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ELEVATOR SAFETY REVIEW BOARD MEETING

REPORT OF PROCEEDINGS, had at the meeting of the
ELEVATOR SAFETY REVIEW BOARD before CHAIRMAN FRANK
CHRISTENSEN, at the Office of the State Fire Marshal,
Springfield, Illinois, commencing on the 14th day of July,
A.D. 2011, at the approximate hour of 8:30 a.m.

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1 BOARD MEMBERS PRESENT:

2 CHAIRMAN FRANK CHRISTENSEN

TOM GANIERE

3 ROD GILLES

CRAIG GRANT

4 GERALD GROSS

MARK HERTSBERG

5 RICHARD JANDORA

TOM JIRIK

6 K. DOUGLAS JONES

AL POPOVITS

7 DARREL G. SWIENTON

KELLY WELLER

8 BRIAN WILSON

GERALD WOLIN

9

DICK GREGORY, Consultant to Board

10

11 OSFM STAFF PRESENT:

12 BILL BARNES, LEGAL COUNSEL

ROBERT CAPUANI, DIRECTOR OF ELEVATOR SAFETY

13 JAMES AUBIN, INSPECTOR

ELAINE DEL GRECO

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1 CHAIRMAN CHRISTENSEN: Call the meeting to
2 order. Please rise for the Pledge of
3 Allegiance. Bob, will you lead us?

4 MR. CAPUANI: Let's have a moment of
5 silence for all those who have lost their lives
6 fighting for this country, our veterans, and
7 for our board member, Bill, who recently passed
8 away.

9 [WHEREUPON A MOMENT OF SILENCE
10 WAS OBSERVED AND THE PLEDGE OF
11 ALLEGIANCE WAS RECITED.]

12 CHAIRMAN CHRISTENSEN: Did the Board get a
13 chance to review the minutes on the May 12,
14 2011 board meeting? And June 29 -- we'll go
15 over the May 12th first. Is there a motion?

16 MR. WOLIN: Motion for approval.

17 CHAIRMAN CHRISTENSEN: There's been a
18 motion to accept. Any additions or
19 corrections?

20 [NO RESPONSE.]

21 CHAIRMAN CHRISTENSEN: None being, all
22 those in favor, say "aye."

23 [CHORUS OF "AYES."]

24 CHAIRMAN CHRISTENSEN: All those against?

25 [NO RESPONSE.]

1 CHAIRMAN CHRISTENSEN: And June 29, 2011,
2 emergency board meeting. Has the Board had a
3 chance to go over the minutes? Is there a
4 motion?

5 MR. WOLIN: Motion to approve.

6 CHAIRMAN CHRISTENSEN: Motion to accept
7 any additions or corrections?

8 MR. GREGORY: We don't have my name on it.

9 CHAIRMAN CHRISTENSEN: Do you want
10 to -- there's a correction that Dick Gregory
11 was at the meeting.

12 Okay. All those in favor to approve the
13 minutes with the correction, say "aye."

14 [CHORUS OF "AYES."]

15 CHAIRMAN CHRISTENSEN: All those against?

16 [NO RESPONSE.]

17 CHAIRMAN CHRISTENSEN: The "ayes" have it.

18 Elevator Safety Program progress report,
19 Director Bob Capuani.

20 MR. CAPUANI: Registered conveyances
21 active, 32,679. Under state rule, 13,288, and
22 under local rule, 19,301. Licensed contractors
23 98; inspection companies, 47; inspectors, 204;
24 licensed mechanics, 1,443; licensed
25 apprentices, 685; and municipalities with

1 agreements, a hundred and seventy-nine; permits
2 issued to date, 1,734; certificates issued to
3 date, 19,076.

4 CHAIRMAN CHRISTENSEN: Okay. Now, on the
5 report on Otis Elite System.

6 MR. CAPUANI: We had a meeting with Otis.
7 Sorry, guys. All right.

8 Extended door open times specific for
9 extended time, opening time, going forward
10 doors at all times can be increased or
11 decreased remotely only if an Illinois licensed
12 elevator mechanic is present on that specific
13 equipment on site. In the absence of an
14 Illinois licensed elevator mechanic on site, an
15 Elite expert will not increase or decrease
16 associated door dwell time parameters. Otis
17 Elevator will undertake to immediately modify
18 its standard work around this remote feature.

19 During the conversation, we mentioned that
20 we did not want the Elite experts to be able to
21 reset the door operator subsystem. Otis
22 confirmed that Elite experts have never been
23 allowed, under our standard work, to reset the
24 door operator system.

25 CHAIRMAN CHRISTENSEN: I do have a

1 question I'm going to ask of Betsy Ceriello for
2 Otis. You have the best knowledge about this
3 Elite. Would a mechanic be able to tell -- I
4 suppose they have a computer for this Elite,
5 right, each mechanic? To reset the parameters
6 or anything like that?

7 MS. CERIELLO: Does the mechanic?

8 CHAIRMAN CHRISTENSEN: The mechanic,
9 itself.

10 MS. CERIELLO: No. I'm here with Craig
11 Buckley here from Otis also.

12 CHAIRMAN CHRISTENSEN: Craig, each
13 mechanic has a computer to reset parameters?

14 MR. BUCKLEY: The mechanics carry a
15 computer, which would permit them to do
16 authorization of some parameters. It's a PDA
17 service tool.

18 CHAIRMAN CHRISTENSEN: Okay.

19 MR. BUCKLEY: They cannot change
20 everything that's accessible.

21 CHAIRMAN CHRISTENSEN: My question is,
22 would it be -- because I've worked on equipment
23 like this. My question would be, would a
24 mechanic be able to tell if, let's say, you did
25 it from Connecticut or India or wherever, would

1 he be able to tell that a parameter was
2 changed, since there is times on when
3 parameters are changed? Would he be able to
4 tell if somebody changed it when he wasn't
5 there?

6 UNKNOWN MEMBER OF AUDIENCE: If they
7 adjusted something remotely, would they be
8 able?

9 MR. BUCKLEY: Well, it would no longer
10 match with the records of the machinery for the
11 configuration. There would be a record that a
12 mechanic would be able to detect that a
13 parameter had been altered, yes.

14 CHAIRMAN CHRISTENSEN: Okay. That's my
15 question. Does anybody else have a question on
16 this? All right.

17 MR. CAPUANI: These requirements will
18 apply to all similar technology, all right? So
19 the OSFM has allowed Otis to install the Elite
20 System with these modifications.

21 MR. GILLES: Can I ask a question?

22 Are these people that are making these
23 changes from wherever, are they going to carry
24 an Illinois license? We have to, to make those
25 changes.

1 MR. CAPUANI: No, because we're going to
2 have an Illinois licensed mechanic on site.

3 MR. GILLES: Whenever anything is changed?

4 MR. CAPUANI: Yes.

5 MR. GILLES: It's my understanding --
6 correct me if I'm wrong -- you can move this
7 car from a remote from Connecticut? You could
8 park a car at the top and put the thing out of
9 service?

10 MR. CAPUANI: Right. They can put the car
11 on independent service, okay?

12 MR. GILLES: Okay.

13 MR. CAPUANI: And, really, we felt that
14 you really didn't need a license for that,
15 because in any building, almost everyone in the
16 building has a key to the car to do the
17 service. Our concern was more of changing
18 parameters without a licensed mechanic.

19 CHAIRMAN CHRISTENSEN: Or resetting the
20 doors.

21 MR. CAPUANI: Correct.

22 CHAIRMAN CHRISTENSEN: Things like that.

23 MR. WELLER: Technical question.

24 Bob, is this a variance?

25 MR. CAPUANI: No.

1 MR. WELLER: So it's just an
2 interpretation?

3 MR. BARNES: No.

4 MR. CAPUANI: No. This is just actually a
5 licensing, more of a licensing issue.

6 CHAIRMAN CHRISTENSEN: Any other
7 questions? I know it might be something hard
8 to understand, but it's getting to the computer
9 aspect of the elevator trade with -- our big
10 concern is safety over this. If the door was
11 timed out, if they'd be able to reset it
12 without knowing what was wrong with the door,
13 and that's a big concern, so. And changing the
14 parameters, change of the speed of the
15 elevator, anything like that, so.

16 MR. ED AUBIN: I have a question. Am I on
17 the record?

18 CHAIRMAN CHRISTENSEN: Yes.

19 MR. ED AUBIN: ED Aubin, business
20 representative, Local 2 Elevator Constructors.

21 Did I understand clearly that parameters
22 would not be changed on any device unless a
23 mechanic was present, a licensed Illinois
24 mechanic was present when the parameters were
25 changed?

1 MR. CAPUANI: Unless an Illinois licensed
2 mechanic is present on that specific equipment
3 on site.

4 MR. ED AUBIN: So I am to understand that
5 there would be no changes to parameters on an
6 overtime? But if an overtime call came in or
7 nobody responded, or a building engineer called
8 Otis, called Otis's hotline and said, "I'm
9 having a door problem," the hotline goes to
10 Connecticut or if it goes to a third world
11 country, that somebody on that end is going to
12 make the change, that will not take place?

13 MR. CAPUANI: No.

14 MR. ED AUBIN: Okay. Also, just a
15 question I have as an elevator mechanic in the
16 trade for 40-plus years and ran maintenance
17 jobs for over 30 -- I guess I'm going away from
18 what I was thinking. My logic is skewed here,
19 but you just answered the question.

