

HAWAII STATE APPRENTICESHIP COUNCIL MEETING

Department of Labor and Industrial Relations
830 Punchbowl Street, Room 329
Honolulu, HI 96913

MINUTES OF MAY 30, 2023 MEETING

By Videoconference (Zoom)

Members Employer Representatives:

Present: Gregg Serikaku, Chair
Jeffery Durham
Gary Iwamoto
Debra Martinson

Employee Representatives:

Rick Subiono
Francis Tau'a
Terry Uyehara
Travis Murakami, Co-Chair

Public Representative:

Keala Chock

Public Attendees:

Aaron Tilton	Jodie Torres	Mario Manrique
Breanne Geronimo	Katrina Ramos	Nanea Lo
Corinna Pereira	Keian Shon	Natalie Millon
Debby Nishimura	Kelli Braun	Orlando Gante
Denise Pacheco	Leonard Tanaka	Pamai Cano
Evan Fong	Lisa Simmons	Pat Asuncion
Farrah Derla	Matthew Konia	Robert Aquino
Felicia Villalobos	May Ferrer	Stanley Farias
Isaiah Nagatani	Melody Vega	Tane Oriol
Jacque Decay	Michele Thomas	Tricia Malloy
Jay Ishibashi	Mimi Sroat	Vaughn Chong

DLIR/WDD Staff Attendees:

Jade Butay – Director, Department of Labor and Industrial Relations (DLIR)
Maricar Pilotin-Freitas - Administrator, Workforce Development Division (WDD)
Edgar Fernandez - Program Specialist, WDD
Jaimee Tabangay - Program Specialist, WDD

I. Call to Order

- Chair Gregg Serikaku called the meeting to order at approximately 1:01 p.m.
- WDD staff Edgar Fernandez made a roll call of the SAC members and informed the Chair that all members are present except Travis Murakami. Mr. Murakami joined the meeting later at approximately 1:06 pm.

II. Welcome and Introductions

- Chair Serikaku acknowledged and welcomed Director Jade Butay and Deputy Director William Kunstman. Mr. Kunstman was not able to attend the meeting.
- Ms. Maricar Pilotin-Freitas, WDD Administrator introduced Director Butay who then gave his message.
- WDD staff Edgar Fernandez and Jaimee Tabangay introduced themselves. Mr. Fernandez acknowledged other WDD staff and members of the public who were in attendance.

III. Approval of Minutes

- October 4, 2022 SAC meeting

SAC member Jeffrey Durham commented that the time of the adjournment of the October 4, 2022 meeting which shows in the minutes as 12:16 pm be corrected. Mr. Fernandez replied that he will check on the time and to make the appropriate correction if necessary.

The members approved the minutes subject to the verification of the correct time of the adjournment.

IV. Updates/Reports

A. State Apprenticeship Council

No updates/reports from the Council members.

B. U.S. Department of Labor, Office of Apprenticeship

Ms. Corinna Pereira, Region 6 Multi-State Navigator, shared her quarterly report that was included in the meeting packet of the members.

C. WDD Reports

Ms. Maricar Pilotin-Freitas, WDD Administrator reported the following reports/updates:

- DLIR/WDD applied for USDOL formula grant in the amount of \$485,000.00 to help support apprenticeship in the State. The formula grant opportunity is for a period of 5 years which DLIR/WDD can apply each year,
- Ms. Bennette Misalucha was appointed as the new Executive Director of the Workforce Development Council (WDC).
- Hawaii Registered Apprenticeship data:
 - As of May 30, 2022, there are 5,700 registered apprentices Statewide.
 - During Federal Fiscal Year 2021-2022 (October 1, 2021, to September 30, 2022), 535 apprentices completed an apprenticeship program.
 - For the same period, 1,297 apprentices were cancelled from an apprenticeship program.
 - As of March 31, 2023, 454 apprentices completed an apprenticeship program.
- WDD/DLIR will be soliciting applications for membership of the SAC. The plan is to expand the council membership to include representatives from non-traditional occupations including Information Technology, and Healthcare.

Currently, the SAC is composed of nine (9) members and the expansion include representatives from non-traditional occupations will increase the current number of members to compose the SAC.

