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DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

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ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

Thursday, October 25, 2018

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BE IT REMEMBERED, that an Electrical Board meeting was held at 9:00 a.m. on Thursday, October 25, 2018, at the Rhodes Center, Orcas Room, 950 Broadway, Tacoma, Washington, before CHAIRPERSON TRACY PREZEAU, BOARD MEMBERS JASON JENKINS, JOHN BRICKEY, JANET LEWIS, RANDY SCOTT, DAVID CORNWALL, ALICE PHILLIPS, MIKE NORD, DYLAN CUNNINGHAM, DON BAKER, RYAN LAMAR, and SECRETARY/CHIEF ELECTRICAL INSPECTOR STEPHEN THORNTON. Also present was ASSISTANT ATTORNEY GENERAL PAM THOMURE representing the Board.

WHEREUPON, the following proceedings were held, to wit:

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

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

Thursday, October 25, 2018  
Tacoma, Washington

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## PROCEEDINGS

1

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3 CHAIRPERSON PREZEAU: All right. Good morning. It  
4 is 9:02, and I would like to call the October 25, 2018,  
5 meeting of the Electrical Board to order.

6

7 1. Approve Transcripts from July 26, 2018,  
8 Electrical Board Meeting

9

10 CHAIRPERSON PREZEAU: And the first item on our  
11 agenda is to approve the transcripts from the July 26,  
12 2018, meeting.

13 And before the Chair entertains a motion, I would  
14 like to correct one thing that is in the record. And it  
15 is page 103, and it is the motion to adjourn. The record  
16 indicates that Vice Chair Phillips actually made the  
17 motion to adjourn and seconded her motion. And that -- I  
18 have consulted with Vice Chair Phillips, and that is not  
19 what happened. I believe Vice Chair Phillips moved for  
20 adjournment, and then Board Member Nord actually seconded  
21 that. So if we could just procedurally make that  
22 correction.

23 So the Chair would entertain a motion to approve the  
24 transcripts as amended.

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Motion

BOARD MEMBER PHILLIPS: So moved.

BOARD MEMBER JENKINS: Second.

CHAIRPERSON PREZEAU: It's been moved and seconded to approve the minutes as amended. Discussion on the motion? All those in favor, signify by saying "aye."

THE BOARD: Aye.

CHAIRPERSON PREZEAU: Opposed? All right. The transcripts are approved.

Motion Carried

Item 2. Departmental/Legislative/Apprenticeship Update

CHAIRPERSON PREZEAU: Okay. So we are under Departmental/Legislative/Apprenticeship Update with David Puente, Annette Taylor and Jody Robbins.

Good morning. And if you just -- if you would introduce yourselves and spell your names for the court reporter, it would be greatly appreciated.

MR. PUENTE: Good morning, Madam Chair and the rest of the Board members.

My name is David Puente. D-A-V-I-D, Puente is P-U-E-N-T-E. I am the Assistant Director for Field

1 Services and Public Safety with the agency here at L & I.

2 Thank you. Thank you for the invitation.

3 What I'd like to do this morning is two things. I'm  
4 going to be providing an update on what we're doing within  
5 the organization.

6 And also I brought with me Annette Taylor who will be  
7 introducing herself. She is the new Deputy Assistant  
8 Director for Field Services and Public Safety and will be  
9 the appointing authority taking over the electrical  
10 program. Her and I work very closely together.

11 Although it may seem like another layer of management  
12 being added to our current environment, I wanted to make  
13 certain that I at least let the Board know that she will  
14 have full authority to manage the electrical program. Her  
15 and I communicate on a daily basis, so we're pretty much  
16 on the same page. I definitely trust her judgement. And  
17 I look forward to continuing attending these meetings and  
18 also continuing our relationship.

19 But Annette will be managing the electric program  
20 moving forward. And I am sure she will talk a little bit  
21 about herself here in a second.

22 And then once she finishes, I will come back and  
23 provide an update on the electrical program and a couple  
24 things about the organization as well.

25 MS. TAYLOR: Good morning, Madam Chair and Board

1 members.

2 My name is Annette Taylor. A-N-N-E-T-T-E,  
3 T-A-Y-L-O-R. And thank you for that welcoming.

4 I am the new, as David had indicated, the new Deputy  
5 Assistant Director for Field Services and Public Safety.  
6 My focus will be public safety programs.

7 However, I have a long tenure with the Department of  
8 Labor and Industries since 1997 with a short break in  
9 between. I come from the Fraud Prevention and Labor  
10 Standards program where I was the Deputy Assistant  
11 Director for that program -- for that division as well.  
12 So my background has a lot to do with fraud, law  
13 enforcement, and investigations and such.

14 So thank you.

15 CHAIRPERSON PREZEAU: Welcome.

16 And so I would just ask the Board members -- I know  
17 we have name tags. But if you would, just to welcome  
18 Annette, introduce yourself and what position -- what part  
19 of the industry you represent.

20 So I'm Tracy Prezeau. I'm the Chair of the Board,  
21 and I occupy an electrician seat. I represent  
22 electricians on the Board.

23 So Ryan, if you would ...

24 BOARD MEMBER LaMAR: Ryan LaMar, telecommunications.

25 BOARD MEMBER BAKER: Don Baker, contractor seat.

1 BOARD MEMBER CUNNINGHAM: Dylan Cunningham,  
2 engineers.

3 BOARD MEMBER NORD: Mike Nord, telecom worker.

4 ASSISTANT ATTORNEY GENERAL THOMURE: Pam Thomure,  
5 A.G.

6 BOARD MEMBER PHILLIPS: Alice Phillips, high voltage  
7 electrical.

8 BOARD MEMBER LEWIS: Janet Lewis, electrician seat.

9 BOARD MEMBER BRICKEY: John Brickey, Director of  
10 Community Development for the City of Longview, also  
11 building official for City of Longview and representing  
12 cities with electrical jurisdiction and the Washington  
13 Association of Building Officials as a non-voting member.

14 BOARD MEMBER JENKINS: Jason Jenkins, electrical  
15 seat.

16 THE COURT REPORTER: The quiet one.

17 MS. TAYLOR: Thank you very much for introducing  
18 yourselves.

19 I look forward to participating in these Board  
20 meetings and, of course, getting to know the electrical  
21 program and all the work being done.

22 So thank you very much.

23 MR. PUENTE: So to provide a little bit of update on  
24 what's going on with the electrical program -- with your  
25 electrical program.

1           Hiring will be the first thing I want to talk about.  
2       So for us, vacancies are obviously holding steady.  
3       Retirements are happening this fall. We anticipate 20  
4       projected retirements in the next three years. My  
5       understanding is you should have a handout that has the  
6       vacancy rate that was over here at the table that I can  
7       kind of quickly go over. If you have that in front of  
8       you, the top of the form is "Public Safety Vacancy  
9       Tracking."

10           So in the middle, we're looking at the electrical  
11       program. When you look at overall for the entire  
12       electrical program, we have 15 current vacancies listed  
13       within the agency. Although, technically we have 13  
14       because we have two that are double-filled. So we have  
15       two individuals that are in the same position.

16           So this is something that we continue to work towards  
17       to continue to hire. And again, this is an issue that  
18       we're addressing.

19           Also, Annette has volunteered to participate and be  
20       involved in the next hiring panel to be involved, so to  
21       become aware of what's going on so that we can try to  
22       identify what's working, what's not working, and maybe  
23       look at some things that we can maybe improve in the  
24       future.

25           Also, my understanding is at a recent supervisor



1 meeting, one of the supervisors brought up some ideas that  
2 I'm going to be having a conversation with H.R. about  
3 potentially looking -- working with where else can we try  
4 to find potential candidates.

5 So the idea that was shared with us was can we use  
6 the current journeyman list that we have for journeymen  
7 and apprentices as a outreach effort to be able to do  
8 that. Because my understanding is our H.R. office has not  
9 used that historically. We do contact organizations, and  
10 we work -- but the difference would be can we use that  
11 list as a distribution list to be able to send out  
12 individual e-mails at a one-time basis and kind of do a  
13 mass e-mail. So we'll be following up with that.

14 Training for new staff is an ongoing process. We're  
15 still doing that at a statewide level. We're also  
16 continuing with our new inspector training. We're also  
17 continuing with our two-year in training positions. As  
18 you're all aware, we started that some time ago and we  
19 still continue to do that. So far it's working, and it  
20 seems to be doing very well for the organization.

21 Development of training. We have things that are in  
22 place with our inspectors. We're continuing to work on  
23 our standard work processes within the program. Training  
24 plans are also being done for our leads and supervisors,  
25 and that's in the beginning stages currently right now so

1 that we can begin to address those things. Because  
2 recently we have had some issues trying to hire some  
3 supervisors and leads. So those are things that we want  
4 to make sure that we have succession planning and that  
5 we're moving forward with training our staff for the next  
6 future leaders within the program.

7 Recruitment for trainings to do new inspector  
8 trainings so we can continue to develop our leads, again,  
9 is also a focus for us. Tony Breward (phonetic) and a  
10 second trainer moved to the virtual inspection program.  
11 So that's another need that we're trying to address now  
12 that Tony has moved. We need to be focusing on trying to  
13 hire some future trainers to address those issues.

14 Compliance. Stephen, the secretary, will provide an  
15 update on that data here shortly when he has his  
16 opportunity to speak with all of you.

17 Also, the TAC committee, Rod Mutch will be providing  
18 the update on that shortly.

19 The virtual inspections. What I'd like to say is  
20 that we are getting a lot of interest in that. My  
21 understanding right now is that the program is still in  
22 the beginning stages. We're starting to get some requests  
23 on-line. A matter of fact, a brief conversation with  
24 Steve this morning is apparently there were six or eight  
25 that were scheduled for today. But again, this is a short

1 duration with those. We're notifying some contractors  
2 that there has been interest. I know Stephen and Tony  
3 have reached out to some other contractors who were  
4 interested in performing virtual inspections. So it's  
5 getting some momentum, but at the same time we're trying  
6 to manage as a pilot project to ensure that we're  
7 providing that good customer service. And again, Stephen  
8 will get into a little bit more of the details on that as  
9 well because I'm sure you will probably have some  
10 questions regarding that.

11 We have statewide inspector training that was  
12 conducted.

13 SECRETARY THORNTON: That's our upcoming one in  
14 January.

15 MR. PUENTE: Okay, so you'll talk about that.

16 SECRETARY THORNTON: Yeah.

17 MR. PUENTE: The other thing that I wanted to talk  
18 about at a high level is as an agency we recently  
19 submitted a legislative package asking for the workers'  
20 comp replacement ... just to give you a high-level  
21 overview.

22 As an organization we're going through business  
23 transformation. The impetus of that is to -- although,  
24 it's not to replace LINIIS in general which is the  
25 workers' compensation system that handles all of our

1 workers' comp data; it's in order to just change business  
2 on how we do business moving forward with our customers.

3 An example would be our customers are asking to have  
4 24/7 access to whether it's on-line or to someone on --  
5 via e-mails and et cetera. And this is an opportunity for  
6 us to start addressing some of those needs and future  
7 needs that we have. So as an organization we submitted a  
8 \$300 million request to OFM and the legislature for  
9 replacing the workers' compensation system.