20 If no changes would be made whatsoever,
21 would this system -- I believe they call it the
22 Elite System -- if something did take place
23 where they changed the parameter without a
24 mechanic being on site, a licensed Illinois
25 mechanic on site, what would be the

1 ramifications for the company?

2 CHAIRMAN CHRISTENSEN: Good question.

3 MR. ED AUBIN: If any? If it was to be
4 discovered that this had taken place?

5 MR. CAPUANI: We'll have to -- it depends
6 on -- it will depend on the situation.

7 MR. BARNES: This is Bill Barnes, general
8 counsel for the State Fire Marshal.

9 We would obviously treat that as a very
10 serious thing, given the fact of the open
11 dialogue that we've had with Otis, and you
12 know, we would treat it very seriously and
13 proceed accordingly under the rules and the
14 statute. I mean, I can't answer hypotheticals
15 or anything like that.

16 MR. ED AUBIN: No, it's definitely a
17 hypothetical.

18 MR. BARNES: It's a huge hypothetical.
19 But I mean, we would treat it seriously, and we
20 would proceed accordingly.

21 MR. ED AUBIN: Okay. Thanks.

22 MR. WELLER: Mr. Chairman, just to address
23 this gentleman's question.

24 Ed, I believe, that's not what the letter
25 said. The letter says, "at all times." It

1 doesn't say any parameters.

2 MR. BARNES: It says expert will not
3 increase or decrease associated door dwell time
4 parameters.

5 MR. CAPUANI: I believe that's the only
6 parameters you can change remotely, correct?

7 CHAIRMAN CHRISTENSEN: No, no.

8 MR. BUCKLEY: Mr. Chairman, the
9 parameters, which were open for Elite as the
10 Elite System was designed, included only the
11 door -- the dwell time and reversal time were
12 the reasons they put it inaccessible to the
13 specialist.

14 CHAIRMAN CHRISTENSEN: That's the only
15 thing that it handles?

16 MR. BUCKLEY: That's the only thing
17 they've got the ability to change in terms of
18 what you call a parameter, the settings and the
19 adjustments.

20 CHAIRMAN CHRISTENSEN: I mean, you can't
21 change car speed? You can't change time to go
22 to each floor, anything like that?

23 MR. BUCKLEY: You are correct. You cannot
24 do that. They're not accessible.

25 MR. BARNES: I will add that Mr. Capuani

1 went through the list of the capabilities of
2 the Elite System and flagged those which he had
3 concerns with for subject of our discussion on
4 the 11th, and as a result, this agreement was
5 drafted.

6 CHAIRMAN CHRISTENSEN: Okay.

7 MR. WELLER: Does that meet your question?

8 MR. ED AUBIN: Yes. And I went -- I think
9 I missed -- I might have missed the term "dwell
10 time." In fact, I did miss that. I did pick
11 up on parameters. I did not see the letter
12 that you referenced. So, yes. Thank you.

13 CHAIRMAN CHRISTENSEN: Rod?

14 MR. GILLES: Would it be possible to get a
15 list of those capabilities that this thing will
16 do? I guess I'm still a little in the dark of
17 what all it can and can't do.

18 CHAIRMAN CHRISTENSEN: Yes. That
19 shouldn't be a problem, right? You have it.

20 MS. CERIELLO: Sure, yes.

21 CHAIRMAN CHRISTENSEN: Would you like to
22 table this for now until you have that list?
23 Or what would you like to do?

24 MR. CAPUANI: Well, the decision is really
25 our decision. It's not a Board decision.

1 We'll just let the Board know what our --

2 CHAIRMAN CHRISTENSEN: Well, I differ.
3 The attorney here might think different, but
4 we're the safety board, and this has to do with
5 safety. So, you know.

6 MR. BARNES: Well, I do differ, in that I
7 think the issue as to whether or not this is
8 new technology was put to bed several meetings
9 ago by Mr. Gregory, which puts it squarely in
10 the wheelhouse, in the state fire marshal.
11 Now, to the extent that you can advise
12 us -- you know, the Board does have overarching
13 advisory powers to the OSFM. If you wish to
14 advise us accordingly on this, you can.

15 MR. GILLES: And that's why I'm asking for
16 a list, because at some point if we come up
17 with a situation that may be a safety issue, we
18 can bring it to your attention. But if we have
19 no idea of the limits and the capabilities of
20 this thing, that's all I'm asking.

21 MR. BARNES: Certainly. We'll get that to
22 you in a short amount of time.

23 MR. GILLES: Okay.

24 CHAIRMAN CHRISTENSEN: So you don't need a
25 motion to accept what you guys are saying?

1 MR. BARNES: Correct. This is just to
2 keep you apprized of the situation.

3 CHAIRMAN CHRISTENSEN: All right.

4 MS. CERIELLO: Mr. Chairman, I just wanted
5 to say there was something about maybe where
6 the experts are located? And I just wanted to
7 say there are none located outside the United
8 States. People made reference to overseas, but
9 they're all located in the United States.

10 CHAIRMAN CHRISTENSEN: All right. Update
11 on elevator safety rules, Bill Barnes.

12 MR. BARNES: I have good news and bad
13 news. The good news is it passed out of JCAR
14 on Tuesday. The bad news is that passing it
15 out of JCAR on Tuesday missed the one-year
16 deadline by three days. So we're going to
17 start all over again. So I anticipate this
18 rule making to be streamlined, in that the
19 wording has been, you know, hammered out by
20 everyone, but issues were raised to me this
21 morning as to whether or not we want to
22 consider adopting the new -- I think it was --

23 MR. GREGORY: A17.1 2010 and A17.6 2010,
24 which are the up-to-date current American
25 National Standards.

1 MR. BARNES: And the Board is bound by the
2 Act to adopt those within 12 months of
3 promulgation. I recommend considering throwing
4 those in at this time. I don't know what
5 impact that will have on the timeframe for the
6 rule making, but it's something to consider.
7 But prior to any subsequent consideration, I'd
8 recommend just starting the process and getting
9 it going.

10 MR. WELLER: Technical question. Can we
11 run -- can you, I guess the right word is,
12 "reintroduce" the current version that you had?

13 MR. BARNES: Oh, yeah. That's what we'll
14 start with.

15 MR. WELLER: And not change anything, and
16 put the two code updates as an amendment?

17 MR. BARNES: And these could come in
18 as -- you know, I need to look at this, but I
19 believe that we can reinitiate the agreement in
20 the language that and tinker it to meet public
21 comment, to meet JCAR concerns. And I believe
22 that we could add the new standards by way of
23 public comment, and so that means we could get
24 started next week. Let me take a look at that
25 to make sure that it's something we can do, but

1 I'm pretty sure we can.

2 MR. GRANT: Mr. Chairman? This is a
3 question for Mr. Gregory.

4 Has a document been produced that outlines
5 the significant changes between this edition
6 and the prior edition?

7 MR. GREGORY: ASME does not -- well, there
8 is in front of the 2010 code, you will find a
9 listing of changes from the 2007 code. So if
10 you want to buy the 2010 code, you can read
11 that. The code is -- and we are no longer at
12 ASME. We are no longer publishing an addendum
13 every year. We eliminated that. And the next
14 edition will be in 2013.

15 The main issues with 2010 and the
16 companion, A17.6 2010, is that all of these
17 suspension means, like Otis's coated steel
18 belts, those are all standards. And I mean, a
19 huge amount of standards apply to those in
20 A17.6, and that's adopted in A17.1, both in
21 2010.

22 So suspension means -- although radically
23 changed, there's a lot of requirements that we
24 don't even have now as far as monitoring of the
25 suspension means, as far as making sure that

1 the suspension means aren't going bad, things
2 like that. It's a big upgrade in that line.

3 And then there's some other changes
4 because codes -- you know, as technology goes
5 on, we have new technology, and then somebody
6 comes up with something new like Otis with the
7 flat-hooded steel belts. And then 10 or 15
8 years later, it's finally adopted into the
9 code, and then we no longer need their
10 compliance certificates and so forth.

11 But if it's all adopted in the code -- but
12 the reality is, the code is stronger probably
13 than their compliance certificate, because I
14 can't think of how many years we worked on
15 suspension means while you're beating me over
16 the head trying to get me to agree to it, and I
17 would never agree. And they finally stuck
18 everything in there that everybody really
19 wanted, and it's now passed. Much stronger
20 than current.

21 I mean, I just rejected a variance
22 request, because the company did not go about
23 it in an intelligent manner. And, you know, if
24 I did the research, I knew I would be able to
25 say it's okay, but I'm not getting paid by you

1 guys to do their research. So I'm not going to
2 do it. And it would be improper for me -- for
3 them to pay me to do the research because I'm
4 sitting here as your consultant. That would be
5 a conflict of interest. All that would go away
6 with adopting the latest codes.

7 MR. BARNES: Well, I don't know what the
8 differences are between the two, and maybe it's
9 something to put the Board's mind at ease as to
10 what exactly -- I mean, there is a statutory
11 mandate that these new versions need to be
12 adopted, but I also understand that you, as the
13 Board, needs to be comfortable with what we're
14 doing.

