

On Equal Terms Project
Susan Eisenberg, Director
Women's Studies Research Center
Brandeis University -- Mailstop 079
515 South St.
Waltham, MA 02453
617-522-3749 // OnEqualTerms@brandeis.edu
fax: 781-736-8117

JATC Recommendations, Jenna Smith Hearing

Recorded by Dawn Jones, Oregon Tradewomen's Network

Transcribed by Julie Shih, On Equal Terms Project

Mr. Simms:

The second issue goes to the remedial recommendations made by the division with respect to the JATC. A number of the problems with this particular case arose because with our industrial programs, unlike our construction programs, even though they are joint, they do not necessarily share the same common structure in management of the JATC. We believe that the recommendations we have made will address some of those concerns. Most of those concerns, hopefully.

(1) First, we've recommended that the JATC develop a clear policy on conflicts of interest, and procedures for JATC members to declare such conflicts, and to be excused from certain deliberations and/or decisions, where their participation may cause a reasonable person to believe that the member in question is not in the position to be fair and impartial in the execution of his or her duties.

(2) Staff also recommended that the JATC should specifically clarify its prerequisites for the committee to consider, when considering an individual for advancement to the journey level. We're requesting that the committee formalize its process for the appointment of committee members to require: first, a written notice from the union for employee members from training agents that are subject to a collective bargaining agreement; a process for the JATC staff, rather than management from one of the training agents, to solicit and/or recruit volunteer *employee* members to serve as training agents *without* a bargaining agreement; and provide a written report to the JATC.

(3) Third, a written notice from the Training Agent for the management representatives when a member is appointed to the JATC. We are suggesting that written documentation be maintained by the JATC of nominations and membership and be available for review by ATD [Apprenticeship and Training Division] and the Apprenticeship Council. The Division has been assisting the JATC in the development of such policies.

(4) Number four, that the JATC establish policies and procedures to implement the requirements of ORS 660.137 Subsection 5 with specific consideration as to how the JATC will sanction training agents who have potentially found to be in violation of the terms and conditions of an apprenticeship agreement, standards, or the provisions of ORS Chapter 660, or the rules and policies of the Council.

(5) Five, since there is a general reluctance on the part of employers to investigate other's operations when they're in the industrial setting, and in this case there was no third party trust where you had an independent or quasi-independent third party who can investigate this matter, the JATC should consider a procedure whereby the JATC would require a third-party audit when allegations a training agent is not maintaining a safe and/or respectful work environment for apprentices are alleged. In addition, the JATC may empower its apprenticeship coordinator to either conduct or contract for investigations of training agent violations.

(6) Sixth, the JATC should establish a policy whereby changes in foreman and/or lineman comments on the monthly work progress reports are acknowledged in writing by the apprentice; and there should be some evidence that such changes have actually been reviewed in person with the apprentice.

(7) Seventh, the JATC shall immediately take steps to implement the council's requirement for cultural competency and diversity training, or to provide other similar training to its members and provide a report to the Council on its progress.

(8) Eighth, that the JATC should immediately take steps to implement the Council's requirement that it adopt at least one mentoring strategy and provide report to the council on its progress in that regard.

(9) Ninth, that the JATC should consider establishing or contracting with a third party review body to review any apprentice complaints or appeals. That might include working with the local civil rights commission, or hiring, or contracting on a fee-for-services basis an ombudsperson who can receive complaints from the apprentices regarding working conditions and report to the JATC regarding changes that may be required.

With respect to all of those recommendations, when the initial report and the amended findings were issued in early July, we had set some timelines on that. Some of those timelines have come and gone because of the dependency of this matter, others are fast approaching. I have been speaking with the JATC and its legal counsel about how these things might be implemented. They've been working with us in that regard, they've also made some suggestions of their own about what they want to do. I believe they're fully complying with our request to adopt these policies. I would suggest, because this is really a comprehensive task, that rather than holding them to some of the existing deadlines which we established, that the JATC be required to report to the Council at its March 2011 meeting on its progress with respect to those recommendations. That concludes the summary of staff's recommendations.