10 CHAIRPERSON PREZEAU: So just to interrupt you, if I  
11 may, David, this is not a policy revamp; this is a process  
12 revamp?

13 MR. PUENTE: Yes. It's a process, correct.

14 So what the cost would cover, we're looking at  
15 purchasing a commercial off-the-shelf system. Because  
16 currently right now LINIIS is a 40-year-old system that  
17 any updates and updates that have been done to that have  
18 been done internally. Our aging workforce, we have  
19 individuals that -- we have a very small number of  
20 individuals that know how to code things that are  
21 currently here.

22 Industry-wide, they make updates every couple years.  
23 We have been delayed with that. So what we're doing with  
24 that now is we're looking at replacing our current system  
25 so that we can update everything, and having a commercial

1 off-the-shelf opportunity gives the ability that as  
2 industry makes upgrades and updates to the systems, we  
3 will be able to do that as well on an annual basis or  
4 however often that comes.

5 So the total cost for those, we're looking at for the  
6 vendor and the products that we're going to be using, the  
7 implementation of the system itself, staffing  
8 requirements, considering this period of time to  
9 transition, we are going to increase our staff by a total  
10 of about 250 FTE's to continue to do this work as we move  
11 forward.

12 Also, we're going to be looking at some facility  
13 costs, change management costs, and data migration costs.

14 So I just wanted you to be aware of some things that  
15 we're working on.

16 Ultimately what we're looking at in the future is --  
17 because right now we have over 250 systems that talk to  
18 each other at L & I which is some of the learning that  
19 we've had. So if you just use that as an example, it's a  
20 maze of all these systems talking to each other. And as  
21 you all know, as customers, sometimes it can be difficult,  
22 especially for us as well, having to input data in three,  
23 four different systems. They don't talk to each other.  
24 So if you can just imagine, all of those that are crossing  
25 the line.

1           What we're trying to do is in the future have the  
2   ability for us and customers to input information in one  
3   place and that's all you have to do. It'll in the  
4   background migrate and go to the right systems, the right  
5   places so that we're having to get -- so we have better  
6   access, we're working smarter with our customers and et  
7   cetera.

8           So that's just a high-level overview of that request.  
9           And at this point, any questions?

10          CHAIRPERSON PREZEAU: Any questions from Board  
11   members?

12          BOARD MEMBER LaMAR: Mr. Puente, how many years do  
13   you think it will be until the Department gets to pay off  
14   on the investment?

15          MR. PUENTE: Right now the conversation that we've  
16   been having is this is going -- the new system is going to  
17   implemented in phases. So the first one that we're going  
18   to be doing is hiring a vendor to come in and help us  
19   migrate all of this data and what does that system look  
20   like.

21          So I'm not going to be able to answer your question  
22   of how long it's going to take because of the way that  
23   we're setting it up. I will say and what I can say right  
24   now in the savings that we've saved the system so far,  
25   Joel has indicated that it's near about \$2 million that

1 we've been saving so far with all of the work that's been  
2 done within the organization.

3 So as you all know that obviously the workers' comp  
4 system is a solvent system. It's one program that we use  
5 for workers' comp. So the request we're going to be  
6 asking from the legislature is for us to be able to use  
7 the current funding that we have. We're not asking the  
8 taxpayers to give us additional funding to do this. What  
9 we're asking for is the ability to use the savings that we  
10 currently have in the workers' comp system and to use it  
11 wisely.

12 Some other things that we're doing is we're creating  
13 some gates so that when we ask for the request, it's not  
14 in one full swoop. So we're not going to ask the \$300  
15 million in the first biennium. Over the bienniums and  
16 moving forward into the future, those requests are going  
17 to continue to come.

18 Right now, if I remember correctly, we're asking for  
19 I believe 160 or 180 for this first cycle. So I -- that's  
20 not the exact number, but I'm trying to remember exactly  
21 what it was. It was somewhere in the range of \$150  
22 million that we're asking for this next biennium to begin  
23 the process and move forward.

24 BOARD MEMBER LaMAR: Thank you.

25 MR. PUENTE: Yes, sir.

1           CHAIRPERSON PREZEAU: I mean, this is analogous to  
2 our now completed effort to update the mobile inspection  
3 system, right? which, you know, if you have -- that only  
4 serves the electrical industry, right? because you're  
5 talking about workers' compensation which covers --

6           MR. PUENTE: It's huge.

7           CHAIRPERSON PREZEAU: Yeah. So I mean, the -- it  
8 seems like a lot of money. But if you -- you know,  
9 whatever the multiplier is of what percentage electricians  
10 are of the workforce, it seems in line in terms of  
11 portionality.

12           So a couple of questions. And maybe Steve is going  
13 to cover this. But it was reported at last quarter that  
14 there were currently four contractors that were  
15 participating in the pilot virtual inspections system  
16 program, and that there was a desire to add six more. Did  
17 we ...

18           SECRETARY THORNTON: We have. We started with a list  
19 of 30 pilot contractors that all offered to be involved  
20 and spend the time to get it up and running. We've  
21 exhausted that list and gone out to others that have  
22 voiced interest.

23           The way the system works is you can go in and pick an  
24 inspection time within an hour. So you could go in right  
25 now and pick a 10:30 or 11:00 inspection time. So



1 consequently in the mornings there's generally not much  
2 there because everybody knows they can do it. And the  
3 workload has been such that it -- you know, the schedule  
4 isn't filling up, so nobody's getting too worried about  
5 it.

6 Well, it's gradually getting busier and busier. On  
7 Tuesday when Tony and I looked, we had six already at 8:00  
8 when -- so once the first day's schedule fills up, the  
9 second schedule opens up. And once the second one fills,  
10 the third one opens up. So it's gradually getting busier  
11 and busier. People are finding out what types of  
12 inspections work really well for it, which ones of their  
13 staff are up to speed with technology enough to do that  
14 end of it. So it's gradually getting busier and busier.

15 CHAIRPERSON PREZEAU: Well, and it was discussed last  
16 quarter. I mean, I think it's kind of exciting is ... so  
17 let's say you do a virtual inspection that was scheduled  
18 for 10:30 this morning. There's three corrections that  
19 need to be done. And the contractor, the work -- those  
20 corrections get completed before close of business, and  
21 you can actually request a second inspection -- a virtual  
22 inspection before the end of the day. I think that's  
23 pretty exciting.

24 SECRETARY THORNTON: Or you get a normal inspection  
25 and you get the automatic notification from mobile when

1 the inspector leaves the site, you look at them, and Joe's  
2 right around the corner, so you send him around the corner  
3 to clean up the corrections and you get it done through  
4 virtual inspections by 2:00. So you don't lose a day at  
5 all.

6 CHAIRPERSON PREZEAU: Yeah. No, it's terrific,  
7 right? It's just a matter of the technology and making  
8 sure because if the person that did the physical  
9 inspection is not the person doing the virtual inspection,  
10 you need to get that information to the person that's  
11 doing the virtual inspection on those corrections that  
12 afternoon so they know what they're looking at and what's  
13 already been inspected and blah, blah.

14 SECRETARY THORNTON: Right.

15 So we've also expanded to a third inspector in a  
16 remote office just to see what complications that brings  
17 up. Originally we kept it in-house because we knew we had  
18 a back-up generator and we knew all of the things we had  
19 that weren't going to be an issue with the customer. And  
20 the first day we did that, we had a computer issue. We  
21 weren't set up right on our end, so we undocked the  
22 computer and did it like we were not in an office like we  
23 were sitting in our vehicle. That didn't work either.  
24 But we ended up doing it off of our cell phone off of face  
25 time.

1           So it's not the way we would prefer to do it, but the  
2 customer got his inspection when he asked for it. And so  
3 it's kind of intriguing.

4           CHAIRPERSON PREZEAU: Yeah, redundant systems. I  
5 like it.

6           So -- and then David, I know you were not able to be  
7 with us last quarter. But there was some conversation  
8 about the legislation about granting cities the ability --  
9 or authorities having jurisdiction, cities compliance  
10 authority. And I don't -- if I remember the transcript  
11 correctly, as of July there hadn't been any formal  
12 outreach with any of those cities having their own  
13 inspection jurisdiction. I'm just curious if there's been  
14 any -- since July if there's been any discussions with the  
15 cities about that. Because I don't know what the  
16 implementation date is of that. I don't know if it was --  
17 you know, if it was concurrent with the signing of the  
18 legislation or if it had an active date.

19           MR. PUENTE: Yeah, I don't recall either, Madam  
20 Chair.

21           I know Stephen and I recently had some conversations  
22 about the cities contacting us about wanting to actually,  
23 you know, look at us doing their inspections programs.  
24 And Steve can talk about that. So I'm going to defer to  
25 Steve to see if he can maybe answer that question for us.

1           (Board Members Cornwall and Scott joined the  
2 proceedings during this presentation.)

3           SECRETARY THORNTON: And when you asked me last  
4 month, and I got to say no, I hadn't reached out to them.

5           John set up at their latest Washington Building  
6 Association meeting for me to go and talk to them. There  
7 were about half of the cities present there that do  
8 inspections. And they were not interested in doing  
9 inspections -- or I mean, doing compliance. They had  
10 concerns over the added staff needed to do that, the added  
11 attorneys costs, that kind of stuff, and that the appeals  
12 would come to the Board. They were -- I mean, we talked  
13 about it for quite a while and talked about, well, you  
14 know, it doesn't add quite as many people as what you  
15 would think because the inspectors do a lot of it while  
16 they're on site already. But it would definitely take  
17 some more people just because you spend that much more  
18 time on the job site.

19           But it didn't sound like most of them were set up  
20 with attorneys to do the appeals and that kind of stuff.  
21 They've got some concerns about what it costs.

22           CHAIRPERSON PREZEAU: Thank you for the update.  
23 Appreciate it.

24           And then Jody -- we're going to have a conversation  
25 about apprenticeship?

1 MR. ROBBINS: Yes, if you're ready for it.

2 CHAIRPERSON PREZEAU: Yes, sir.

3 MR. ROBBINS: All right.

4 Jody Robbins. For the record, J-O-D-Y,  
5 R-O-B-B-I-N-S. I'm the apprenticeship program manager in  
6 Fraud Prevention Labor Standards. I'm a sheetmetal worker  
7 by trade. I've kind of dedicated my professional life to  
8 apprenticeship and most recently landed as the program  
9 manager for the Department.

10 So I have a couple of documents with me today. And I  
11 -- you know, I was asked to come here to speak to our  
12 system's ability to respond to the new law that's on the  
13 books for 01 inside electricians being apprentices after  
14 2023 to gain that state certification. So I put some  
15 numbers together, and I'll pass these around for you to  
16 take a look at. But as those come around, I'm just going  
17 to summarize kind of where we have come this year.

18 We are in an expansion mode across the board across  
19 all occupations. New industries coming into the system.  
20 The building construction trades has always driven our  
21 apprenticeship program here in the state by sheer numbers.  
22 And the electricians lead the way generally in terms of  
23 apprentice registrations across the state system.