WDD staff Edgar Fernandez added that the term of the current SAC members term ends on December 31, 2023. As in the past, current members can reapply to serve on the SAC for another term; the DLIR Director appoints the members of the SAC.

V. New Business

- **Preliminary discussions on the recusal of members because of conflict of interest.**

Before Kauai Island Utility Cooperative (KIUC) presented their request, there was a discussion on the issue regarding the recusal of members because of potential conflict of interest. This was after SAC members Terry Uyehara and Jeffery Durham asked for clarification if they will have to recuse due to both of them representing entities who are program sponsors of related or similar apprenticeship programs with those of KIUC.

During the discussions, the SAC members reiterated their contention during previous meetings that they were appointed as members of the Council based on their knowledge and expertise on apprenticeship and safety matters. According to them, recusing themselves during the discussion and voting on agenda items that require their recommendation is not productive and undermines their role as advisory body

on matters pertaining to apprenticeship. Also, they understand if they are not allowed to vote because of potential conflicts of interest but they should at least be allowed to participate in the discussion and provide inputs/comments regarding the agenda item.

Chair Serikaku mentioned that he looked at the Hawaii Ethics Commission website and shared that there are specific rules about members of boards and commissions being required to recuse themselves only if they have a direct or specific financial interest on the matter. He agrees with the sentiments of the other members that those with perceived or have conflict interest should at least be allowed to participate in the discussion.

Ms. Pilotin-Freitas clarified that DLIR and WDD understands the concerns and sentiments of the SAC members and rely on their expertise and knowledge. She however explained that it is not her or the Department to determine whether there is a conflict or if a member has a potential conflict of interest, or if there are any conflicts at all. Anytime there is a perceived or potential conflicts of interest, it would be in the interest of the member to recuse in the discussion and voting of the agenda item. It is now up to the SAC members to determine whether there is a conflict of interest by them participating in the discussion and voting. She added that if an ethics violation was found, it will be against the SAC member and not WDD or DLIR because the violation is based on the action/decision of the SAC member to participate in the discussion and voting and not the Department. She shared that the conflict of interest regarding a request for change of ratio of an existing program may be different to a request for approval of a new program that a SAC member may oppose because it is perceived to be a competition to existing programs, versus raising safety issues and concerns.

Mr. Fernandez reminded the SAC members what was explained in previous discussions that the recusal of members was based on the advice provided by a staff attorney of Hawaii Ethics Commission in 2014 that members who have potential conflict of interest on an agenda item should recuse in the discussion and voting. He added that in the past, WDD staff advised members when they should recuse because of conflict of interest. He reiterated what Ms. Pilotin-Freitas explained that moving forward, it will be up to the SAC member to determine if he/she has a potential conflict of interest and decide whether to recuse or not. He agrees that the members were appointed to the SAC based on their knowledge and expertise in their fields. However, if they believe that they have a conflict of interest on an agenda item, they can have other representatives of their organization who are also experts attend the meetings as members of the public to provide their concerns and comments to the SAC.

Mr. Fernandez also informed the members that in view of the previous advice from Ethics Commission, WDD will not be pursuing the letter to Ethics Commission regarding the applicability of the conflict of interest provisions of the Ethics Code to SAC members. If the SAC wanted to clarify the matter or request for formal opinion from Ethics Commission, the inquiry must come from the SAC. Ms. Pilotin-Freitas clarified that the inquiry should come from individual members and not the SAC as a group because each member has a different perspective and represent different groups.

A. Review and Recommendation on the Request for Temporary Change of Ratio for Instrument and Control Electrician of Kauai Island Utility Cooperative (KIUC) Apprenticeship Program.

Chair Serikaku announced that SAC members Jeffrey Durham and Terry Uyehara recused themselves. He informed the KIUC representatives to proceed with their presentation. Byron Blanchard, KIUC Instrument and Control Electrician Superintendent and Ms. Tane Oriol, Human Resources Specialist introduced themselves and presented the request for change of ratio.