15 So, you know, maybe it might be proper for
16 the next -- because regardless of whether or
17 not the Board asserts the new versions of the
18 code, or it's done through public comment, the
19 Board is going to need to approve it, because
20 that's within the purview of the Board. So
21 maybe we'll try to streamline this process and
22 get Mr. Gregory started on a comparison or at
23 least a narrative to educate the Board members
24 as to what exactly is changed in these 2010
25 versions.

1 MR. GRANT: Just as a clarification. I
2 certainly wouldn't want every detail changed,
3 but anything highlighted as significant, just
4 as suspension means. But I would assume that
5 any organization that published that
6 documentation, most other model codes or
7 national standards that are modified and
8 updated has either the association that
9 produces a summary documentation about that, or
10 there was a report here that published that
11 outline.

12 MR. GREGORY: There's six pages in the
13 front of the A17.1 2010 code that lists the
14 changes that were made to the previous edition.

15 MR. GRANT: There may be a little
16 significant comment that needed to explain
17 those 10 changes or whatever it is that the
18 Board needs the official to achieve that.

19 MR. GREGORY: We never adopted the
20 addendums in 2008 and 2009. The six pages
21 covers the changes between 2009 and 2010.

22 MR. JANDORA: We did as a board?

23 MR. GREGORY: Did we?

24 MR. JANDORA: But we never actually saw
25 that through, through the rule-making process.

1 The 2008 and 2009 supplements were approved by
2 this Board, but obviously here we are. We
3 missed our rules making period by three days,
4 but we did actually go through that exercise a
5 year and a half ago.

6 MR. BARNES: Right.

7 MR. GREGORY: In which case, there's six
8 pages of a listing of what the changes were.
9 You know, I can give you some -- I can, for the
10 next meeting, I can give you some significant
11 changes, and maybe for the next meeting you can
12 put this on the agenda. It would make life
13 easier for your people. I mean, your paid
14 staff are having to do variances and so forth.
15 It will make life easier. They can get more
16 work done.

17 MR. CAPUANI: Hey, Dick, can you get it to
18 the Board before the next meeting so we can
19 make the motion for the next meeting?

20 MR. GREGORY: Yes.

21 MR. CAPUANI: And get this moving? We'd
22 appreciate it.

23 CHAIRMAN CHRISTENSEN: And the problem is,
24 the biggest thing that a lot of these Board
25 members are worried about is the updates on

1 older equipment. If there's any -- I mean,
2 that's where the big fight has been every time
3 is updating old equipment. There's not a fight
4 over the new equipment. It's over the old
5 equipment.

6 MR. BARNES: Right.

7 MR. GREGORY: That would be the only
8 changes in 8.6 -- well --

9 MR. BARNES: Well, let's not get into
10 that. We're on this issue. Let's make sure
11 the information is distributed well in advance
12 of the next meeting so that folks can read it
13 and adjust it and come to the meeting with
14 questions, and maybe we can move on.

15 CHAIRMAN CHRISTENSEN: All right. Next is
16 update on SB2037.

17 MR. BARNES: SB2037 was sent to the
18 governor. And you will recall that this is the
19 bill that exempted certain religious --
20 churches or religious houses. I believe the
21 elevators were -- this exempted them from
22 certain inspection and testing requirements.
23 The governor has until the middle of June to
24 sign the bill into law.

25 MR. JANDORA: July.

1 MR. BARNES: I think it's June. Oh,
2 excuse me. August. August 12th.

3 MR. JANDORA: So a 60-day signature
4 period?

5 MR. BARNES: Yeah.

6 CHAIRMAN CHRISTENSEN: Moving on to new
7 business. Per a request from the Board member,
8 Gerald Gross, a report will be given on the
9 minimum accessibility requirements for new
10 passenger elevators as it relates to the
11 Elevator Safety Review Act and Rules. Dick
12 Gregory.

13 MR. GREGORY: Yes. I actually am going up
14 your -- here we go.

15 Accessibility requirements. And this is,
16 I think, the 21st anniversary, two days ago, of
17 the Americans With Disability Act.
18 Accessibility requirements come from several
19 areas. There is the United States law, ADA,
20 published in The Federal Journal, which was the
21 same for many, many years because they could
22 never make any agreements on changing. There
23 was an attempt to change in 2004, which fell
24 through. In 2010, finally there's a change.
25 And it's as far as elevators are concerned, the

1 best I can see, it's identical to what they
2 wanted to do in 2004. And that is published,
3 and that is a federal civil rights law. That
4 means there are no inspectors. And enforcement
5 is by complaint to the U.S. District Attorney
6 for whatever district you are in. And then the
7 District U.S. Attorney negotiates. And if you
8 don't want to play ball, well, then he files a
9 lawsuit against you in federal court. That's
10 one method of accessibility.

11 If you adopt a building code -- and there
12 used to be three competing building codes in
13 the U.S., but now there's only one, which is
14 called the IBC, the International Building
15 Code, published by the ICC, International Code
16 Council. The building code references the
17 accessibility code. And, interestingly enough,
18 the accepted generic accessibility code for the
19 United States is also written by the
20 International Code Council. And it's called
21 A117.1, a hundred and seventeen point one.

22 And that accessibility code, which you
23 only get that code if you adopt -- well, you
24 could adopt it arbitrarily, but most states or
25 municipalities, government, they only get it by

1 adopting the building code. So if you're, say,
2 some place that I would know better, like, say,
3 you're in Evanston, Illinois. I don't live
4 there, but it's close. And you adopt the IBC
5 code. You will, by reference, have
6 adopted -- unless your legislation knocks it
7 out, you will by reference have adopted the
8 accessibility code, which covers a whole lot
9 more than elevators, a whole lot more. But,
10 you know, we're concerned with elevators here.

11 The third method of getting accessibility
12 code is historically the Illinois Capital
13 Development Board published accessibility code,
14 and the front of their code says this applies
15 uniformly to every single building at every
16 place throughout the state, and even the City
17 of Chicago, who thinks they're their own place,
18 it applies there, too. So those three methods
19 adopted accessibility codes.

20 There has never been an accessibility code
21 adopted into the elevator code, because they're
22 like -- you have a building code, and that
23 adopts NFPA 70, which is an electrical code;
24 A17.1, which is an elevator code. There's a
25 plumbing code, NFPA 72, which is a smoke

1 detector and so forth codes. A whole host of
2 codes there. They're adopted. They come with
3 your building code, and that's how you get
4 these codes.

5 With all of that background, I think that
6 you, as a board, would probably be making a
7 mistake to adopt accessibility code into your
8 rules, because I don't think your enabling
9 legislation says you need to adopt
10 accessibility codes. That comes in from
11 another direction. And you may -- you know.

12 I'm not against the accessibility codes.
13 I mean, I had to reconfigure -- my mother lived
14 alone until she died, you know, in the last 25
15 years of her life in a house in the woods of
16 Northern Wisconsin. And I had to modify her
17 house so she could get into the house with a
18 walker and all that kind of stuff. You know,
19 it gets to be 30, 40 below zero where she lived
20 and 3 or 4 meters of snow, whatever. She could
21 handle it. I modified the house so she could
22 get in with her walker. But, you know -- and
23 she made it to 93, so that means I've got 21
24 more years.

25 But it's how you go about getting this

1 into the enforcement business. And I think
2 that you, as a board, would make a
3 mistake -- you might have an advisory thing
4 that, you know, people need to consider this,
5 but it's not in the elevator code. And I don't
6 believe it's in the enabling legislation. I'm
7 not up to date on the latest legislation. I
8 was only participating in the first time that
9 it went through, but I throw that over to our
10 general counsel for comment.

11 And the other thing would be people will
12 then decide that, well, we're going to, you
13 know -- Thompson Inspection -- I'll pick on
14 them. We'll have to go out and enforce this
15 accessibility code. And all of a sudden, we're
16 going to open a bag of worms, and to save our
17 old elevators, people is going to say, well,
18 you know, our elevator is going to have to be
19 bigger. Well, you can't make it bigger. The
20 building is so big, and those walls hold the
21 building up. You can't do that on an existing
22 building. Although I've run into some stuff
23 where there was a fire chief that thought you
24 could, but I don't know.

25 Yes, sir?

1 MR. GRANT: Question. I deal with
2 application enforcement elements of
3 accessibility provisions, not obviously the
4 ADA, but I have the responsibility in my
5 position for the Illinois Accessibility Code,
6 which also applies to these same buildings,
7 except for -- more so than the ADA does as it
8 covers religious institutions in all the areas
9 of the State of Illinois.

10 My concern is, how does the elevator
11 industry address their mechanics' and
12 installers' obligations to meet all the
13 provisions for like call station, car control
14 updates? I mean, it seems as everything I've
15 seen, packages for updates come in well vetted
16 as being compliant with the ADA applications
17 now. But as a licensed installer, what
18 responsibilities fall to personnel that are
19 licensed through this Board's activities and
20 under that enabling legislation for compliance
21 with that code? Do they have that
22 responsibility?