24 So as of January 1, 2018, we had just above 2,200  
25 active 01 apprentices in the state. That number has

1 ramped up through the year, and I put those numbers on my  
2 update sheet for you. But we're -- I just ran the numbers  
3 this last Friday. We're at 2,508 in terms of active 01  
4 apprentices. So just within this year we've added 300  
5 apprentices to the system.

6 I included an Oregon number. You know, a lot of our  
7 apprenticeship programs are really concerned about does  
8 our system have the capacity to handle, you know, the  
9 flood of apprentices coming our way in this 01 field. So  
10 as a matter of comparison, I checked with Oregon earlier  
11 this year, and they're running about 2,400 01 equivalent  
12 apprentices in the state, and they are an apprentice-only  
13 state. So, you know, if you kind of spitball it and say,  
14 hey, you know, we're a lot bigger economy than Oregon  
15 runs, so if we're twice as large, you know, maybe we could  
16 expect to see 5,000 plus or minus apprentices at the end  
17 of the day when we implement apprenticeship only for 01.

18 I don't know if that's helpful or not. But as a  
19 means of comparison, our folks are trying to get a handle  
20 on what this could look like. It's not so easy just to  
21 count trainee cards in the state of Washington and figure  
22 out who's all in that 01 arena.

23 So we're doing what we can to kind of anticipate and  
24 get ready for expansion.

25 Just to give you a sense of the incredible ability of

1 our apprenticeship programs as they stand today to expand  
2 and contract with the economy, I went back to 2010 and  
3 pulled 01 active apprentice numbers, and we were at about  
4 1,600 apprentices at that time. So you can see we've  
5 already, you know, coming out of the recession, we've  
6 added 1,000 apprentices to the system, and there remains  
7 capacity in the system to train more.

8 We have six active approved -- Washington State  
9 Apprenticeship Council approved programs. This is not to  
10 equate to the electrical licensing program's list of  
11 approved programs because they have some Oregon programs  
12 on their list. But we have six in the state. We added  
13 one this last October. Frontier Electric out of Vancouver  
14 implemented an apprenticeship program and intend to  
15 establish themselves as a platform for other employers to  
16 participate in what they're starting up down there.

17 Area 1 out of Portland has expressed interest to come  
18 into Washington and fill the void at least in Southwest  
19 Washington for the independent electrical contractors.  
20 Many of you may have been aware back in 2013 the  
21 Department e-certified the independent electrical  
22 contractors of Washington apprenticeship program for  
23 systematic discrimination against women apprentices in  
24 that program.

25 So those 2010 numbers that I put up on the board

1 actually included IEC -- (inaudible). So we actually have  
2 added more capacity with fewer programs delivering  
3 training to apprentices.

4 All of the programs in the state are required to  
5 provide training opportunities to all employers equally.  
6 So irregardless of a collective bargaining agreement that  
7 may be in place, RJTC's out there, the IBEW programs  
8 should have a ready response for non-signatory contractors  
9 in terms of costs associated with the training apprentices  
10 through those programs. And we're working with our  
11 program sponsor so that they are prepared for that  
12 question.

13 I'm going to turn now to -- unless you got any  
14 questions on the numbers that I've put out on the table?

15 CHAIRPERSON PREZEAU: No. I -- I will say this.  
16 This is incredibly valuable. Because the conversation  
17 that we had last quarter and -- you know, we have a -- it  
18 was reported that there's approximately 20,000 trainees --  
19 or 20,000 individuals holding a current trainee card --  
20 electrical trainee card in the state of Washington. So it  
21 was difficult to really understand what, you know, what  
22 percentage of those folks are actively pursuing a general  
23 journeyman's certificate and what percentage of those  
24 folks might be might a -- might hold a specialty journey-  
25 level certificate and still have an 01 -- or still have a



1 trainee's card because they're still trying to reach that  
2 path of being qualified to sit the general journeyman's  
3 exam.

4       So this is incredibly -- this puts some -- gives us  
5 -- gives me some awareness of all right, so what really of  
6 those 22,000-ish trainee card holders who's currently  
7 enrolled in a general journey -- in an apprenticeship  
8 program that serves that general journeyman's pathway, and  
9 the Oregon numbers has put additional context on that.  
10 That's terrific; I appreciate that.

11       MR. ROBBINS: Yeah. And I -- when I first looked at  
12 it and talked to some of the staff in electrical, I had no  
13 idea how you would distill down from that 20,000 some-odd  
14 trainee number to get at the 01. So I, you know, I come  
15 at it from a different perspective, which is the  
16 apprenticeship side of the house.

17       So I would say too that our largest open-shop program  
18 provider in the state, CITC of Washington, just recently  
19 opened a training center northwest of Seattle up in the  
20 Marysville area. They are adding capacity to their Pasco  
21 facility. So we're already seeing programs -- certainly  
22 CITC -- anticipating greater numbers and adding capacity  
23 to be able to deliver.

24       I want to turn now to -- we -- not that we were  
25 anticipating an 01 only apprenticeship bill coming through

1 the legislature; although, we did see iterations of that  
2 previously so we had some indication that there was an  
3 attempt to move into apprenticeship only.

4 So our industry partners embarked on a minimum  
5 guidelines standard development mission some years ago.

6 Patrick Martin who's here in the background who works  
7 for me also carries an 01 electrical certification. You  
8 know, you can't have a day with those empty positions. I  
9 need him for a while yet.

10 So -- but Pat worked with our industry partners and  
11 other staff within our Department to come up with a  
12 minimum guidelines standard for the 01 inside electrician.

13 And the big driver behind this effort was to do a  
14 better job aligning apprenticeship program standards with  
15 the electrical licensing rules and laws. And we had some  
16 disconnects over the years and were not completely in  
17 sync. You know, it was added benefit that I had an 01  
18 electrician on staff to kind of drive that desire to get  
19 our rules aligned. We worked over the course of about a  
20 year, year and a half with our industry partners, and we  
21 came up with this document. So now there is no -- there  
22 is no discussion amongst my staff as to what would  
23 constitute a reasonably consistent 01 apprenticeship  
24 program. We have put all of the reasonably consistent  
25 guidelines within this document. And I just want to

1 highlight a few of those elements, and you can certainly  
2 review this at your pleasure.

3 But we have obviously captured 8,000 hours of tracked  
4 on-the-job training with required minimum hours in  
5 commercial and industrial settings. We have components in  
6 this document for competent instructor-led classroom lab  
7 education with a minimum of 144 hours butts in seats. So  
8 this has got to be hands-on in a lab setting or in a  
9 classroom led by a competent 01 instructor.

10 Cumulative RSI, which is the related classroom  
11 component of apprenticeship is at 720 hours over the 8,000  
12 hour term with a minimum of 144 each year. And the  
13 industry decided that, you know, whether you deliver this  
14 over a four- or five-year period or even try to shorten it  
15 up, you still have to have 720 hours and 8,000 on the job.

16 We also added a component, the last bullet on that  
17 guideline standard highlights. There was a great deal of  
18 discussion as to who could appropriately supervise an 01  
19 inside electrician apprentice. And the industry agreed  
20 that it makes complete sense if an 01 apprentice is going  
21 to get some experience in the residential setting or the  
22 limited energy setting that they could be supervised in  
23 those less-than-4,000 hours worked, but in those settings  
24 by a competent qualified journey-level worker of that  
25 specialty.

1           So we did put provisions in this document to allow  
2 for that alternative supervision as long as it does not  
3 exceed the 4,000 hour limit for specialty work within that  
4 01 scope.

5           Anyway, you can certainly review this at your  
6 leisure. If you have any questions -- we did put a blurb  
7 in the Electrical Currents edition.

8           Larry, that was a month or two ago?

9           We provided some information in terms of how to get  
10 involved in apprenticeship. All my staff around the state  
11 were available to contractors and either connect them with  
12 an existing program or help them build a new program with  
13 this 01 minimum guidelines standard.

14           So with that, I'm going to close my remarks and take  
15 any questions you may have and ask that I can maybe please  
16 excuse myself when I'm done here.

17           CHAIRPERSON PREZEAU: Do any Board members have  
18 questions for Jody?

19           So Jody, I'm just curious. This boilerplate minimum  
20 standards that you've provided for us, which I greatly  
21 appreciate, does it contain a prohibition of apprentices  
22 working with trainees?

23           And the reason I'm asking this question is let's say  
24 I'm an electrical contractor, and I'm an 01 licensed  
25 electrical contractor, and I have -- so I have 01

1 journey-level workers. I have -- and it's now July 2023,  
2 right? So I have 01 journey-level workers. I have 01  
3 apprentices. And I do -- I'm building a mixed use, right?  
4 multi-family project. So I am employing 01 journey-level  
5 workers, 01 apprentices enrolled in an apprenticeship  
6 program, any one of the ones that are available. And then  
7 I also have residential journey-level workers and  
8 residential trainees. So let's say an 01 apprentice is in  
9 an apprenticeship program is getting some of their 4,000  
10 hours of doing non-commercial industrial work and is  
11 working in the residential portion of that project and is  
12 being supervised by an 02 journey-level worker but is also  
13 working around trainees. Is there a prohibition --

14 MR. ROBBINS: You know, we have --

15 CHAIRPERSON PREZEAU: -- of mixing those trainees and  
16 apprentices in --

17 MR. ROBBINS: We have -- yeah, we have a provision in  
18 our rules, which this boilerplate standard is an extension  
19 of our rules and laws. We do have a provision in the WAC  
20 rules that speaks to training agents, the employers in the  
21 apprenticeship space that if they are training for a  
22 particular occupation, they need to employ only  
23 apprentices within that occupation.

24 That being said -- and we could go into a long  
25 conversation about this -- the Department's ability to

1 enforce that across the board within the apprenticeship  
2 world would be difficult at best. It's a little bit more  
3 feasible to enforce that in the electrical world, and we  
4 actually have enforced that in the electrical world  
5 because it's a more regulated industry where we have a lot  
6 more information and sources of data at our disposal to be  
7 able to address that.

8 And, in fact, Patrick had a case I want to say within  
9 the last year of an employer mixing trainees and 01  
10 apprentices on a job site, and we did call that out and  
11 follow it up with a corrective action plan.

12 So we do have provisions for that. The scenario that  
13 you present creates yet another twist in terms of, Okay,  
14 I'm training for 01 apprentices, and I have 01  
15 apprentices; I don't have any trainees training for 01.

16 But you raise a great point. I'm hoping Patrick's  
17 taking notes so that we can start to address some of  
18 these eventualities coming our way.

19 And we also have the ability to reconvene our  
20 electrical standards subcommittee, and those are probably  
21 some of the issues we're going to have to take a look at,  
22 absolutely.

23 I don't have a clear-cut answer for you in your  
24 particular scenario.

25 CHAIRPERSON PREZEAU: Yeah, and I wasn't expecting

1 one, to be honest with you.

2 MR. ROBBINS: Thank you.

3 CHAIRPERSON PREZEAU: Because it's not July of 2023  
4 yet.

5 But, you know, last quarter, there was -- we had a  
6 pretty full conversation about the need for the industry  
7 to rise to meet this new statutory requirement.