Highlights of the presentation and discussion include the following:

- Byron Blanchard explained that KIUC has experienced a lot of movements within the past 2 years due to retirements and other staff moving into different positions in the company which affected their staffing. The request for a temporary change of ratio to 2 apprentices to 1 journeyworker was made in an effort to address KIUC's decline in staffing at the journeyworker level. As a small organization, the lack of journeyworkers affects their ability to continue training apprentices to rebuild their workforce.

He informed the body that the ICE Department previously has 2 ICE journeyworkers but one journeyworker unexpectedly transferred to another department. The remaining journeyworker is responsible in training the lone ICE apprentice in accordance with the current approved 1 apprentice to 1 journeyworker ratio. However, this ICE journeyworker is also preparing to retire within the next couple of years and before he leaves, KIUC wants to maximize his remaining years and train another apprentice. The approval of the temporary ratio of 2 apprentices to 1 journeyworker will enable KIUC to hire another apprentice that will result to result in two journeyworkers for the department after the journeyworker retires.

Mr. Blanchard also informed the members that the temporary change of ratio was unanimously approved by the Joint Apprenticeship Committee which includes a member of IBEW Local 1260 as employee's representative. Their baseline safety reports that were submitted with their request also shows zero accidents based on their 1:1 ratio.

- Robert Aquino from IBEW Local 1186 and the Hawaii Electrician Training Fund shared that when he sees proposals for ratio change for electrical work, he is concerned that apprentices don't know what they don't know, and it takes time to learn and recognize the hazards of the occupation. He explained that electrical hazards cannot be seen but can be there and to recognize the hazard, it takes a lot of practice and understanding of the procedures pertaining to electrical work.

Mr. Aquino also shared a forensic study about an individual who was shocked with 0.025 amps which is a very small amount, but it was enough to kill this individual who was working on a clock circuit. This individual was a manufacture technician that went into a plant and worked on instrumentation devices. All other aspects or possible causes of death were ruled out which then concluded it was directly connected with the electric shock. He believes that the 1 apprentice to 1 journeyworker ratio should not be changed as he views this as an economic decision and that the hazards could be catastrophic for the equipment and the apprentices.

He then emphasized the importance of proper training for apprentices, especially when dealing with electrical hazards that may not be visible but can be life-threatening. He believed that the current 1:1 ratio should not be changed as he views the 2:1 ratio is based on economic reasons rather than safety concerns, and that the hazards could be catastrophic for the equipment and the apprentices.

- Mimi Sroat, also from Hawaii Electrician Training Fund (HETF) commented on the statement of KIUC regarding applicants/candidates for the journeyworker position outside of Kauai who have withdrawn due to the lack of housing and the high cost of expenses, which makes it sound like there was a candidate pool but for whatever reason it was not financially feasible for these individuals. She shared that HETF has seen this similar situation with their Lineman program with one of their employers had a job in Kauai where the company had to compensate employees which by doing so, they were able to get a team together for that job.

Ms. Oriol explained that KIUC is doing everything within their means to recruit and hire individuals as journeyworkers but they were unsuccessful in finding someone who is qualified. KIUC have a generous relocation package for candidates who are not located or living in Kauai, and their compensation wages are highly comparable to HECO. There was one (1) applicant who qualified but withdrew because the applicant would have to relocate to Kauai and KIUC does not have any available rental properties or housing at that moment. It took KIUC eight (8) months to find a rental property for a CFO from the mainland that was hired. KIUC cannot post positions unless there are open positions available which they do not currently have.

- Edgar Fernandez shared that the purpose of Apprenticeship is to train apprentices and help develop a skilled workforce for employers. In the case of KIUC, the temporary change of ratio will allow them to increase the number of apprentices to be trained and develop more journeyworkers before their only journeyworker retires. He added that employers who are not able to meet ratio standards for registered apprenticeship may resort to regular training programs.

Mr. Fernandez also explained that the work processes and on-the-job learning (OJL) hours for ICE and Electrician programs are different. The OJL hours for ICE is 6,000 hours while Electrician consists of 10,000 hours.