23 MR. GREGORY: Well, they have the
24 responsibility to install it, even according to
25 the code. And strangely enough, we could have

1 a little guessing game here, and I would ask
2 Mark Hertsberg what is the distance above
3 finished floor that the hall buttons have to be
4 mounted according to the accessibility code?
5 And he could probably tell me 42 inches. And
6 then I would ask him what is the distance above
7 the floor that the directional arrows have to
8 be? And we could go right up and down, because
9 all of that stuff has become part and parcel of
10 the industry over the last 20 years. I mean,
11 it didn't start with the Federal ADA. It
12 started really with the A117 in its early
13 editions. And that has become part and parcel
14 of the trade, just knowing that.

15 MR. GRANT: I guess I follow you. I guess
16 what I'm saying is, the language in most of
17 these acts applies to the owner of the
18 property. But because we require licensed
19 personnel to do these installations and to
20 utilize equipment in systems that are tested
21 and approved and meet a nationally recognized
22 standard, we rely directly upon those personnel
23 for the implementation of this legislation and
24 to be done correctly.

25 In that regard, do elevator installers in

1 the State of Illinois have a personal
2 obligation or responsibility under this law for
3 those installations?

4 MR. GREGORY: Well, I mean, you're
5 correct, a hundred percent correct in that the
6 law applies to the owner, and the owner then
7 leans on the elevator company. And it can be
8 leaning in a nice way, or it can be leaned in a
9 difficult way, if necessary.

10 There is the National Elevator Industry,
11 Inc., which publishes some guidelines and
12 layouts for elevators, which many architects
13 will just go on the Web site and lift them out.
14 And they've incorporated all of these
15 requirements into those layouts. I mean, it's
16 a given that that's what you're going to get.

17 Now, you know, although I taught in the
18 elevator school for 30 years -- I think it
19 was '97 when I no longer taught. So I don't
20 know what they're doing in the program today as
21 far as teaching mechanics. But I mean, it's
22 very -- to me, it's very ingrained. Everybody
23 knows what they're supposed to do. And, of
24 course, if you're like me, writing
25 specifications for work, I reference it in my

1 specifications. You will comply with all
2 accessibility guidelines, except I'm -- you
3 know, I actually would quote the various
4 accessibility guidelines that you have to
5 comply with.

6 MR. WELLER: Dick, I guess this kind of
7 circular loop that we're in, because it seems
8 to me that if the installers go in to install
9 something that's already going to be -- it's
10 been designed, and has to have been designed to
11 meet the code, and the code references all of
12 the requirements both for the elevator and the
13 accessibility. So the installer really is
14 bound to follow the instructions of the
15 installation?

16 MR. GREGORY: Kelly, you're correct. If
17 the area where the installation is going in has
18 a building code, there's the big "if." I can't
19 speak for --

20 MR. BARNES: There's soon to be a
21 statewide building code.

22 MR. GREGORY: If you've got a building
23 code, then -- for example, if I write
24 specifications for the City -- for a building
25 in the City of Chicago, the City of Chicago

1 building code, as of the date of the
2 specification, boom. The City of Chicago has
3 their own accessibility requirements. What
4 does it look like? It looks like exactly the
5 All17, because the City hired the chairman of
6 that committee to write it for the City.

7 MR. WELLER: So to address Craig's
8 concern, if I'm understanding it, it would only
9 apply to someone who didn't follow a uniform
10 building code, uniform building code?

11 MR. GREGORY: There was a -- there was the
12 uniform building code. That was the West
13 Coast.

14 MR. WELLER: So give me the right act.

15 MR. GREGORY: The IBC. If somebody
16 doesn't follow the IBC, if the owner says, "I
17 don't want to follow the IBC," then somebody
18 has got to catch that guy.

19 MR. WELLER: Would they have to come to us
20 for a variance?

21 MR. GREGORY: Well, if the owner says,
22 "I'm not going to follow IBC," he's going to
23 tell you not to even come to us, and then the
24 elevator contractor is going to say, "Not me."

25 MR. WELLER: Yeah, but then Otis is not

1 going to put it in, or they're going to come to
2 us and say, "Can we have a variance?"

3 MR. GREGORY: I've turned down consulting
4 jobs for people who wanted that, and I said,
5 "No, I won't, not me."

6 MR. WELLER: So when we have a
7 mechanism -- if I'm hearing this right, we have
8 a mechanism.

9 MR. GREGORY: If you have a building code,
10 you have a mechanism in place, okay? So that
11 includes all of the northern -- the suburbs
12 around Chicago, because they have some version
13 of the building code, but there's never been a
14 version -- well, in my lifetime, as a
15 contractor, there was no -- any elevator we
16 had, had to meet the building code, which had
17 the accessibility requirements no matter what
18 suburb we stuck it in.

19 CHAIRMAN CHRISTENSEN: Go ahead, Jerry.

20 MR. GROSS: First of all, not everywhere
21 in Illinois has building codes to identify IBC.
22 Chicago, just in Illinois is different than
23 IBC. But that's not the point of this.

24 The point is that -- and another point you
25 brought up, is that owners, it should be on the

1 backs of the owners. The owners have --
2 believe me -- should not be on the back of the
3 owners. It should be either on the back of the
4 architect or whoever is designing it or whoever
5 is installing the elevator. The owners have no
6 idea that even elevators come into any civil
7 rights issues whatsoever.

8 The civil right issue on the scoping
9 provisions in chapters -- the technical
10 requirements in 407 on the new 2010, which is
11 mirrored from the 2004, and 2004 was adopted by
12 many agencies, a standard if you were an
13 agency. It just wasn't adopted to Titles 2 and
14 Title 3.

15 MR. GREGORY: Right.

16 MR. GROSS: So what I'm saying is that
17 when it gets down to like cab sizes for new
18 buildings, call times, you know, door opening
19 times.

20 MR. GREGORY: Dwell times.

21 MR. GROSS: Everything like that, should
22 be -- we should acknowledge at least the 2010
23 Civil Rights Code, because that would cover the
24 owners. That would cover any areas that were
25 not involved in having a code, you know, in

1 whatever municipality or town he was.

2 And there are -- I haven't gone over, and
3 I'm sure you and I could sit down and go over
4 each item, you know, that's required in the
5 Civil Rights Code versus where it's located in
6 other codes. You know, whether it's in ANSI,
7 whether it's an A17 or not.

8 But I just think that this gives, by
9 adopting this and putting this in the code,
10 whether it duplicates it, whether it mirrors
11 other codes, it colors everybody -- the
12 architects, the owners, you know, the people
13 that are working on the units. You know, it's
14 just a good coverage. To leave it out, I think
15 is a disservice to the public.

16 MR. GREGORY: And I recently -- I'm
17 handling a lawsuit in the Biloxi, Mississippi
18 that had a little bit to do with door dwell
19 times. And so for that, I compared the door
20 dwell times, because I mentioned it because you
21 brought it up, and of course we talked about
22 dwell times. From the very beginning, ADA and
23 through all the A117s and up to the 2010
24 version, not changed, never changed.

25 MR. GROSS: It wasn't changed.

1 One other issue, too, I'd like to bring up
2 when you're modifying an elevator, it doesn't
3 necessarily mean you modify. You have to
4 upgrade the whole elevator. Change the shaft,
5 you know, that it's in. That's, you know, an
6 area that the accessibility deals with that
7 it's really technically not feasible or not
8 structural to do that. And you to do have a
9 waiver on it. You don't have to bring it up to
10 full code. You can modify certain portions of
11 it that you're dealing with.

12 Say, if you're changing the 42-inch button
13 height, or you know, 72-inch, you know, height
14 on the elevator call, you can -- you then have
15 to modify that through it, but you don't have
16 to put a new car in, a new cabin, if it's
17 technically, not structurally feasible.

18 MR. GREGORY: I had one fire chief that
19 wanted that, but we managed to talk him out of
20 it.

21 MR. GROSS: Yeah, and that's what
22 consultants are for. But I just think by not
23 incorporating this, it's doing a disservice to
24 the public.

25 MR. GRANT: I understand. And I was

1 unaware that there had been a question
2 considered including this under our standards.

3 I would say that if our expectation as a
4 board is that -- and I know this to have
5 occurred in the plumbing industry, which is
6 regulated, has state licensing requirements for
7 personnel doing plumbing, not do any plumbing
8 installations that are not in accordance with
9 the state plumbing code. Yet in my line of
10 work of inspecting for such things, I find that
11 to occur all the time, and that's a reality
12 within an industry. Some professionals are
13 held bound, and the companies they work for are
14 very meticulous in that, and others may not be.

15 If we believe that the mechanics and the
16 companies that they work for are obligated to
17 meet that standard and meet those codes, and we
18 license them to do that work, and we restrict
19 work in the state to be done only by those
20 licensed personnel, does this inclusion of that
21 accessibility standard in our rules, give us,
22 as the safety board, the ability to treat
23 workmanship that does not meet that as
24 something that subjects someone's license to
25 review, just like it would if they did not

1 do -- follow A17.1?

2 If that would, I could agree with
3 Mr. Gross that that is something of value to
4 the public that we could undertake without a
5 lot of obligation on our part, other than just
6 if such a matter was brought to our attention,
7 that we could utilize our abilities or
8 licensing and other penalties as allowed in the
9 Act to be brought to bear to that situation.
10 And in that case, I would be very much in favor
11 of it.