8 So I'm just incredibly happy that the apprentice --  
9 like you were here today. The apprenticeship division's  
10 here. I mean, obviously there's going to need -- we're  
11 going to -- talking about systems talking to each other,  
12 right? the apprenticeship division is going to need to  
13 have even greater cohesion with the electrical program,  
14 the electrical division and the industry as a whole in  
15 order to meet these standards.

16 MR. ROBBINS: And we believe we've put some  
17 benchmarks in place. This minimum standard is one. Our  
18 industry subcommittee that we can reconvene at any time is  
19 another. So ...

20 CHAIRPERSON PREZEAU: Terrific.

21 Any other questions for David, Annette or Jody?

22 Well, thank you all very much for coming. We greatly  
23 appreciate it.

24 MR. PUENTE: Thank you, Madam Chair.

25 ///

## Item 3. Appeals

1  
2  
3 CHAIRPERSON PREZEAU: Okay. So just an update. So  
4 we're under agenda item 3, which is appeals. And I just  
5 want to -- it's not on the agenda, but I just wanted to  
6 share with the Board that the appeal that we heard at our  
7 last meeting, Angelo Payroll Partnership, that proposed  
8 final order, the parties agreed on a proposed final order,  
9 and as the presiding officer after Pam reviewed that, I  
10 signed that. So that's not here for presentment of final  
11 order because there was agreement.

12 And then I apologize to the Board members who likely  
13 may have invested time in reading the two appeal packets  
14 in the matter of Kirby Electric and Black Diamond  
15 Contracting and Benjamin Shamp. The timing was not  
16 terrific, and I apologize to the Board members for not --  
17 for the late notice in the continuance in both of those  
18 matters, but I wanted just to share with you that as soon  
19 as we became aware of some procedural issues with both of  
20 those matters, we really worked hard to notify the Board  
21 of those -- I mean, I think -- I was on the phone with Pam  
22 discussing one of the appeals and in realtime became aware  
23 of an issue with the second appeal and noted that within  
24 two hours of being notified by the parties in one of the  
25 appeals we got the notice out to the Board members that



1 there was an issue and it was going to be continued. So  
2 we really worked hard to notify everybody as quickly as  
3 possible. So that --

4 And you know, the good news is in the event that  
5 they, you know, those appeals are heard in the January  
6 meeting, if you read them, you're ahead of the curve.

7

8 Item 4. Secretary's Report

9

10 CHAIRPERSON PREZEAU: So with that, we are under  
11 Secretary's Report.

12 SECRETARY THORNTON: Good morning, Madam Chair and  
13 Board members.

14 From a budget standpoint, every year we have bills  
15 that come in after the deadline, so we end up adjusting  
16 the final fund balance. We had 220,000 come in after July  
17 1st, so the fund balance was adjusted by 220,000. So it  
18 was \$10,518,899. The fund balance for September is  
19 \$11,440,660. That's about 5.6 times what the monthly  
20 average is. So we'd have about close to six months worth  
21 of operating capital in that amount.

22 The average monthly expenditure is \$2,067,000.  
23 That's compared to \$1,943,000 last year. So it has gone  
24 up about 6.4 percent.

25 So the average monthly revenue for the first quarter

1 of fiscal year 2019 was \$2,374,417 (sic) which was  
2 compared to \$2,157,836 for the same period last time.  
3 That's up about 10 percent. As a general rule, we're  
4 seeing a steady climb, steady increase. Nothing that  
5 shows a decline of any kind coming our way.

6 Customer service-wise, we sold almost 41,000 permits  
7 last quarter. 94 percent of those or 38,294 were  
8 processed on-line. That is a pretty consistent number.  
9 As a general rule, we see about a 1 percent increase in  
10 the on-line activity. We had homeowner sales increase by  
11 1 percent up to 63 percent. On-line inspection requests  
12 at 83 percent, which is a 1 percent decrease. During this  
13 quarter, customers made 75 percent of all electrical  
14 renewals -- license renewals on-line, which there again,  
15 that's about a 1 percent increase.

16 Gradually, all of us non-technical folks are falling  
17 out of the scenario and all the young guys are taking  
18 over.

19 Performance measures. Inspections performed within  
20 24 hours, our goal is 86 percent. In 2017 we were at 75  
21 percent. In 2018 we're at 85 percent. We used to  
22 calculate just the 48-hour response time. But in order to  
23 have a reasonable comparison to where we were in 2008  
24 (sic), we started counting the focus on 24 and the 48 was  
25 the secondary number.

1           48-hour inspections, we did 89 percent in 2017, 95  
2 percent in 2018.

3           CHAIRPERSON PREZEAU: So Steve, if I can interrupt  
4 you here, I think this is worth noting because I -- what I  
5 have in front of me is your report from July and the  
6 October report, and what I'm seeing is as this -- you  
7 know, because the July report goes from June 1 to June 30,  
8 right? So now this report goes from July 1 to September  
9 30. And with 13 vacancies, right? as reported earlier, we  
10 are actually continuing to see improvement in both the  
11 24-hour and the 48-hour benchmarks just in this quarter,  
12 right? So I think -- and, you know, keeping that with the  
13 context of, Hey, so you know what, the average revenue  
14 continues to increase, which means -- which is  
15 predominantly driven by permit sales. So that's not  
16 dropping off. So even in a more competitive environment,  
17 if you will, or with workload with the amount of  
18 inspections or the amount of permits being purchased which  
19 you could deduce might plausibly mean the number of  
20 inspections are increasing, even with short staff, the  
21 inspection team continues to improve on customer service,  
22 right?

23           SECRETARY THORNTON: And we have done quite a few  
24 things to try and promote that, a) with all of our younger  
25 inspection staff; they're gradually getting better and

1 more comfortable with what they're doing and their ability  
2 to, you know, take care of a correction and maybe not have  
3 to go back to the job site.

4 And the virtual inspections part has eliminated some  
5 of our driving. We've given them training on, you know,  
6 issues we see with corrections that were issued in error  
7 and that they don't need to do that. So we're trying to  
8 make them as efficient as we can and give them all the  
9 tools they need in order to do their jobs as best we can.

10 CHAIRPERSON PREZEAU: And the numbers quantify that  
11 effort and the effort by the inspection team.

12 SECRETARY THORNTON: And when we get down to the  
13 corrections, the disconnect corrections in 2017 were  
14 12,778. In 2018, they're 11,937. Part of that is due to  
15 our outlook on it. Part of it is due to the contractors  
16 doing a little better job too. As we work better with  
17 them, they work better with us. Never is good for us to  
18 be combative just for the sake of being combative.

19 Number of focused citations and warnings. Contractor  
20 licensing, worker certification, no permit, failing to  
21 supervise trainees. In 2017, the field inspectors wrote  
22 343 citations. In 2018, they've written 561. So the  
23 ratio and hard to hire certified people has generated a  
24 few more people being out of ratio, not buying a permit  
25 ahead of time because they didn't have the right staff to

1 do the job, some of those types of things.

2 Our ECORE people, in 2017, they issued 1,563. This  
3 year they've written 690. As a guideline we have 1,034 as  
4 a baseline number which we agreed to back with the  
5 reduction in staff. And in 2017, we issued 1,906. So far  
6 in 2018, 1,251. A lot of that is due to the large groups  
7 of citations that ECORE writes to a lot of the stuff  
8 that's going on nights and weekends when the inspectors  
9 aren't working and on their sweeps they -- when they catch  
10 somebody, it's generally somebody who has a statewide  
11 contract to do all Fred Meyers or something, and they're  
12 quite extensive when they get them all ferreted out.

13 Inspection stops. In 2017, we did 11.2 per day.  
14 We're up to 11.5. There again, part of that is due to not  
15 wasting time going back looking at corrections that maybe  
16 we shouldn't have written to begin with, and people being  
17 able to clear them through virtual inspections. Just some  
18 of the things we've done to try and improve. It gives us  
19 a few more stops that we get done every day.

20 The licensing process turn-around time. We like to  
21 get everybody's license applications turned around the  
22 same day. We have 100 percent goal. In 2017, we were at  
23 98 percent. 2018, we're at 95 percent. Part of that is  
24 due to the influx of hours being claimed. It's tied up  
25 the licensing staff's time, and some of the stuff doesn't

1 get processed quite as timely. That and we've got new  
2 people there.

3 Turn-around time. Average for plan review was 2.8  
4 weeks in 2017. It's a week and a half in 2018.

5 CHAIRPERSON PREZEAU: That's probably Kelly Dornan  
6 (phonetic) doing that, right?

7 SECRETARY THORNTON: I will let her know you said  
8 that, yeah. I will also let her know that I had no  
9 comment.

10 So our target is one week. They have started  
11 converting over to electronic plan review, which isn't  
12 going to be a huge savings on our end, but it will save  
13 the customer a lot of time printing, reprinting, mailing.  
14 They can just ship them by e-mail.

15 CHAIRPERSON PREZEAU: Well, and they get them back by  
16 e-mail. So no more rolling them up, putting --

17 SECRETARY THORNTON: Yeah. So the timeline --

18 CHAIRPERSON PREZEAU: -- them in the tube and --

19 SECRETARY THORNTON: -- will shrink. It won't help  
20 us as far as the actual time looking at them. But I think  
21 it will be better for everybody.

22 Licensing-wise, the third quarter's been busy with  
23 all the licensing requests. There were 7,556 electrical  
24 licenses processed. The turn-around time, 95 percent the  
25 same day. Like I said, due to some new staff, some

1 staffing shortages and the increased volume in people  
2 trying to claim hours back because of the apprenticeship  
3 bill.

4 And no new testing labs.

5 And I think probably the next thing, Rod's got an  
6 update. One other thing for our statewide training coming  
7 up in January, there will be some open spots. Once we get  
8 the inspectors all signed up, then we'll open it up to  
9 anybody else that wants to come, whether it's some of you  
10 folks want to go or the cities or other inspectors.

11 CHAIRPERSON PREZEAU: What are the dates of that  
12 training?

13 SECRETARY THORNTON: I believe it's the 7th, 8th and  
14 9th.

15 We're going to do it a little different this year.  
16 Always in the past, two-day training, by the time  
17 everybody gets here and gets back, we've left the industry  
18 kind of stranded for four days. So we're going to split  
19 it up and do half of the crew with our internal training  
20 on the first day, everybody on the third day, and then the  
21 other half -- or on the second day, and the other half on  
22 the third day. So that really the only day there should  
23 be no inspections is one day right in the middle. I mean,  
24 we won't have enough staff to do them all, but we'll at  
25 least have people around to do the emergency stuff.

1 CHAIRPERSON PREZEAU: Excellent. And that's in  
2 Tumwater?

3 SECRETARY THORNTON: Yes. It'll be in the  
4 auditorium.

5 CHAIRPERSON PREZEAU: Any questions for Steve  
6 regarding the Secretary's Report?

7 Randy.

8 BOARD MEMBER SCOTT: Did you ever hear anything from  
9 the Governor's office about pending appointments?

10 SECRETARY THORNTON: I called and asked just before  
11 the last Board meeting, and they said they'd be getting  
12 those out shortly.