Mr. Blanchard confirmed that the work processes of the 2 occupations/programs are slightly different and the degree/amount of exposure to electrical work are not the same. According to Mr. Blanchard, the ICE program requires work on both the instrumentation and control sites at the plant which results in not having too much exposure as a regular electrical work. He added that KIUC usually hires a contractor whenever they have a big electrical project at KIUC.

- Ms. Kelli Braun of Hawaiian Electric Company (HECO) shared that they also have the same issue regarding ratio with their Instrument and Control Technician program. According to her, they hired an apprentice for the Instrument and Control Program but had to be moved to another division because their journeyworker is already training an apprentice and will not be able to fulfill their current 1:1 ratio if they add another apprentice.

SAC member Gary Iwamoto moved to recommend for approval of the 2 apprentices to 1 journeyworker ratio for Instrument and Control Electrician Apprenticeship Program of KIUC. However, no member seconded the motion.

Chair Serikaku announced that because there was no second to the motion, the SAC cannot proceed to vote on the motion. Therefore, the SAC is not submitting any recommendation to the Director on the request for approval of temporary change of ratio for Instrument and Control Technician.

B. Request for Temporary Change of Ratio for Power Plant Maintenance of Kauai Island Utility Cooperative (KIUC) Apprenticeship Program.

Chair Serikaku announced that SAC members Jeffery Durham and Terry Uyehara are again recusing themselves. He acknowledged and informed Mr. Stanley Farias, Maintenance Superintendent at KIUC to proceed with his presentation. Highlights of the presentation and discussion include the following.

- Mr. Farias informed the members that the Power Plant Maintenance Division of KIUC is facing similar challenges as the Instrument and Control Electrician program, with employees retiring or moving into different positions within the

company. This includes himself who is a Power Plant Maintenance journeyworker but recently moved into his current position as superintendent after the previous staff retired. His position as superintendent requires him to attend meetings and business trips or stay at the KIUC main office which is away from the job site. Because of this, only one journeyworker is now available to provide training. Although, they currently do not have PPM registered apprentices, they have two qualified helpers who are awaiting entry into the apprenticeship program. The proposed temporary change of their ratio to 2 apprentices to 1 journeyworker will enable KIUC to hire the 2 helpers as apprentices and trained by one (1) journeyworker.

- SAC member Travis Murakami commented that during those time that Mr. Farias is on-site, he can do his role as journeyworker so that there will be 2 journeyworkers supervising 2 apprentices in accordance with the 1:1 ratio. However, when Mr. Farias is off site, the other apprentice can be assigned to work temporarily in another department until he returns.

Mr. Farias however explained that there is no available temporary work or department to assign the apprentice.

- Mr. Robert Aquino informed the body that he has the same safety issues and concerns as the previous request for change of ratio.
- SAC member Rick Subiono stated that after listening to KIUC's request for change of ratio, everything still comes down to safety. According to him, he believes in absolutes and if KIUC can absolutely tell him that there will be no instances of accidents/injuries using the 2:1 ratio, then he would take the chance. However, he believes that no one can guarantee that. He explained that this is just not the way the SAC is supposed to look at things presented to them for review. He added that he would not vote to recommend approval and that there must be another way for KIUC to address the issue.

Chair Serikaku asked the members if there is a motion on the request for temporary change of ratio for Power Plant Maintenance Apprenticeship Program. However, no member made a motion. Chair Serikaku announced that the SAC is not submitting any recommendation to the Director on the request for approval of temporary change of ratio for Power Plant Maintenance Apprenticeship Program.

Chair Serikaku acknowledged the complexity of the situation faced by KIUC considering that the temporary change of ratio was approved by the Joint Apprenticeship Committee and the difficulties associated with labor shortages and a smaller pool of workers on Kauai. However, the consensus of most SAC members and the public seemed to be against the proposed ratio change. He thanked the

KIUC representatives for their presentation and expressed hope that they could find alternative solutions to address their existing positions.

C. Request for Approval of Keiki O Ka’Aina (KOKA) Family Learning Center Early Childhood Educator Apprenticeship Program.

Chair Serikaku acknowledged Ms. Melodie Vega, Chief Early Education Officer of KOKA and asked her to introduce the other members of her team who were in attendance. Ms. Vega introduced the following members of her team: Farrah Derla, Program Specialist; Jodie Torres, Workforce Development Coordinator; and Caroline Soga, Department Chair at Honolulu Community College.