12 MR. GROSS: Just to follow up on it. If
13 there was an installation for a new elevator
14 that was put in right now that was wrong,
15 followed all the codes that we had defined, but
16 whatever it may be, and accessibility was not
17 correct. Say, you know what? There was button
18 heights or call button, or what have you, that
19 was wrong, but installed as per code, and then
20 follow the civil rights law. It would be up on
21 the elevator company, whoever installed it to
22 make it correct, because there is no exceptions
23 for civil rights. I mean, you can't modify.

24 MR. GREGORY: In a new building, you have
25 to meet it. There's no question.

1 MR. GROSS: There's no question about it.
2 But at least it would be on their backs to come
3 back and fix it. And I have looked at new
4 facilities and found a lot of things that were
5 wrong, or you know, had to be modified. But I
6 think by incorporating it, it kind of clears
7 the air, and everybody knows what the game plan
8 is, and you've got a reference to go back to.

9 MR. WELLER: They can't come to the Board
10 and ask for a variance. Your point is, they
11 can't come to the Board and ask for a variance
12 on civil rights?

13 MR. GROSS: There is no variance on civil
14 rights, period.

15 MR. WELLER: We don't allow that process
16 to enter into the variance process that we
17 already have?

18 MR. GROSS: Right. Like civil rights has
19 no variance period. So that's why they can't
20 come back to the Board, and they can't
21 go -- I've had -- a lot of like Dick was
22 talking about, a lot of people say, "Well, we
23 don't check accessibility," you know. And they
24 don't. You know, maybe the local authorities
25 don't check accessibility. That doesn't

1 exclude you from it. You've still got to
2 incorporate that. It's a civil rights law.
3 Whether anybody checks it or not has nothing to
4 do with it. Whether they can say you can go to
5 a municipality as long as the municipality says
6 we exempt it. You know, we're not even going
7 to look it. They've still got to comply with
8 it.

9 And what I was saying, it's not that I
10 agree or disagree. And I've sat on the new
11 ANSI, the standards, the ANSI A17.1 on 2009,
12 which kind of mirror the same thing that's in
13 ADAG, because we're required to all get on the
14 same page, even the same numbering system.

15 What I'm trying to do here as an architect
16 and also representing not only the architect,
17 plus this Board, plus the people that are doing
18 the installation, is that everybody is on the
19 same page, and everybody has an understanding
20 of it. Maybe the mechanics don't right now,
21 but at least I think in the long run, it's
22 going to save a lot of money, and it's going to
23 save a lot of headaches, and it's going to save
24 a lot of, you know, maybe court time. That's
25 why I'm bringing it up.

1 CHAIRMAN CHRISTENSEN: Bill, any comment?

2 MR. BARNES: Well, just looking at the
3 Act, the Act addresses the installation and the
4 licensing of those individuals who install and
5 maintain elevators. There's nothing about the
6 design of elevators. And, number one, if we
7 were to go down this route, we'd have to change
8 the Act. We'd have to open the Act up for
9 amendment, which I don't think that's what we
10 really want to do. Because the provision in
11 the Act as to the standards and criteria that
12 this Board can promulgate are very clear. I
13 mean, they're specific. It's in Section 35 of
14 the Act. The rule shall establish standards
15 and criteria for licensing of elevator
16 mechanics, inspectors and installers. And
17 that's it.

18 So I think we're going beyond the -- and
19 this is just my opinion. I mean, I'm just
20 looking at this from a purely black-and-white
21 legal issue or standpoint. I think we're
22 getting beyond the nature or the original
23 intent of the Act, which was to ensure the
24 safety of those individuals riding in elevators
25 by properly licensing and certifying those

1 individuals installing and maintaining the
2 elevators. As we've heard today, there are
3 existing codes, which apply to other
4 individuals who have the decision as to whether
5 or not to allow for ADA compliant elevators,
6 the architects, the builders. And I think, you
7 know, without opening the Act, I think there
8 are potentially sufficient safeguards in place
9 to ensure that it gets done. But, again,
10 that's just my opinion.

11 MR. GROSS: But the civil rights is about
12 life safety.

13 MR. BARNES: Oh, I understand that. I
14 understand that. But there are --

15 MR. GROSS: Oftentimes if someone is
16 blind, going in an elevator, you know, that's
17 all part of it.

18 MR. BARNES: I understand that. But there
19 are individuals who are better suited for
20 making those decisions. The individuals who
21 are specifying the type of elevator, the width
22 of the door, the architects, the owners.

23 MR. GROSS: As an architect, no. I'm
24 telling you, really, I look at this all the
25 time. There's a lot of issues on the design

1 just because of, you know, they don't know
2 about it. I mean, there are certain car
3 widths. There's certain car -- you know,
4 especially for new installation that you've got
5 to comply with. But as far as the specifics on
6 opening times, you know, heights and mirroring
7 what you've already got as far as in the code,
8 I think this definitely should be part of it.

9 MR. BARNES: Okay. Well, I mean, I
10 respectfully disagree just from my own
11 standpoint. You know, I really believe that
12 there are provisions elsewhere. And, quite
13 frankly, the owner, someone who is -- and we're
14 talking new construction here. We're not
15 talking retrofits to existing elevators.

16 MR. GRANT: Can I make a point?

17 MR. BARNES: Sure.

18 MR. GRANT: It absolutely applies to
19 existing elevator monitor stations, and most of
20 those don't have architects. It goes directly
21 to the elevator company to hire the elevator to
22 be upgraded, just to pay somebody to do it, and
23 there won't be an architect for that in most
24 cities. And those could have applications in
25 both new and existing.

1 CHAIRMAN CHRISTENSEN: I'm going to speak
2 on this. The sunset day for our law is coming
3 up in 2013. And I think that it's going to
4 come in the blink of an eye. So I think if you
5 truly believe in this, we need to add that when
6 we come up with the new law.

7 MR. BARNES: We've got a year and a half.
8 Let's hash it out. Because that's an
9 interesting point that was raised about the
10 modernization. I mean, that's something that
11 should be considered.

12 MR. WELLER: I'm listening. I'm trying to
13 understand. You want this -- ideally, you
14 would want this to be in our rules or in the
15 Act?

16 MR. GROSS: Incorporated, you know, as a
17 reference. That's all you have to do. I'm not
18 talk about rewriting the laws. I'm just
19 talking about incorporating the 2010
20 accessibility code as a reference. I mean, you
21 don't have to go through and check --

22 MR. BARNES: Are inspectors and elevators
23 individuals, are they trained in this?

24 MR. GRANT: I think that's the point I was
25 making.

1 MR. BARNES: Are they going to be
2 measuring to make sure?

3 MR. GROSS: They should. They should be.

4 MR. BARNES: I don't know.

5 MR. WELLER: Well, if it's a life safety
6 issue, they should be.

7 MR. GROSS: They should be.

8 MR. GREGORY: The reality is, the
9 inspectors do look at this. I mean, at least
10 all the private inspectors I have dealt with in
11 the state have always -- as long as I can
12 remember, they've always dealt with this. Now,
13 they were hired by some municipalities that you
14 go out and inspect elevators and make sure that
15 everything is a hundred percent good, and they
16 didn't say, "Except only do the elevator code."
17 The municipality said, "Do all of this stuff."

18 And I've run into some situations where,
19 you know, an elevator company was arguing -- I
20 specifically remember a platform lift for a
21 school stage, and the inspector said, "I'm not
22 going to pass this." And I went and looked at
23 that time, and I said, "Well, it probably meets
24 the code." But the inspector is inspecting to
25 a greater degree because he's employed by the

1 authority having jurisdiction, and he notices
2 that there's some problem with this. So I
3 think that that problem has got to get fixed.
4 And, you know, the building owner
5 representative was there with me, and I pointed
6 out to him, "You're going to get a kid killed
7 in this thing if you don't do something." And
8 the guy thought about that for a while, and he
9 turned around to the architect, and he said,
10 "Fix it." End of problem.

11 So I mean, the inspector who was there
12 caught this. He didn't exactly understand why
13 he caught it, but unfortunately he's now
14 deceased, but he was very good and very
15 perceptive on these things, and he realized
16 this thing, there was something wrong. And,
17 you know, I was there, and I said, "You know
18 what? He's right. There's something wrong."

19 So inspectors are looking at this
20 business. They have been doing this -- when I
21 was installing elevators, they were doing it
22 then. So I don't think they quit. But, you
23 know, I don't disagree.

24 My concern is, that if we stick it in now
25 when we don't have it listed in our enabling

1 legislation, we open up a bag of worms. I
2 agree. I agree with sticking it into the next
3 act. We've got about a year, or year and a
4 half, to get that together, and then let's
5 stick it in there.

6 MR. GROSS: You think that this would
7 create a lot of issues by just putting it in as
8 a reference?

9 MR. GREGORY: You know, there are people
10 that come up with issues where there aren't
11 issues, and then we have all kinds of fights
12 and petitions, and we go running off in
13 multiple directions. I mean, again, I'm highly
14 in favor of accessibility, but we don't need to
15 bring down something on us that people are
16 going to interpret incorrectly and then start
17 creating problems.

18 MR. GROSS: I'll wrap up with one closing
19 statement, and that's that I got -- a few years
20 back again, the Capitol Building right here in
21 Springfield, I got sued on accessibility
22 because everybody in the political end was
23 saying, "No, we don't have to do this. No, we
24 don't have to do this." The Department of
25 Justice came in and did a study and cited them

1 for a whole bunch of issues, which of course
2 helped us out, because it incorporated some
3 more work for the Capitol Building.