13 ASSISTANT ATTORNEY GENERAL THOMURE: How do you  
14 define "shortly" by the Governor's office?

15 SECRETARY THORNTON: Yeah, yeah.

16 CHAIRPERSON PREZEAU: (Addressing AAG Thomure) That  
17 was your out-loud voice. Sorry.

18 Yeah. So there's been some additional conversations  
19 regarding the pending appointments.

20 Thank you for coming here today, Randy. Appreciate  
21 it.

22 I have a question for Steve. And I'm going to refer  
23 back to last quarter we were having a conversation about  
24 the program specialists, right?

25 SECRETARY THORNTON: Uh-huh.



1           CHAIRPERSON PREZEAU:  And the value that they bring  
2   to the program.  And you had indicated -- I don't want to  
3   put you on the spot.  But you had indicated that you would  
4   bring some numbers next meeting to show that the  
5   inspections per day had gone up every year that the  
6   program specialists have been in place.

7           SECRETARY THORNTON:  And when I originally did those  
8   numbers, they were at about 10.  And then they've gone up  
9   steadily from 10 to, what were they, 11.5 this last time.  
10   And whether you can, you know, accredit those positions  
11   for all of that or not, I don't think you can because  
12   we've done a lot of other things.  But they're maybe as  
13   big a part of that increase as anything.  It relieves the  
14   inspectors of a lot of phone time.

15           And the customer service part of that is even bigger  
16   than what the added stops turns out to be.

17           CHAIRPERSON PREZEAU:  Do we currently have vacancies  
18   for program specialist?

19           SECRETARY THORNTON:  Yes, yes.

20           And they are also somebody that I'm going to start  
21   doing exit interviews with because they are starting to  
22   now quit and go other places.  So I need to know why  
23   they're doing that.

24           CHAIRPERSON PREZEAU:  Yeah.  I mean, we had a pretty  
25   good conversation regarding the program specialist last

1 quarter, and one of the things that I -- one of the  
2 conclusions obviously was unfortunately there's no real --  
3 there's no track upwards for those --

4 SECRETARY THORNTON: No.

5 CHAIRPERSON PREZEAU: -- positions. And my hope  
6 quite honestly is as you conduct those exit interviews  
7 what we illucidate from those conversations is a potential  
8 path for upward mobility so that we don't lose those folks  
9 with that valuable experience and training.

10 SECRETARY THORNTON: Right.

11 And I think as we see where those positions have a  
12 natural tendency to grow to, I think there are going to be  
13 some possibilities there for some different routes for  
14 them as far as outreach and training and, you know,  
15 teaching others, and whether it's the industry, there -- I  
16 think there are some possibilities there, but we'll have  
17 to explore those and see where we can go with it.

18 CHAIRPERSON PREZEAU: David, you want to get in on  
19 this?

20 MR. PUENTE: Yes, if you don't mind, Madam Chair.

21 CHAIRPERSON PREZEAU: Please. You're always welcome.  
22 Your voice is always welcome at the table.

23 SECRETARY THORNTON: Notice how he turned and kind of  
24 ignored the fact that he's sitting over there.

25 MR. PUENTE: So I just wanted to add a little bit

1 about what I've learned over the last ten months of  
2 traveling around to the offices and actually having some  
3 conversations with the front-counter staff.

4 So anecdotally speaking, I think I can say that at  
5 least from all of the program specialists that I've spoken  
6 to in all of the offices that I've gone to and talking to  
7 the inspectors, they have seen what Steven has just talked  
8 about that there's been an increase in the ability to do  
9 work versus returning phone calls, answering e-mails  
10 because a lot of that is being turned over to the program  
11 specialist. So -- and you're seeing that at least at all  
12 the offices that I've gone to. So I think it hasn't  
13 helped. Whether or not we can definitely say we've gone  
14 from 10 to 11.5 now as a result of that, I don't know; I'd  
15 have to dig in like Stephen to see if that's a true  
16 statement.

17 The fact about succession planning that I wanted to  
18 add also is that -- I won't say all of them, but some of  
19 the program specialist staff are coming from within the  
20 front-counter-staff ranks, which is a customer service  
21 position. So the program specialist is a promotional  
22 route for that individual. So as long as -- and I think  
23 that's where most of them have been coming from. There  
24 have been some outside that have come from the industry  
25 itself which has been a great addition because Stephen has

1 talked about, my understanding if I remember correctly, we  
2 have one in the Tukwila office who came from the industry  
3 that has been really doing a great job phenomenally with  
4 the stakeholder community and building those bridges and  
5 improving the relationships. And if I remember correctly,  
6 she's also developing some training programs within that  
7 we can use statewide.

8         So there's a lot of work that's still ongoing. I do,  
9 if I remember correctly, within the next week or two, the  
10 statewide program specialists are going to be getting  
11 together to continue to work on standard work. Because  
12 when this project started I believe two years ago that was  
13 the intent, to develop standard work. So now they're  
14 getting back together doing, you know, plan to check back  
15 using our lead principles to start looking at what's  
16 working and what hasn't been working and where can we  
17 continue to improve that. So I know they're going to be  
18 getting together within the next week or two to do that  
19 type of work. So ...

20         CHAIRPERSON PREZEAU: Perfect. Thank you.

21         Any other questions from Board members?

22         All right. Where are we at?

23         Milton, how are we doing? You need a break? You're  
24 okay?

25         THE COURT REPORTER: I'm fine.

1           Item 5. Certification/CEU Quarterly Report

2

3           CHAIRPERSON PREZEAU: So Larry Vance, you want to  
4 come up and do the Certification and CEU Quarterly Report?

5           MR. VANCE: Madam Chair, members of the Board, I'm  
6 Larry Vance. I'm a technical specialist with the  
7 Department of Labor and Industries. I work for Steven  
8 Thornton here.

9           The exam report, which you were all sent as part of  
10 your Board packet, reflects that there was 1,115 first-  
11 time candidates for the exam in the previous year.

12          CHAIRPERSON PREZEAU: The 01?

13          MR. VANCE: For the 01, yes.

14          And it's interesting that Rod Mutch, my cohort back  
15 there, mentioned the fact that, you know, that kind of  
16 aligns with something Jody Robbins had mentioned that  
17 about 5,000 apprentices look like where it should be. So  
18 if you got five-year apprenticeship classes -- just  
19 roughly let's say we got five-year apprenticeship classes  
20 for the majority of apprentices, that's one graduating  
21 class every year. Now, that is taking into account, you  
22 know, there's some out-of-state folks here, there's some  
23 folks traveling in that are taking the open-book exam.  
24 But it kind of gives a little relevance to some numbers.

25          Even though there's 22,000 of them sitting out there

1 with trainee cards in their pocket, how many of them are  
2 actually focused on this exam.

3 As you go down the different exam types, the 01 is  
4 the exam of choice that everybody wants.

5 You get into the 02 electrician exam, for instance,  
6 and there's only 397 candidates for the residential  
7 examination.

8 Even further down the chain, there was nine for the  
9 03 pump and irrigation exam. So looking at that, you kind  
10 of wonder how many people have a training card in their  
11 pocket that are working for a pump and irrigation person  
12 company that happens to be an 01 contractor that one day  
13 is trying to look to have enough hours to qualify for the  
14 exam. But that's something that'll shake out more as we  
15 move more towards 2023.

16 One of the things about the job that Rod might do is  
17 as technical specialists, we get a lot of interesting  
18 communication with the industry.

19 I had a e-mail from a person with Fluor -- an  
20 electrical engineer with Fluor. And the question was:  
21 Can Canadian electricians take the Washington exam and get  
22 certified? We're looking for electricians.

23 So better than e-mail, I picked the phone up and I  
24 called him. And I said to him, I said, "You know, we had  
25 an emergency rule in place that allowed full credit for

1 somebody with a Red Seal endorsement from Canada to take  
2 the exam, that had the Red Seal exam for a year."

3 And I said the problem -- there was problems with  
4 Visas with folks coming in from Canada.

5 He says, "Well, I don't have that problem."

6 I said, "What do you mean?"

7 He says, "Well, I'm looking for electricians for  
8 foreign service. I'm looking for electricians for our  
9 workforce in Afghanistan."

10 And I said, "That's interesting." I said --

11 And he just started telling me more. He said, "We  
12 took over electrical installations in Afghanistan."

13 There was a previous company before that had a rather  
14 bad reputation. They had 18 incidences where there was  
15 people subjected to electric shock in Afghanistan.

16 Temporary wiring installations in shower facilities and  
17 different things that they had for the troops.

18 And he said, "When we took it over," he says, "we  
19 only hire folks that have passed a state certification  
20 exam." He says, "I'm a Florida engineer," and he says,  
21 "We won't hire an electrician from Florida," he says,  
22 "because they haven't passed the state exam." He says,  
23 "We'll only hire you if you passed a state exam. That's  
24 why we would like to have the Red Seal folks from Canada  
25 be able to take a state exam." And he says, "We have had

1 not one instance" --

2 CHAIRPERSON PREZEAU: Sorry to interrupt you there,  
3 but I find it interesting that they'll take our -- I mean,  
4 that the engineer from Fluor wouldn't accept the Red Seal  
5 certification, which is pretty rigorous.

6 MR. VANCE: It is pretty rigorous. It's a 7,200 hour  
7 program. I think it's 12 -- 6,000 hours of work  
8 experience, 1,200 hours of classroom. They have an  
9 extensive classroom program.

10 And that's why under the emergency rule we said, you  
11 know, possess that for a year and now you're essentially  
12 an 8,000 hour electrician just like our 8,000 hour  
13 requirement.

14 He said that they have had not one electrical  
15 incident since they took it over. They have zero  
16 tolerance for an electrical hazard.

17 One of the things they were finding initially,  
18 though, is that they did have some folks that hadn't  
19 passed state exams, and those folks were reported by other  
20 folks that they employed who had passed state exams that  
21 they were not competent. So since they had instituted  
22 this, it's been very good for their quality according to  
23 this engineer.

24 In retrospect, I mentioned that, you know, that we  
25 had received a rule proposal here recently about making



1 the permanent rule -- making the emergency rule for  
2 Canadian electricians permanent.

3 So that's something that's going to be considered  
4 here through this rulemaking.

5 But it was interesting to listen to somebody from  
6 South Carolina who is from Florida talking about the value  
7 of state licensing. Because only about half the states  
8 have state licensing.

9 He talked about, you know, Florida where you might  
10 have a Broward County license or --

11 CHAIRPERSON PREZEAU: Dade County license.

12 MR. VANCE: Yeah, Dade County or something like that,  
13 and how it wasn't as rigorous as just a simple -- I mean,  
14 we have a simple open-book examination. You come in, have  
15 all the answers, and all you have to do is be somewhat  
16 familiar with the material and know how to access it, and  
17 you can pass the examination.

18 But, you know, looking at the 01 exam first attempt,  
19 46 percent.

20 CHAIRPERSON PREZEAU: Which is remaining fairly  
21 consistent.

22 MR. VANCE: Yeah, yeah.

23 So is the 02 exam also. I mean, we're at -- on first  
24 attempt, it's at 22.67. So it's normally around 23  
25 percent.

