we do business.

MR. McNEILL: Becky, I --

MS. ERNSTES: I just have a few more comments. I'd like to --

MR. McNEILL: What I need is some positive recommendations.

MS. ERNSTES: We'll get there. Okay?

Make no doubt about it. The Elevator Section has been under attack by a group of persons and companies who do not do their job. So they hire lobbyists and lawyers to deflect their lack of doing their jobs. They try to
make the Elevator Section the bad guy.

We are a regulatory agency. We don't go looking for problems; they come to us.

Elevator companies, many of them are very up-front and honest people, and I applaud the efforts that you help -- that you do help us and you do try. But many customers have many complaints. Many customers have changed elevator company after company with the same results. No one shows up to do the work. No one does the maintenance. No one does the examinations and the testing.

MR. McNEILL: Okay, I need you to conclude this so we can --

MS. ERNSTES: I will, but I do get my time. I spent 18 years working for this Department. I do have some clear insights into how --

MR. McNEILL: We can continue in the stakeholder meeting, but I need to continue with this meeting. So --

MS. ERNSTES: Okay.

MR. McNEILL: -- if you have recommendations --

MS. ERNSTES: Basically --

MR. McNEILL: I got you a minute.

MS. ERNSTES: Okay. Basically if you take people's money and you don't do the work, in any other business, it's called fraud. In this business, it's become the norm.
Although, finally owners are getting involved because
they are finding out what the Department has known for
years. Lots of companies are hired; they do not show up
to do the work.

MR. McNEILL: So I need recommendations and --

MS. ERNSTES: My recommendation is that we continue
the MCP accountability and that we hold the people who are
not doing their work accountable, and that we continue
educating owners so the owners can get the work done that
they need done.

We don't have outrageous regulations. We have ASME
A17.1 with a few worker safety rules. We do not supersede
the law.

Anybody who is a coal person knows that 811 has
always given the responsibility to jurisdictions to pass
on their authority to do the work to others, and that
others in this state since 1962 has been elevator
companies.

The elevator inspection team did not shift
responsibilities of maintenance and examination. That has
always been authorized to the elevator workers and to
elevator companies.

What this section lacks is we lack funding, training
and resources. We do not lack planning. This section
does not lack people that are experts or that are
Elevator Safety Advisory Committee Meeting - 02/21/17

dedicated to protecting the people of Washington. We need accountability. We need owners to step up to the plate to help us get our job done.

We are not here because elevator companies choose to do all their work. We're a regulatory agency who helps both the bad and the good actors, and we need to be able to continue doing that. But accountability is the only thing that will get us safe, well maintained elevators.

Thank you for listening. If you have any questions later, I can answer them.

MR. McNEILL: Okay. We have -- thank you for your comments.

We have one more item of business, and that is to determine as a committee if we want to proceed with this adoption process.

MR. RODRIGUEZ: I just want to make one quick statement. And that is, as you can see, there's a lot of passion around this study. And again, I just want to reiterate my position as the Assistant Director, and I know I'm speaking on behalf of our Director and Deputy Director is that we're going to take this study and we will look and evaluate each and every recommendation.

Okay?

And I'm reaching out to you all today to form and help form that partnership to get us where we need to be
to make sure that these conveyances are safe for everyone.

Thank you.

MR. McNEILL: Thank you.

So do we have a motion to --

MR. CLEARY: I motion that we adopt that process for

-going through the CR process.

MR. SORENSON: I'll second.

MR. McNEILL: Any discussion?

MR. STRAFER: I just want it on record that I know

that there'll be better communication moving forward.

MR. McNEILL: I just -- I missed that. I didn't get

that.

MR. STRAFER: I want it to be on record that I know

that there'll be better communication, on record, if

something tries to get passed.

MR. SORENSON: Just like I asked Dotty on the

code-review portion, when you're reviewing a new ASME

code, you have to give yourself enough time to review that

and IEC and the WAC together. So ...

MS. STANLASKE: Well, we haven't even started that

yet.

MR. SORENSON: It's just going to take considerable

time.

MS. STANLASKE: Yes, we understand that.

MR. SORENSON: And I know you're going to the 2016
code. We're only into 2013. We just adopted the 2013 in the city. But the 2015 IEC ...

Actually, for any of you that don't know, the City of Seattle as of the first part of January has adopted the 2013 ASME, the changes; 2015 IEC, those changes. Those we call the Seattle Building Code. Electrical -- (inaudible) -- based on the 2014, 2015 I believe, and they also -- our Seattle electrical code. Just make sure you don't get into the standard IEC, make sure you look at the Seattle Building Code because that's basically the IEC.

And we do have a Chapter 30 that's completely different from the Chapter 30 IEC; we do make that custom.

MR. McNEILL: Can you bring that up in the stakeholder meeting?

MR. SORENSON: Yeah.

MR. CLEARY: And I want to talk about the inclusion of the -- (inaudible)

MR. McNEILL: Okay. So we have motion?

MR. CLEARY: Yes.

MR. McNEILL: And a second?

MR. CLEARY: It's been seconded.

MR. McNEILL: All in favor?

COMMITTEE: Aye.

MR. McNEILL: Opposed? It's passed.
Okay, we've reached the end of the Elevator Safety Advisory Committee meeting for this quarter. We'll take a 15-minute break, and then have 45 minutes for our stakeholder meeting.

I'd like Al in that stakeholder meeting to elaborate a little bit more on the codes for cities, and then whatever comments you have as well as feedback how we can provide a better meeting in the future.

(Whereupon, at 11:05 a.m., proceedings adjourned.)
CERTIFICATE

STATE OF WASHINGTON )
} ss.
County of Pierce )

I, the undersigned, a Certified Court Reporter in and for the State of Washington, do hereby certify:

That the foregoing transcript of proceedings was taken stenographically before me and transcribed under my direction; that the transcript is an accurate transcript of the proceedings insofar as proceedings were audible, clear and intelligible; that the proceedings and resultant transcript were done and completed to the best of my abilities for the conditions present at the time of the proceedings;

That I am not a relative, employee, attorney or counsel of any party in this matter, and that I am not financially interested in said matter or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my hand on this 10th day of March, 2017, at Tacoma, Washington.

H. Milton Vance, CCR, CSR
Excel Court Reporting

(CCR License #2219)
In my presentation there is a typo

The word coal was used instead of code and the reference after that should be A17. Rule 8.11 thanks

I will show you where it is