4 But accessibility is an issue. And
5 elevators were not actually directly involved
6 in the Capitol Building, but there were other
7 issues involved in it. And if you're going to
8 put up a new building, you know, in the capital
9 that's maybe, you know, an office building or
10 something that has many other elevators, the
11 Department of Justice could come down here and
12 say, "Fix it." All's I'm saying is that this
13 is an issue that I don't think is a big deal.
14 I'm just incorporating it into our guidelines.

15 MR. GREGORY: May I make a suggestion?
16 Since our general counsel feels we cannot
17 incorporate this into our rules, could we ask
18 that we just incorporate a reference on our
19 Web site? "Please make sure you're going to
20 meet the accessibility guidelines," and look
21 there. Put that on the Web site. Because "We
22 strongly recommend" -- not "please." "We
23 strongly recommend that you meet these
24 accessibility guidelines."

25 MR. BARNES: Let me take a look at it. I

1 mean, I don't see any reason why not if it's
2 applicable.

3 Go ahead, Kelly.

4 MR. WELLER: Can I make the motion to
5 table this because I like the idea -- I'm
6 anxious to see where it goes, because it
7 is -- you know, it hadn't struck me until you
8 said it, but it is a life safety issue and
9 could be a situation where someone who has an
10 impairment, and we're not doing what we need to
11 do, could be jeopardized. My concern is
12 whether it could happen in the next 18 months.

13 MR. GROSS: Well, it is already happening,
14 and they're using elevators now for means of
15 egress. And elevators are becoming more and
16 more popular instead of using, you know, just
17 using the stairs, elevators are an area of
18 refuge that are by an elevator, and you know,
19 getting people out.

20 MR. WELLER: I support a motion, but I
21 don't think we need to do it today, but I'd
22 like to table this with the hopes of getting a
23 motion maybe at our next meeting where we can
24 have some comment to discuss a strong technical
25 advisory that we can put, you know, on the Web

1 site or issue as a Board, given I have to
2 respect our attorney's opinion that we can't go
3 beyond what our scope is, but we certainly can
4 make a strong technical position in that and
5 then work on what kind of language we want to
6 incorporate in the Act and get a sponsor. You
7 know, there's no reason why this Board can't
8 ask a state legislator to sponsor that for
9 them.

10 MR. BARNES: We can also use the next 18
11 months to, you know, get that language just
12 right. Well, obviously it's going to change
13 once it gets to the legislature, but let's take
14 this time.

15 MR. GROSS: Well, the language is already
16 written.

17 MR. BARNES: No, but I'm just talking
18 about for inclusion in the Act so that it meets
19 all the Board members' approval.

20 CHAIRMAN CHRISTENSEN: There is a motion
21 made to table. Is there a second?

22 MR. WELLER: I make the motion to table
23 this until our next meeting and to solicit
24 comment.

25 MR. JONES: I'll second it.

1 CHAIRMAN CHRISTENSEN: Any question on it?

2 [NO RESPONSE.]

3 CHAIRMAN CHRISTENSEN: All in favor, say
4 "aye."

5 [CHORUS OF "AYES."]

6 CHAIRMAN CHRISTENSEN: All those against?

7 [NO RESPONSE.]

8 CHAIRMAN CHRISTENSEN: The "ayes" have it.
9 MCP and maintenance records, reinspection,
10 Rich Jandora.

11 MR. JANDORA: So the last meeting, we had
12 a very lengthy discussion as it relates to the
13 maintenance control program, maintenance
14 records, as well as wiring diagram and code
15 data plate requirements. And we were able to
16 provide an interpretation of what is required
17 to comply with the ASME 17.1 requirements as it
18 relates to maintenance records, as well as the
19 maintenance control programs, specifically to
20 the location.

21 And during the time period of March of
22 2011, and until we had our Board meeting in
23 May, there was several violations issued to
24 conveyance owners for noncompliance with MCP
25 and maintenance records, and so those

1 violations were issued. We came up with our
2 interpretation of what is required. And now
3 reinspections are occurring. And, of course,
4 reinspections come with fees. So I personally
5 have received several complaints from
6 conveyance owners as it relates to these fees.
7 And I want, you know, to see if there's
8 something we could do to help.

9 So, you know, from my perspective, if they
10 have a failed violation report, a failed
11 inspection report that only includes
12 maintenance control program violation,
13 maintenance records violations, that, you know,
14 I'd like to help alleviate the cost associated
15 with the reinspection of those conveyances so
16 that they can obtain a certificate of
17 operation.

18 So I'm proposing that, you know, any
19 conveyance owner that has a periodic inspection
20 form that includes only maintenance control
21 program and maintenance records violations,
22 they may obtain a certificate of operation, and
23 they do not need to clear the violations until
24 the periodic inspection that takes place on
25 May 13th and on. Now, if they have any other

1 violations on that inspection form, then they
2 would have to satisfy the requirements before
3 they can obtain a certificate of operation.

4 MR. BARNES: Including code data plate?

5 MR. JANDORA: And maybe we need to add
6 code data plate and wiring diagrams, but I'm of
7 the opinion the activity that took place at the
8 last meeting that we allowed for that
9 flexibility, and that's why I selected this
10 May 13th date, which was consistent with the
11 code data plate date as well as the wiring
12 diagram compliance date.

13 So with that being said, I'd like to make
14 a motion that any conveyance owner that has a
15 periodic inspection form that includes only
16 maintenance control program and maintenance
17 records violations may obtain a certificate of
18 operation and does not need to clear the
19 violations until the periodic inspection that
20 takes place on May 13th and on, May 13th of
21 2012.

22 CHAIRMAN CHRISTENSEN: Are you making that
23 with the code data plate and wiring diagrams?

24 MR. JANDORA: I'll amend my motion to
25 include code data plate as well as wiring

1 diagrams.

2 CHAIRMAN CHRISTENSEN: Okay. There is a
3 motion made. Is there a second?

4 MR. JIRIK: I second the motion.

5 CHAIRMAN CHRISTENSEN: There is a
6 question. Is this statewide? Is this
7 including municipalities that have a local
8 agreement?

9 MR. JANDORA: This would pertain to
10 everybody.

11 CHAIRMAN CHRISTENSEN: Okay. Thank you.
12 It's been seconded on the question.

13 MR. GRANT: Doesn't a municipality
14 agreement allow them to be more stringent on
15 minimum standards? I'm just saying I don't
16 think we could mandate that. That would be an
17 optional provision to them because of that. If
18 they wanted to be more stringent in letting
19 their certificates of operation to be issued,
20 no outstanding issues whatsoever, I don't know
21 that we could prohibit that by this. And this
22 could be our position statewide. If they
23 wanted to follow that then, that would be
24 subject --

25 CHAIRMAN CHRISTENSEN: Patty, do you want

1 to speak on that?

2 MS. YOUNG: Patty Young with Thompson
3 Elevator Inspection Service.

4 I just wanted to make sure we all
5 understand it was a pretty crazy meeting last
6 time, but we did discuss this. But there was
7 an extension granted for the code data plate
8 and the wiring diagrams to May 13, 2012, and
9 that was for all conveyances throughout the
10 state. So regardless if it was in a local
11 program or in what we term as "open territory,"
12 everybody got a kickout until the compliance
13 being due on May 13th -- from May 14th
14 technically. And so it didn't matter if it was
15 a local program or not.

16 So what Rick is trying to address here are
17 the two other items on the maintenance control
18 program and the maintenance records to be in
19 alignment with the already existing extension
20 that has been granted.

21 So the ones that did have code data plate
22 and wiring diagram violations in a local
23 program, which is primarily my scope, if they
24 were written up when we went back through the
25 reinspection, those items were not -- they were

1 just okay. They're pushed off until then. But
2 if there was other items on there, such as the
3 maintenance records and the maintenance control
4 program, then we have to address it right now
5 because there is no extension. So that's what
6 Rick is driving at.

7 However, Rick is also making sure that if
8 there was an additional violation for the
9 telephone not working, emergency lights,
10 etcetera, people are still on the hook for
11 compliance today to make sure those are in
12 working order so that they can pass the
13 inspection. But as we have seen, we've had
14 quite a few that either focussed only on these
15 four items. So we kicked out the two, and now
16 we're dealing with the pain and agony of the
17 remaining two.

18 MR. GRANT: I follow that clarification.
19 Thank you.

20 My point is, that if you work for the City
21 of Evanston, they could tell you, "I don't
22 care. We want you to get those corrected
23 before a certificate of operation is issued
24 even if it's done statewide," because their
25 program is allowed to be more stringent than

1 the state.

2 MS. YOUNG: I would refer to Mr. Barnes on
3 that clarification.

4 MR. BARNES: They do have the ability
5 to -- local administrators do have the ability
6 to enforce more stringent requirements.

7 MS. YOUNG: May I interject? At this
8 point, not enough of the local programs that
9 I've been dealing with have taken that
10 position.