1           The first time pass rate with the residential  
2 electricians, the training programs aren't as rigorous for  
3 residential electricians, there's not the abundance of  
4 apprenticeship programs like there is for 01 electricians.  
5 So essentially a lot of those people I would anticipate  
6 are walking in there and maybe it's their third or fourth  
7 time looking at a code book when they actually take the  
8 exam, which is troubling.

9           CHAIRPERSON PREZEAU: Well, it's reflected in the  
10 first time pass rates.

11           So I just want to -- any questions -- Larry, are you  
12 done?

13           MR. VANCE: Yeah.

14           CHAIRPERSON PREZEAU: Any questions from Board  
15 members?

16           So I just wanted to -- there was some conversation  
17 last quarter about this -- and I have the, you know, the  
18 exam report in front of me from the July meeting. And we  
19 still have this one bucket that we had at the July meeting  
20 in today's report, which is there's this 01 general  
21 journeyman's exam old version, right?

22           Larry, do you want to share with us what your  
23 thoughts are like what is going on with this old version  
24 which seems a little bit -- it's some interesting  
25 vernacular, but also potentially this person doesn't

1 actually exist; it's a glitch?

2 MR. VANCE: I'm going to check with PSI on this.  
3 Essentially they have the ability to approve somebody for  
4 an exam if it's offered, and if -- when we say "old  
5 version," we used to have the 2014 version and we had the  
6 two thousand -- we didn't have the 2011 version.

7 CHAIRPERSON PREZEAU: 2008.

8 MR. VANCE: We had the 2008.

9 So when they say "old version," what do they actually  
10 mean?

11 The difference between that exam and the current exam  
12 is very minimal.

13 It would be interesting -- this is attempt number 1  
14 for this person. So sometime in the last year, somebody  
15 pushed the wrong button for somebody. And the question  
16 would be for PSI is: If this person makes attempt number  
17 2, are they making it on the current version of the exam?  
18 Have they already done that? Has this been rectified?

19 It's just something showing up on the reports. So  
20 I'll track that down.

21 CHAIRPERSON PREZEAU: Yeah. Because I think -- you  
22 guys keep me honest here, but I thought we had some  
23 conversation about phasing everybody into the 2017 exam.  
24 Is my memory serving me correctly?

25 MR. VANCE: Yep.

1 CHAIRPERSON PREZEAU: So even if this -- if this is a  
2 real person -- like my hope in your conversation with PSI  
3 is that -- so if it's not a reporting glitch or a push the  
4 wrong button, if it's not a clerical error, if this is a  
5 real exam candidate, my hope in your conversation with PSI  
6 is that we can move them out of this category and  
7 everybody is taking the general journeyman's exam using  
8 the exam bank from 2017.

9 MR. VANCE: Right, right. Yes.

10 If you notice, this report is now eight pages, and it  
11 used to be substantially longer. It's because --

12 CHAIRPERSON PREZEAU: Because it was broken out by --

13 MR. VANCE: Right, different exam year types.

14 CHAIRPERSON PREZEAU: Perfect.

15 Any other questions?

16 Thank you very much, Larry. Appreciate it.

17 I am -- before we have Technical Specialist Rod Mutch  
18 come up -- because I think this is going to be a fairly  
19 substantive conversation, not that we haven't had that  
20 already, but I think I would like to take maybe a  
21 12-minute break. We'll come back at 25 minutes after the  
22 hour.

23 (Recess taken.)

24

25 CHAIRPERSON PREZEAU: So I would like to reconvene

1 the October 25, 2018, Electrical Board meeting. If we  
2 could have everybody come back to the table, that would be  
3 terrific (banging down gavel).

4 SECRETARY THORNTON: Now that got everybody's  
5 attention.

6 CHAIRPERSON PREZEAU: I know.

7

8 Item 6. Rule Revisions and TAC Committee

9

10 CHAIRPERSON PREZEAU: So thanks for joining us, Rod.

11 MR. MUTCH: Good morning. My name's Rod Mutch. I am  
12 an electrical technical specialist for the Department. I  
13 work for Chief Steve Thornton.

14 And I wanted to give an update on the rulemaking that  
15 we're in the process of doing. We're updating. We're  
16 opening up WAC 296-46B for proposals, both from the  
17 Department and from stakeholders. We published it in  
18 three newsletters so far. There was a special edition  
19 newsletter in August -- about mid-August that we gave all  
20 the details. We put it in the September newsletter and  
21 the October newsletter. So we have opened the period from  
22 September 5th through October 19th to accept proposals  
23 from stakeholders and applications for the Technical  
24 Advisory Committee.

25 The Department -- the Director signed the CR-101,

1 which is the official kick-off of the rulemaking on  
2 September 4.

3 So the period for accepting proposals and TAC  
4 applications has closed.

5 And the main reason I think for this rulemaking was  
6 the two bills that passed. We had -- the apprenticeship  
7 bill, of course, passed that is effective July of 2023.  
8 We wanted to get some language in the WAC rules right away  
9 to alert stakeholders when they're using the WAC that in  
10 2023 that's going to be implemented. So we wanted to do  
11 that in rule.

12 Also the city compliance bill that passed that allows  
13 cities to enforce licensing and certification  
14 requirements, there's no provisions for appealing those  
15 decisions that are rendered by cities to the Electrical  
16 Board. So that's one of the things that we're considering  
17 putting in the rule at this time. So that's one of --  
18 that'll be one of the Department proposals that we will  
19 consider.

20 The Technical Advisory Committee, we have -- not  
21 counting the Board positions, there were 33 positions that  
22 were available. We had 34 applicants for 25 of those  
23 positions. So in other words, we had multiple applicants  
24 for some of them, but no applicants for other positions.

25 So, for example, there were eight positions that will

1 remain vacant because there were no applicants. There --  
2 and I'll list them. There's a position for an ad hoc  
3 electrician. So what that means is we have ten positions  
4 for electricians on the Technical Advisory Committee. We  
5 looked at the number of licenses in the state, active  
6 licenses, to determine how many positions from each type  
7 of certificate. So I think there were six 01 electrician  
8 positions. Any group of specialties that did not have at  
9 least 10 percent of licenses in the state went into an ad  
10 hoc category. So that would be the sub-specialties, some  
11 of the lower number of specialties. So that's what the ad  
12 hoc position is. And we have those for contractor  
13 positions as well.

14       There will be no 06 contractor position because there  
15 were no applicants. Two ad hoc contractor positions will  
16 stay vacant. There was no public applicant. There was no  
17 plumber applicant. There was no Washington manufacturing  
18 business applicant. And there was no engineering  
19 applicants. So those are the positions that'll stay  
20 vacant.

21       The TAC meeting will be December 5th in this room  
22 here. It will be an all-day meeting. And generally what  
23 happens is we compile all of the Department proposals and  
24 stakeholder proposals and we review them. We send those  
25 proposals to the TAC members ahead of time so they have

1 time to review the proposals and formulate an opinion and  
2 come to the TAC meeting ready to discuss it and share  
3 their opinion with the Department.

4 Stakeholder proposals, I've -- I haven't read through  
5 all of them, but I've kind of put them into a document.  
6 There were 14 different proposals from stakeholders that  
7 were submitted.

8 And there were -- there are proposals from the  
9 Department. We went through and we took things that are  
10 in policy like newsletters -- previous newsletters, we're  
11 proposing to put them into rule. Of course, the  
12 apprenticeship and the city compliance bill would be the  
13 Department -- one of the Department's proposals, two of  
14 them.

15 So we're going to meet tomorrow actually as a program  
16 -- electrical program, and we're going to discuss all of  
17 the Department proposals to make a decision on what  
18 proposals we will present forward with the TAC and what  
19 proposals we won't.

20 So once we get all of that compiled, we'll post those  
21 on the Web site so anyone will be able to go in and look  
22 at all the proposals.

23 We'll appoint the TAC committee, send the proposals  
24 to the TAC so they can review them. And that should be in  
25 the next couple of weeks that that'll happen.



1           Also there's two Board positions on the Technical  
2 Advisory Committee. They're non-voting because the Board  
3 will ultimately review all the proposals in January and be  
4 able to weigh in on that. But we want two Board members  
5 in the room at the TAC meeting to be able to contribute to  
6 the discussion, and also to be able to hear what goes on  
7 to be able to then talk at the January meeting about the  
8 proposals.

9           So that's about all I have as far as presentation.  
10 Do you have questions? I could answer them. We'll  
11 continue the discussion.

12           CHAIRPERSON PREZEAU: Any questions from Board  
13 members? Any volunteers? People who are really  
14 incredibly interested in sitting on the Technical Advisory  
15 Committee?

16           John?

17           BOARD MEMBER BRICKEY: I'll volunteer.

18           BOARD MEMBER JENKINS: (Raising hand.)

19           BOARD MEMBER NORD: (Raising hand.)

20           CHAIRPERSON PREZEAU: So we have three, right?  
21 Jason, John and Mike.

22           Do you guys -- do all three of you know if you're  
23 available to be here in Tacoma on December 5th?

24           BOARD MEMBER NORD: December 5th, I'm here.

25           BOARD MEMBER JENKINS: I have to look it up.

1 CHAIRPERSON PREZEAU: You have to look it up?

2 BOARD MEMBER JENKINS: I'll say I can be, if need be.

3 CHAIRPERSON PREZEAU: And I don't whether you want to  
4 do rock, paper, scissors.

5 BOARD MEMBER NORD: Arm wrestle.

6 BOARD MEMBER JENKINS: I'll back down. You can take  
7 it.

8 CHAIRPERSON PREZEAU: Well, here's what I -- because  
9 Mike, you've done it before.

10 BOARD MEMBER NORD: Yeah, I did it the first year I  
11 was on the Board.

12 CHAIRPERSON PREZEAU: Jason, have you done it before?

13 BOARD MEMBER BRICKEY: I've done it before.

14 CHAIRPERSON PREZEAU: Okay. So if you're willing to  
15 step -- because I'd rather -- my preference would be to  
16 send Jason because he hasn't participated -- had an  
17 opportunity to do it previously.

18 If you're okay with that?

19 BOARD MEMBER NORD: I'm okay with that.

20 CHAIRPERSON PREZEAU: Then we'll have John and Jason  
21 serve in those two Electrical Board positions.

22 Thank you, gentlemen, for volunteering. Terrific.

23 And Rod, I'm just going to -- if you're all right  
24 with this, if you would just kind of -- you might want to  
25 just hang tight because our next agenda item is talking

1 about 296-46B-995. So if you want to just --

2 BOARD MEMBER MUTCH: Okay.

3 CHAIRPERSON PREZEAU: I don't know that we'll need  
4 you, but it would be great if you want to just remain at  
5 the table.

6 BOARD MEMBER MUTCH: Can I go grab my coffee?

7 CHAIRPERSON PREZEAU: That would probably be a really  
8 good idea.

9

10 Item 7. Appeal Hearing Process

11

12 CHAIRPERSON PREZEAU: So if you -- if the Board  
13 members recall at the July meeting, at the very end, Pam  
14 and I were on the record talking about our desire to clean  
15 up 2960-46B-995 which is the appeal rights and hearings  
16 provision of the Washington Administrative Code. And, you  
17 know, it's been our desire, Pam and I, ever since we  
18 started working together -- since I became the Chair in  
19 2011 it's been our intent to try to not make -- well, to  
20 make some clarifications in this particular section of the  
21 WAC because Pam has shared with me previously that she's  
22 had legal counsel who were representing appellants call  
23 her and ask for clarification of the process because it's  
24 not -- potentially there's some opportunities for  
25 improving the language so that it becomes more accessible

1 not only for legal counsel representing appellants but  
2 also for folks that are representing themselves, right?