Highlights of the presentation and discussion include the following:

- Ms. Vega informed the SAC that KOKA is a Private Non-Profit Native Hawaiian Christian Organization which has been in operation for 27 years, presented their proposal for an Early Childhood Educator Registered Apprenticeship program. KOKA focuses on Early Childhood Education, Family Engagement, and Cultural aspects, aiming to educate children, enrich families, perpetuate culture, and enhance communities.

KOKA’s Early Childhood Educator Apprenticeship Program addresses the need of the community for more qualified early education teachers and caregivers. The program will enable KOKA to partner with other Native Hawaiian and community organizations to address the shortage of Early Childhood Educators and establish quality standards recognized statewide. Since the pandemic, about 50% of teachers are not returning to work, leading to school closures and insufficient teachers for preschool seats.

- The wage structure for apprentices is a start wage of \$17.00 per hour, with three step increases over three years. These steps are based on completed on-the-job learning (OJL) and related training instruction (RTI) hours. Apprentices will earn their CDA license and an Early Childhood Certificate during the program. Completion of all steps will result to an Associate Degree in Early Childhood Education.
- The program has five different assessment methods to evaluate apprentice competency, such as demonstrations, interviews, and observations by qualified individuals. KOKA has support systems in place, including a Workforce Development Coordinator and mental health support.
- Mentor teachers are qualified preschool teachers with the state of Hawaii, Department of Human Services. All preschools and preschool teachers are regulated by the state and must meet all required qualifications. Preschools cannot operate without being licensed.

- SAC member Keala Chock made a comment that considering that the program is statewide and Honolulu Community College campus is the lead campus to provide the related training instruction, what happens to individuals who are registered with other community colleges such as Maui College, Hawaii Community College, or Kauai Community College.

Ms. Caroline Soga explained that the courses across the different community colleges are aligned with each other allowing credits to transfer seamlessly. She also informed the members that the Program Coordinating Council which is composed of Community Colleges with Early Childhood Education programs meet regularly, with her as the chair.

Ms. Soga also shared that HCC worked with KOKA to align training experiences and ensuring competencies were met during on-the-job learning (OJL) and related training instruction (RTI). They also collaborated with the Hawaiian Studies department to select courses meeting associate degree requirements, forming the RTI component of the apprenticeship program.

Ms. Vega explained that inclusion of Hawaii studies in the curriculum was to preserve KOKA's cultural and professional development focus.

Chair Serikaku praised KOKA for developing the program to help address needs of the community for early childhood educators. He asked the members if there was a motion to KOKA's proposed program.

SAC member Keala Chock moved to recommend approval of KOKA's Early Childhood Educator Apprenticeship Program. Rick Subiono seconded the motion.

The Council members voted as follows:

- Keala Chock – Yes
- Rick Subiono – Yes
- Travis Murakami – Yes
- Jeffrey Durham
- Debra Martinson – Yes
- Gary Iwamoto – Yes
- Francis Tau'a – Yes
- Terry Uyehara – Yes
- Gregg Serikaku – Yes

The SAC voted to recommend for approval of KOKA Early Childhood Educator Apprenticeship Program.

D. Unfinished Business

Chair Serikaku asked WDD staff when the SAC will be informed about the Director's decision on the proposed revisions to the Apprenticeship Standards of Associated Builders and Contractors Hawaii that was discussed during the previous SAC meeting.

Mr. Fernandez replied that no decision was made but reassured the Chair that all SAC members will be informed once the Director has decided on the matter.

E. Announcements

Ms. Pilotin-Freitas announced that SAC member Debra Martinson will be leaving the City and County of Honolulu and because of this, she will be resigning as member of the SAC. She added that Michele Thomas of Honolulu Board of Water Supply was recommended by the City and County of Honolulu to replace and to serve the remaining term of Ms. Martinson up to December 31, 2023.

Ms. Martinson gave her message and thanked the members of the SAC and WDD staff.

F. Adjournment

The meeting adjourned at approximately 3:37 pm.