11 MR. GRANT: I'm sure they probably have
12 not discussed that with many of them in terms
13 of that concept.

14 MS. YOUNG: Oh, I'm sure, for the most
15 part, they're aware of that, you know, but they
16 have also recognized, as the Board did in May,
17 and as Mr. Jandora has recognized the situation
18 at hand, to give people an opportunity to get
19 these items in place so everybody can be in
20 compliance. And I believe the Board has agreed
21 from last May or this past May's meeting that
22 life safety was not in jeopardy.

23 MR. GRANT: Could we distribute that
24 information really -- well, right away once
25 we've asked this? Because if we wait a month

1 or two on minutes, that's not going to get that
2 information out.

3 MR. BARNES: We get it out pretty quickly.

4 MR. GRANT: All licensed inspectors.

5 MR. BARNES: We also send it to the local
6 municipalities, local administrators, too,
7 don't we? Bob?

8 MS. YOUNG: I was going to say, I do have
9 the timeline for the May meeting. I have a
10 letter, a copy here if you want it. It was
11 dated May 18th. It got released on the Web
12 site on 5-23. So I think that was a pretty
13 quick turnaround.

14 CHAIRMAN CHRISTENSEN: Is there any more
15 questions on this? With the correction -- with
16 the addition that Rick has added on the bottom
17 of this, there's been a motion to accept, and
18 seconded. All those in favor, say "aye."

19 [CHORUS OF "AYES."]

20 CHAIRMAN CHRISTENSEN: All those against?

21 [NO RESPONSE.]

22 CHAIRMAN CHRISTENSEN: The "ayes" have it.

23 We have the NAEC Apprenticeship Program
24 presentation to the Board for approval by Patti
25 Bonner.

1 MS. BONNER: "Bonner."

2 CHAIRMAN CHRISTENSEN: I'm sorry.

3 MS. BONNER: You do have packages.

4 Basically these are the copies of what was sent
5 to you via e-mail.

6 My name is Patti Bonner, and I'm the
7 educational manager for the National
8 Association for Elevator Contractors. We are
9 an association that's entering our 62nd year of
10 service to the elevator industry. We have
11 developed a CET education program. It's a
12 four-year program that we have submitted to the
13 Federal DOL for approval for apprenticeship,
14 and our national guidelines have been approved.
15 We were approved as of February of 2011, and we
16 are asking this Board to recognize us as you
17 would any program.

18 CHAIRMAN CHRISTENSEN: So you've been
19 approved in the State of Illinois?

20 MS. BONNER: We've been approved on the
21 federal level.

22 CHAIRMAN CHRISTENSEN: Okay.

23 MS. BONNER: So what we're asking is that
24 just as in your rules that there is a
25 certificate of successful completion and

1 examination of the nationally recognized
2 training program for the elevator industry,
3 such as the National Elevator Industry
4 Education Program or its equivalent, we're
5 asking you to recognize us.

6 CHAIRMAN CHRISTENSEN: I have a little
7 knowledge about apprenticeship programs, and I
8 do know one thing. You have an apprentice to
9 date working in the State of Illinois?

10 MS. BONNER: No. I mean, under our --

11 CHAIRMAN CHRISTENSEN: Going to school in
12 Illinois under the apprenticeship program?

13 MS. BONNER: Does the NAEC? Yes. We have
14 national guidelines that are approved. Our
15 NAEC members can take these national guidelines
16 to get their apprenticeship program approved
17 through the State of Illinois, and they in turn
18 can do that.

19 CHAIRMAN CHRISTENSEN: Because I always
20 knew that you have to have at least one person
21 going to school for an apprenticeship program.
22 So what I would like to do is check with the
23 Department of Labor -- I think it's Terry
24 Dispenza (sp) for the Department of Labor on
25 the apprenticeship program, and see if that

1 ruling still stands that you have to have an
2 apprentice go to school at this time.

3 MS. BONNER: Okay.

4 CHAIRMAN CHRISTENSEN: Okay?

5 MS. BONNER: What we're asking you to do
6 is to recognize our national guidelines.

7 CHAIRMAN CHRISTENSEN: Right.

8 MS. BONNER: As equivalent to the NEIEP
9 guidelines.

10 MR. WELLER: What's the difference between
11 the two programs?

12 MS. BONNER: The NEIEP program?

13 MR. WELLER: Can you keep it real simple
14 for me?

15 MS. BONNER: The NEIEP program is a
16 program that's developed through the IUEC.

17 MR. WELLER: IUEC?

18 MS. BONNER: Yes, sir. So that's the
19 means of education for the mechanics in your
20 state, a union mechanic. This would be of the
21 means for education for someone in your state
22 who is not necessarily --

23 MR. WELLER: So who would be the training
24 sponsor? The elevator contractor?

25 MS. BONNER: Yes, sir, yes. They would be

1 able to take these nationally approved
2 standards, just as the local union was able to
3 take the NEIEP standards that were approved.
4 They could take these standards to the local
5 apprenticeship authorities to submit their
6 program using the CET program as the
7 educational base.

8 MR. WELLER: So you have a
9 consortium -- and maybe that's not the right
10 word, but you have an association of union
11 contractors who utilize a union apprenticeship
12 program.

13 MS. BONNER: Yes.

14 MR. WELLER: You have an association of
15 nonunion contractors, and they're proposing to
16 come together and put together an equivalent
17 education program to --

18 MS. BONNER: Well, our association is an
19 association whose members are both union and
20 nonunion members, to be perfectly honest with
21 you. But what we have found, as an
22 association, is that our members who are not
23 union contractors do not have accessibility to
24 an educational program, formal education
25 program. So we, as an association, in 2002

1 developed a four-year educational program for
2 those members to be able to utilize.

3 MR. WELLER: So do you charge your
4 contractors a fee?

5 MS. BONNER: We charge, yes, sir.

6 MR. WELLER: So both the union and
7 nonunion contractors pay into a fund?

8 MS. BONNER: No, sir. If you are
9 participating in the program, you pay an annual
10 fee in the program. If you're one of our NAEC
11 members who has not participated in the
12 program, you don't pay anything towards the
13 program.

14 MR. WELLER: Can I ask? Ed, you're with
15 the union side, right?

16 MR. ED AUBIN: Yeah.

17 MR. WELLER: The union takes
18 responsibility for the apprenticeship program
19 on your side? So an apprentice comes out, and
20 you're stamping it, this guy can do the job?

21 CHAIRMAN CHRISTENSEN: It's the contractor
22 and the union.

23 MR. WELLER: So it's a joint agreement?

24 CHAIRMAN CHRISTENSEN: Yes.

25 MR. ED AUBIN: It's a joint program. The

1 national education program for the Illinois
2 inspectors nationwide, it's a four-year
3 apprenticeship program. You're required to
4 pass your classes on a yearly basis. And at
5 the end of the four years of the apprenticeship
6 program, you take the written exam. It's a
7 pretty stringent written exam. If you pass
8 that exam, then you work as a
9 mechanic/journeyman in the elevator industry.
10 And at that time you're also required to take a
11 test to become a licensed mechanic as well.

12 MR. JANDORA: It seems that the Act
13 addresses the mechanisms that you have to
14 obtain a license to work on the equipment. It
15 seems that, you know, under Section 45 of the
16 Act, item C4, addresses, you know, certificate
17 of completion of an elevator mechanic
18 apprenticeship program with standards
19 substantially equal to those of this Act and
20 registered with the Bureau of Apprenticeship of
21 training, which you've satisfied part of this.

22 The question that I have is, is this
23 substantially equal to those of this Act? I
24 don't know that I can make that determination.
25 It seems to me that we would have to have

1 somebody investigate the program to confirm
2 that it does meet the standards substantially
3 equal to this Act.

4 CHAIRMAN CHRISTENSEN: Well, if this is
5 tabled for now, I will appoint a subcommittee.

6 MR. GRANT: I have a question. What does
7 the certificate from the Department of Labor,
8 recognizing it as certified as part of the
9 National Apprenticeship System, in accordance
10 with the basic standards of apprenticeship
11 established by the secretary, what does that
12 mean that they did?

13 MS. BONNER: They went through our
14 program. We submitted our program. They went
15 through our program to determine that it met
16 all of the acts of the Apprenticeship Act.

17 MR. GRANT: But nothing about the
18 technical content delivered as part of that?

19 MS. BONNER: Well, part of our application
20 is the technical portion of our education, yes.

21 MR. GRANT: Is that the same group that
22 certified the international program?

23 MS. BONNER: Yes. Yes, sir.

24 As a matter of fact, to be perfectly
25 honest with you, they used the NEIEP program as

1 the standard because it was the only national
2 guideline that it was approved to date. They
3 used us. They used that as the standard, and
4 we were held accountable to that standard.

5 MR. WELLER: My only concern is, who pays
6 for it? And I think you addressed it, but I
7 want to make sure. The companies themselves
8 are paying for the training, but not based on
9 continuum of the program, but based on how many
10 applicants they have?

11 MS. BONNER: Right. What happens is that
12 when a company decides to use the CET program,
13 they purchase the materials through Elevator
14 World. And then their application fees and the
15 annual renewal fee for each of the
16 application -- applicants is paid to NAEC.
17 It's a hundred and twenty-five dollars a year.

18 MR. WELLER: I guess I'm trying to see the
19 flow. I would think with an established -- and
20 maybe you're just looking to keep this
21 established so it's ongoing.