3       So, you know, some of the things that we had  
4 discussed previously is do we need -- does the Board, does  
5 the Department, do the parties need to submit their  
6 evidence or submit their briefs, submit their documents  
7 that substantiate their appeals 45 days before the  
8 Electrical Board -- the next scheduled Electrical Board  
9 meeting. And we think that -- it's our assumption that  
10 that 45-day window and some other timelines that are in  
11 the appeals language were likely written before widespread  
12 usage of e-mail and other electronic vehicles to share  
13 documents. And so it could be potentially -- you know,  
14 that's just one example, right?

15       And so it just so happens that -- you know, Pam and I  
16 and two other assistant attorney generals that are  
17 familiar with the electrical program and the appeal  
18 process scheduled a meeting in Spokane on November 9th to  
19 kind of substantively review the appeal language. And  
20 what I'm excited about is, you know, Pam will be there and  
21 the two other assistant attorney generals who not only  
22 have advised the Electrical Board but also have  
23 represented the Department under appeals and have lived  
24 under this appeal process in representing the Department  
25 in terms -- so they're familiar -- the point I'm making is

1 they're incredibly familiar with the language and have  
2 been subjected to the timelines and some of the -- they  
3 have lived under this process. And so we'll get some  
4 firsthand experience, if you will, or feedback from them  
5 regarding what they identify as opportunities as somebody  
6 that has been sub -- I shouldn't say subjected to, but has  
7 gone through the -- has adhered to the appeal process.

8 ASSISTANT ATTORNEY GENERAL THOMURE: Tried to figure  
9 it out.

10 CHAIRPERSON PREZEAU: Tried to figure it out, right.

11 So they can give us some firsthand experience as to  
12 what they think some of those language opportunities are.

13 ASSISTANT ATTORNEY GENERAL THOMURE: Could I just  
14 build on that?

15 For instance, the WAC requires that if an appeal from  
16 an OAH decision comes in -- 45 days is the cutoff, and it  
17 comes in right at that 45 days, it has to be set at the  
18 next regularly scheduled meeting.

19 The WAC also provides that the appellants have to  
20 file any briefing or arguments 45 days ahead. That's  
21 impossible because they don't have the record from OAH;  
22 they don't have those things. And there's -- so there's  
23 just procedural problems. There's also -- there's no  
24 guidance in your WAC regarding procedural things, you  
25 know, how to ask for a continuance, on what basis will the

1     continuances be granted, how much time -- if you guys  
2     remember, we did amend the bylaws a couple years ago to  
3     clarify that some of those decisions could be made by the  
4     presiding officer because we are under the Administrative  
5     Procedures Act.

6             But there's an opportunity to sort of -- I think to  
7     sort of simplify the process, make it clear for appellants  
8     the timelines that needs to happen, that sort of thing.

9             I also think that -- and I said this last time -- is  
10    that we need to also know -- I think the Board needs to  
11    make some recommendations in terms of what does the Board  
12    want. Does the Board want the packets put together, you  
13    know, in the manner they are put together? There is time  
14    frames involved with that. It takes time. Bethany has to  
15    have the information ahead of time, that sort of thing.

16            So there's a lot of problems that we think we could  
17    help appellants with and streamline the procedures.

18            CHAIRPERSON PREZEAU: Does that make sense?

19            I mean, I'm just -- you know, there's a section of  
20    995 that says, you know, all filings and documents for any  
21    matter before the Board must be submitted to the Chief  
22    Electrical Inspector as the secretary of the Board and it  
23    lists the address, 20 copies of filings and documents must  
24    be submitted by ordinary mail.

25            So that's what we're -- you know, obviously -- and

1 Pam raises a great point. It's like, you know, there's no  
2 language in here about requesting a continuance, what does  
3 that look like.

4 And so, you know, I'm not necessarily -- I mean, one  
5 thing that I would like to ask -- or not -- you know, if  
6 you have between now and our next -- the January meeting,  
7 if you -- if Board members would become a little bit more  
8 familiar with the language that's in 995 and see if, you  
9 know, if you have -- as current Board members if you have,  
10 you know, some ideas or some input, that would be greatly  
11 appreciated.

12 But additionally, I'm curious, you know, is you get  
13 the -- how far in front of the Electrical Board meeting do  
14 you need to get the physical appeal packets? I mean, what  
15 is -- in a perfect world, you know, how many days before  
16 the regularly scheduled Electrical Board meeting would you  
17 get an appeal packet so that you have adequate time to  
18 review it and be ready to discuss it? Any appeal at an  
19 Electrical Board meeting, what's that -- what are your  
20 thoughts on that?

21 BOARD MEMBER BAKER: How thick's the packet  
22 (gesturing)?

23 CHAIRPERSON PREZEAU: Yeah.

24 BOARD MEMBER PHILLIPS: It does. If it's a small  
25 one, but if -- you know. Or the number. How many are

1     there? Like this last one that we just had, you know. So  
2     that's hard to say. It needs to be ...

3             For me and my work schedule, you know, the perfect  
4     world would be like two weeks.

5             ASSISTANT ATTORNEY GENERAL THOMURE: At least.

6             BOARD MEMBER PHILLIPS: At least.

7             BOARD MEMBER NORD: Three weeks probably.

8             BOARD MEMBER PHILLIPS: Yeah.

9             ASSISTANT ATTORNEY GENERAL THOMURE: Is that what you  
10    do, Beth?

11            MS. RIVERA: 20 days is what I do now.

12            BOARD MEMBER PHILLIPS: But like I said, I mean, if  
13    you get the -- then it's a little tight.

14            CHAIRPERSON PREZEAU: So on average, the 20-day  
15    window, that's -- the marker that Bethany uses now is get  
16    them out to you 20 days in advance. And that's usually  
17    adequate is what I'm hearing.

18            BOARD MEMBER PHILLIPS: Yes, usually.

19            BOARD MEMBER NORD: Unless it's a situation where you  
20    have more than two or three packets and how involved are  
21    they.

22            CHAIRPERSON PREZEAU: Yeah, which I don't know that  
23    we can --

24            BOARD MEMBER NORD: We can't determine that.

25            CHAIRPERSON PREZEAU: Yeah, I mean, you can't -- I



1 don't know that you can first make that kind of  
2 description.

3 BOARD MEMBER NORD: You can't. Because it all  
4 depends on the luck of the draw and what's being appealed  
5 and ...

6 ASSISTANT ATTORNEY GENERAL THOMURE: Or the decision  
7 that comes out from OAH. That kind of triggers  
8 everything.

9 CHAIRPERSON PREZEAU: Pam, do you have any other  
10 thoughts?

11 ASSISTANT ATTORNEY GENERAL THOMURE: I guess one of  
12 the other questions is: In terms of putting together the  
13 packets, one, does the Department -- I don't know what the  
14 cost is on that. But do Board members like them in their  
15 hard copy packets?

16 BOARD MEMBER NORD: Yes.

17 BOARD MEMBER BAKER: Absolutely.

18 CHAIRPERSON PREZEAU: I agree, right? Because I've  
19 learned to read on paper and not on a computer screen. So  
20 my reading comprehension is way higher if I can physically  
21 hold the document in my hand.

22 Plus, it's easier to make notes, right? as you're  
23 reading through the material things that strike you that  
24 are particularly valuable to the merits of the case.

25 So likely those physical appeal packets will

1 continue.

2 ASSISTANT ATTORNEY GENERAL THOMURE: I'm the same  
3 way.

4 But how much time does the Department need then to  
5 have all of the information to get the packets to you 20  
6 days ahead?

7 MS. RIVERA: Well ... so if I have the OAH file. You  
8 know, sometimes it can take like 10 to 30, 60 days from --  
9 like that hearing to receive it. But once I have the OAH  
10 file, it takes two weeks because it comes in a audio  
11 transcript. So they have to transcribe it, and it takes  
12 on average two weeks. And then to put it together. Two  
13 weeks for printing. They just recently changed the way  
14 that they're doing that. So it's taking longer. But, you  
15 know, the attorneys and everything, they like to work off  
16 of those transcripts in order to do their briefs and, you  
17 know. That 45 day is just not working.

18 CHAIRPERSON PREZEAU: So really we're probably  
19 looking at reverse engineering this, understanding that  
20 depending on when you got the OAH file, it -- so when you  
21 get that file -- I just want to make sure I understand  
22 this -- it takes -- from the time -- that's an audio file,  
23 so it takes two weeks to get a physical transcript, and  
24 then it takes two more weeks to produce something that  
25 looks like this (showing).

1 MS. RIVERA: Yes.

2 CHAIRPERSON PREZEAU: And so really from the date  
3 that you get the OAH file, it takes a month before you can  
4 physically have something to mail to the Board members.

5 MS. RIVERA: Yes.

6 CHAIRPERSON PREZEAU: Okay.

7 ASSISTANT ATTORNEY GENERAL THOMURE: And the  
8 attorneys want time after the transcription to be able to  
9 make an argument.

10 CHAIRPERSON PREZEAU: Which is something that could  
11 potentially happen, right? What I mean by that is -- so  
12 like in the -- it's possible -- or I guess I'm asking this  
13 question is: You could potentially turn around an appeal  
14 packet that at least contains -- for the Board members  
15 that at least contains the information up to the proposed  
16 final order issued by the ALJ and send that to Board  
17 members so that they could get that 20 days in advance.  
18 And then add to that Board member's packet any legal  
19 briefs that were submitted by either the Department or by  
20 legal counsel or, per se, an individual representing  
21 themselves. That could come after the fact, but at least  
22 it gives Board members the opportunity to review the  
23 appeal file up to the proposed final order.

24 Is that true?

25 ASSISTANT ATTORNEY GENERAL THOMURE: It's true. But

1 I would just throw out that just in my world, often the  
2 argument or the brief of the attorney or the appeal  
3 letter, that sets the road map for you in terms of what  
4 you're looking for when you read the record. So it's --  
5 I don't know. I don't know how you feel about it. It's  
6 kind of a guide of what each side's argument is going to  
7 be, and I think it helps you look for that when you're  
8 going through the document.

9 CHAIRPERSON PREZEAU: Janet.

10 BOARD MEMBER LEWIS: Don't the appellants get the  
11 electronic copy of the OAH decision? They don't have to  
12 wait for the Department to give them copies, right?

13 ASSISTANT ATTORNEY GENERAL THOMURE: Yes.

14 MS. RIVERA: I know that when I receive the audio  
15 file, I mean, I request the transcript, and it's in --

16 ASSISTANT ATTORNEY GENERAL THOMURE: Oh. So they  
17 don't get it until you send --

18 MS. RIVERA: I don't believe -- I don't know if they  
19 can request an audio transcript directly from OAH.

20 ASSISTANT ATTORNEY GENERAL THOMURE: The problem with  
21 that is we can't cite to pages in the audio transcript.  
22 So they're citing in the briefing to particular evidence.  
23 It's got to be transcribed so that you can find it.

24 No, I don't think -- I ...

25 BOARD MEMBER LEWIS: So neither party gets anything

1 from OAH until they get the hard copies from the  
2 Department of the decision.

3 ASSISTANT ATTORNEY GENERAL THOMURE: That's my  
4 understanding.

5 Obviously they've done the case. They know what the  
6 evidence is. They put it in. So they have a general  
7 understanding of the arguments that have been made.

8 But they get the OAH decision, and sometimes that --  
9 you know, you have to then go back through the transcript  
10 to say why -- if you're going to come and say that finding  
11 isn't supported by the evidence, and you think it's there,  
12 you have to go back to the transcript and find where it's  
13 not supported.

14 CHAIRPERSON PREZEAU: So just to clarify, the parties  
15 following the proposed -- the issuance of the ALJ's  
16 proposed final order, they get that.

17 ASSISTANT ATTORNEY GENERAL THOMURE: Yeah, the  
18 written order.

19 CHAIRPERSON PREZEAU: They get the written order, so  
20 they know what the decision is. But to Pam's point, they  
21 need to -- they need that two weeks following being issued  
22 the decision from the ALJ to get the physical transcripts  
23 from the Department so that they can reconcile the  
24 decision and what's in the record.

25 ASSISTANT ATTORNEY GENERAL THOMURE: That's what I

1 would do.

2 CHAIRPERSON PREZEAU: Jason.

3 BOARD MEMBER JENKINS: Madam Chair, I have no issue  
4 with them having the briefing in a separate document so  
5 they could actually produce the actual ring-bound system.  
6 And then separate, as they get the other portion back, to  
7 send that as one piece, that would take out -- that would  
8 shave some time off that. Because now they're waiting for  
9 them to come back and then build that system. I don't  
10 think that's personally needed in that same bound  
11 document.

12 CHAIRPERSON PREZEAU: That's how I approach it too.  
13 When I -- whenever -- generally whenever I -- we were  
14 asked to review or do we have an appeal slated for -- on  
15 the agenda, I process it from the back to the front. And  
16 then -- you know, because that's sort of a -- I begin at  
17 the beginning of the timeline and then go forward and look  
18 through the, you know, the entire appeal packet.

19 ASSISTANT ATTORNEY GENERAL THOMURE: So one other  
20 just -- I'm brainstorming here -- but by rule it requires  
21 that the decision comes in 45 days, and that's when it's  
22 set on the next Board meeting. Is that period too short?  
23 Does it need to be, for instance, 60 days to allow for  
24 this process? And that's what happened in the Black  
25 Diamond appeal is it came in right at that cut-off. And

1 so there was no time for all this process to occur, for  
2 Bethany to get the transcript, for the attorneys then to  
3 be able to review it. But by rule, it had to be set at  
4 this meeting, which caused a problem. So I'm just  
5 throwing that out as a possible idea. Does there need to  
6 be more time built into the appeals?

7 And again, I think the Department needs to also weigh  
8 in on it because there may be concerns in certain cases  
9 about allowing the contractor or a person to continue to  
10 work. Are there safety issues? But that's another thing  
11 to look at.

12 CHAIRPERSON PREZEAU: So I guess -- and Rod, I don't  
13 know if you have any -- I see your wheels are turning.

14 MR. MUTCH: Well, I would just -- and you guys  
15 touched on it. The Department needs ample time to prepare  
16 and get these documents out to the Board.

17 And I'm not sure -- I mean, 45 days doesn't seem like  
18 enough.

19 MS. RIVERA: Yeah.

20 MR. MUTCH: In most cases.

21 CHAIRPERSON PREZEAU: Yeah. And what's interesting  
22 about that is, you know, so it creates -- that in and of  
23 itself creates a different -- you know, so it gets -- as  
24 Pam indicated, an appeal can -- because there's this  
25 automatic trigger, it gets slated, and it gets put on the

1 agenda. And then the information goes out to the Board  
2 members, and then, you know, at the 11th hour there's a  
3 continuance, which has an impact on Board members, but it  
4 also has an impact on the parties that are associated with  
5 that appeal.

6 ASSISTANT ATTORNEY GENERAL THOMURE: Now that we're  
7 talking about it, that -- looking at that time frame might  
8 be under 13B that -- or that 45 days, that might be under  
9 -- something to consider is making -- changing that time  
10 frame. I don't think that that time frame, the 45 days of  
11 setting of the Board meeting's in the statute. But I'll  
12 double-check.

13 CHAIRPERSON PREZEAU: So these are the things that we  
14 are going to -- we're planning to discuss on the 9th of  
15 November. So if you, you know, let that kind of roll  
16 around in your brains. And if you -- I would ask that you  
17 Board members and the Department take a look at 995 before  
18 the -- I mean, it's not a cutoff, but if you get any ideas  
19 before November 9th, if you would share them with me, that  
20 would be greatly appreciated because then we could discuss  
21 them when we get together in Spokane.

22 ASSISTANT ATTORNEY GENERAL THOMURE: And just so  
23 we're clear, we also intend to reach out to attorneys who  
24 have had cases regularly before the Board and get input  
25 from -- at least my goal is we should get input from the



1 private sector as well, not just from the AG's office, but  
2 from all sides of the table. But we needed a starting  
3 point.

4 CHAIRPERSON PREZEAU: Rod.

5 MR. MUTCH: So I would just ask: Are you -- to  
6 clarify, are you wanting to do the research, propose  
7 language, and then propose to modify the rule at a later  
8 date or include it in the current rulemaking?

9 CHAIRPERSON PREZEAU: Well, I -- that's a great  
10 question, Rod.

11 And I don't know that we will be able to meet the --  
12 we will strive to do it as quickly as possible, right?  
13 But I'm not 100 percent convinced that we will be able to  
14 be a part of the current rulemaking and be intentional  
15 about the language, and especially given that, you know,  
16 our intent to reach out to not just the attorney general's  
17 office but to some private attorneys that have represented  
18 appellants, to get their input and maybe clarify about,  
19 you know, firsthand what's the process in terms of from  
20 their perspective. Do they have to -- do they have --  
21 like confirming do they have to wait to get the transcript  
22 from the Department, from the hearing at OAH? And we  
23 don't necessarily control those, you know, the timeline to  
24 get that input, right? But we were going to -- our intent  
25 is to try to get this done, and if we -- if we're not --

1 if we don't have an opportunity to have final -- to have  
2 proposed language changes in conjunction with the current  
3 rulemaking -- because what's the ...

4 MR. MUTCH: Well, the timeline, of course, the  
5 Technical Advisory Committee is something that the  
6 Department uses to get advice on technical matters, code  
7 requirements, things that would affect stakeholders and  
8 contractors which the appeal section would.

9 The Board meeting in January is where the Department  
10 will go over all the proposals. But the CR-102 is the  
11 actual filing of the proposed language. And that'll  
12 happen in February after the January Board meeting.

13 So I suppose the timeline for this would be by the  
14 January Board meeting. So that's just something to  
15 consider.

16 CHAIRPERSON PREZEAU: Yeah, I mean, it's possible.  
17 Potentially possible.

18 ASSISTANT ATTORNEY GENERAL THOMURE: But I don't  
19 think what Tracy and I are suggesting are -- is more  
20 procedural changes in terms of how we provide good access  
21 to the appeals before the Board and how -- to make sure  
22 that those procedures are clear and meet everybody's  
23 needs.

24 CHAIRPERSON PREZEAU: Yeah. The idea was -- it's a  
25 question of access, right? And what I mean by that is if

1 you're an entity that receives a citation and you're  
2 looking at what's the process by which I appeal these  
3 citations or citation and if you're intimidated by the  
4 language that's currently in 995 because it's not -- it's  
5 potentially confusing, it's potentially intimidating, you  
6 may decide, Well, I'm just going to pay the citation  
7 because even though I believe the citation was wrongly  
8 issued, I don't want to go through this process. The  
9 paying the citation seems the lesser insult, right? than  
10 going through this process.

11 So I want to make sure that it is as clear as  
12 possible and it is as accessible as possible so that  
13 parties are -- if they feel that they've been issued a  
14 citation erroneously or that they seek -- they're  
15 encouraged to seek justice rather than just pay the  
16 citation because that's the lesser of two evils, if that  
17 makes sense.

18 Very good. Any other thoughts? Thanks everybody.  
19 I'm just -- thanks, Bethany.

20

21 Item 8. Public Comment(s)

22

23 CHAIRPERSON PREZEAU: I'm going to grab and see if  
24 there's anybody who signed in for public comment.

25 So the request -- individuals requesting to speak,

1 there are no -- nobody has signed in requesting to make  
2 public comment in front of the Board. And I don't see  
3 anyone in the room indicating that they would like to  
4 either.

5 So a couple of housekeeping pieces.

6 So parking, there's fees for parking in the  
7 structure. So when you go -- you can handle the parking  
8 fees one of two ways. When we adjourn the meeting, you  
9 can go directly to your car, and there should be a payment  
10 envelope that's on your windshield. You can either pay  
11 that yourself and then expense that on the expense forms  
12 if you're in a super big hurry, or you can go retrieve the  
13 envelope off of your windshield and turn it into Bethany,  
14 and the Department will pay for it.

15 Depending on the agenda for the January meeting,  
16 Steve had spoken to Alice and I about, Hey, would you guys  
17 like to see what a virtual inspection looks like. So  
18 we're going to tentatively put that on the docket for the  
19 January meeting. We'll be a little bit flexible depending  
20 on what the rest of the agenda looks like, right? Because  
21 obviously there's the potential for the continued -- the  
22 two continued appeals plus any additional appeals that  
23 come to us. And the rulemaking process will be on the  
24 January -- so we'll be mindful of that agenda. But if it  
25 makes sense, then we'll -- or I should just say this:

1 It's our intention, Steve's intention, the Department's  
2 intention to share what that virtual inspection process  
3 looks like at a future Board meeting, whether it's January  
4 or another time.

5 And with that, I think -- are there any other  
6 questions, comments or concerns from Board members?

7 Seeing none, the Chair would entertain a motion to  
8 adjourn.

9

10 Motion to Adjourn

11

12 BOARD MEMBER PHILLIPS: So moved to adjourn.

13 BOARD MEMBER NORD: Second.

14 CHAIRPERSON PREZEAU: It's been moved --

15 THE COURT REPORTER: (Tongue in cheek) I got it this  
16 time.

17 CHAIRPERSON PREZEAU: It's been moved and seconded to  
18 adjourn the October 25, 2018, Electrical Board meeting.

19 All those in favor, signify by saying "aye."

20 THE BOARD: Aye.

21 CHAIRPERSON PREZEAU: Opposed? Very good.

22

23 Motion Carried

24 ///

25 ///

1 CHAIRPERSON PREZEAU: We are adjourned.

2 (Whereupon, at 11:08 a.m.,  
3 proceedings adjourned.)

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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 foregoing 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 26th day of November , 2018, at Tacoma, Washington.

---

H. Milton Vance, CCR, CSR  
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