22 But if the company says, "I don't have any
23 need for mechanics," they're not going to pay
24 someone. So the program would just disappear
25 until there was a need. To where maybe in an

1 apprenticeship program, someone said, "I really
2 want to be an elevator mechanic," can take the
3 risk and pay for it, or join the union or
4 whatever they've got to do to get that.

5 MS. BONNER: Right. We're thinking to
6 ourselves just like any other school, if there's
7 a need, people are going to pay application
8 fees, and they're going to pay for that. And
9 if there's not a need, then NAEC takes on the
10 financial risk of maintaining the program.

11 MR. WELLER: So you would take on the risk
12 of keeping the curriculum up to date, the
13 instructors?

14 MS. BONNER: Absolutely, absolutely. Our
15 curriculum goes through a five-year review. We
16 do that through Elevator World. From Elevator
17 World, the business --

18 MR. WELLER: So your contractors are then
19 agreeing to put in a certain amount of money to
20 sustain this, not just per employee, but per a
21 continuum?

22 MS. BONNER: Correct.

23 MR. WELLER: Because that would be an
24 important distinction in that.

25 MS. BONNER: Yes, we have an agreement

1 with Elevator World, and they are the
2 publishers of our curriculum. They hire
3 authors that wrote the curriculum. And our
4 curriculum goes through a five-year review.

5 MR. WELLER: I would feel more comfortable
6 if we tabled this, and I hate to do that to
7 you, but my request for me would be to know how
8 those costs -- how much is the cost? Where is
9 it coming from in terms of the membership of
10 providing it? Because I have no problem with
11 approving it. I just have a problem approving
12 it ad hoc. If you've got three guys this year
13 and none next year, how does the program
14 sustain itself?

15 MS. BONNER: If we don't have anybody in
16 the program, then we're not sustaining any
17 costs for the program.

18 MR. WELLER: Well, where do you get the
19 instructors for the program?

20 MS. BONNER: We do not do it on line. We
21 do have books. The testing is on line, and the
22 instructors are their mentors for this program.
23 The mechanic can either read the book and learn
24 himself.

25 MR. WELLER: Don't you have to go into a

1 building? I was a journeyman once. And where
2 is your facility? Who pays for that facility?

3 MS. BONNER: Well, you are an apprentice,
4 so you're learning on the job. And in addition
5 to the bookwork that you'll see that each
6 apprentice will go through, there are skills
7 that he would have to perform on the job that
8 relates to that bookwork, and he would do that
9 in the presence of someone who is certified.

10 MR. JIRIK: So the companies are
11 necessarily -- there is no particular school,
12 right?

13 MS. BONNER: Correct. The companies are
14 administering the school --

15 MR. WELLER: I see.

16 MS. BONNER: The companies are
17 administering in the --

18 MR. WELLER: It's not a school where these
19 kids can go to or these people can go to?

20 MS. BONNER: Right. Their testing is on
21 line. Once they have successfully completed
22 the course and the skills portfolios, they send
23 those skills into the office. We will enroll
24 them into the on-line test. The test
25 is -- depending on the test, but what it is,

1 it's a data bank of questions. The computer
2 will randomly choose what questions that
3 particular candidate has. So the company has
4 no control over what the questions are that
5 that candidate will receive.

6 MR. WELLER: So there's no elevator that
7 these guys can go in and say, okay, first day
8 of class, here's --

9 MS. BONNER: Well, on the job.

10 MR. WELLER: Well, that concerns me on the
11 first day of the job, you're walking into an
12 actual elevator that's functioning that I could
13 get in after this person just worked on, right?

14 MR. JIRIK: There's not actual teachers or
15 trainers at all? Just the people that are with
16 them?

17 MS. BONNER: Right. The helper, the
18 mechanic that that helper is working under.

19 MR. WELLER: Who administers the technical
20 mechanic test?

21 MS. BONNER: NAEC administers the CETS,
22 but as far as the mechanic test, you take it on
23 line.

24 MR. CAPUANI: Your test?

25 MS. BONNER: NAEC does. We have a

1 certification exam that we administer, yes.
2 And the test questions, by the way, are the
3 same test questions that we have supplied to
4 you.

5 MR. GANIERE: I just have a question. How
6 does the current apprenticeship program work?
7 Is there a classroom component?

8 CHAIRMAN CHRISTENSEN: Are you talking
9 about NEIEP?

10 MR. GANIERE: Whatever it is right now.

11 MR. JIRIK: You can't compare this program
12 with the NEIEP. NEIEP does have their own
13 buildings, their own trainers. Their
14 own -- you work under operators.

15 MR. GANIERE: In addition to on-the-job
16 training currently now, there's a classroom
17 component also?

18 MR. JIRIK: Right.

19 MS. BONNER: What we're asking is, is that
20 you recognize this, because if you, as the
21 State of Illinois, wants to require brick and
22 mortar on classroom atmosphere, then as each
23 company who works here in the State of Illinois
24 comes before you and presents their approved
25 apprenticeship program using our guidelines,

1 you may require that of that company. Because
2 this is just the one step in the process.

3 With our nationally approved guidelines,
4 the companies that work here in the State of
5 Illinois can take these guidelines with them to
6 the State of Illinois Apprenticeship Board and
7 say, "We want to use these guidelines to have
8 an apprenticeship program approved in your
9 state." When they come back to you, which they
10 will do, ABC Illinois Elevator Company to have
11 theirs approved just as I have come to you,
12 then you as a Board can say, "Yes, but this is
13 what we require as far as classroom training."
14 Because your standards here in the -- we are a
15 national association, and the State of Illinois
16 may not be the same standard as the State of
17 Alabama or Georgia or California.

18 MR. HERTSBERG: I have a question. Do you
19 have a program structure to accommodate
20 nonunion companies basically?

21 MS. BONNER: Absolutely. To be honest
22 with you, the participants in our program are
23 nonunion companies because union companies
24 don't have a need for it.

25 MR. HERTSBERG: That's what I mean.

1 MS. BONNER: They don't have a need for
2 it. They get that education from another
3 source. A nonunion company does not have any
4 other source for a four-year educational
5 program.

6 MR. WELLER: My concern is not union or
7 nonunion. It's the savability of the program.
8 If the program can sustain itself without an
9 ongoing -- there needs to be a commitment.
10 It's not even the contractors versus union
11 contractors -- if the nonunion contractors want
12 to have a program, that's great, but there
13 needs to be resources committed to it on an
14 ongoing basis.

15 MS. BONNER: The National Association of
16 Elevator Contractors, we have committed those
17 resources. This program has been developed
18 since 2002.

19 MR. GANIERE: Kelly, really that's not our
20 concern. That's a business decision of theirs.

21 MR. WELLER: I think it's a huge concern.
22 We're going to certify the program.

23 MR. GANIERE: That's their decision.

24 MR. BARNES: It's not a program. It's
25 just the guidelines that are going to be

1 applied by individual companies, if I take what
2 you're saying. Each individual company, they
3 are going to create their own programs using
4 the guidelines.

5 MS. BONNER: Right. Just as if I can use
6 the point of comparison, it's just as the NEIEP
7 guidelines were established in 2002, 2005. And
8 each of the locals across this country use
9 those standards to have their guidelines and
10 their apprenticeship programs approved
11 throughout each state. And if you would look
12 at each state standards, they may vary than
13 those national guidelines because they had to
14 meet the standards within that state.

15 We're just asking that you would recognize
16 the national association guidelines so that if
17 each of these contractors here in the State of
18 Illinois comes to you to present their program,
19 you would recognize that the foundation is from
20 nationally approved standards. And then you
21 can impose upon whatever criteria the State of
22 Illinois requires.

23 MR. BARNES: So I think the question
24 before the Board is to compare the guidelines
25 with the requirements, the licensure

1 requirements of the Act to make sure that all
2 the various components are met or at least
3 addressed.

4 MS. BONNER: Yes, sir.

5 MR. BARNES: And then once we approve it
6 as -- once the Board approves it as a
7 apprentice program as a standard substantially
8 equal to those of the Act, then the individual
9 programs can adopt that and come before the
10 Board with their individual programs.

11 MS. BONNER: Correct. We're not asking
12 for approval for every contractor in the State
13 of Illinois. We're only asking you to
14 recognize our program as the national standard
15 just as the Department of Labor has.

16 We'll be glad to answer any questions and
17 concerns that you have. We are a nonprofit
18 national association. If you'd like to see our
19 financials, we're an open book.

20 CHAIRMAN CHRISTENSEN: Is there a motion
21 to table? To accept?

22 MR. JONES: I have a question. You said
23 in order to take a look at this, the Act says
24 it has to be substantially equal, right? You
25 were mentioning that you need to have someone

1 look at the program before we accept it, and
2 that's probably appropriate. I think we need
3 to know, you know, what you as the chairman,
4 how you would set up that program to have it
5 looked at, I guess, is my question.

6 CHAIRMAN CHRISTENSEN: Well, if it's
7 tabled, I'll put a committee together and take
8 a look at it.

9 MR. GRANT: His question -- I would have
10 the same question. How would any such endeavor
11 reach a recommendation? We would undertake
12 people with technical expertise to evaluate the
13 curriculum criteria? Which as I understand it,
14 which is what the U.S. Department of Labor
15 supposedly did initially? Could that
16 document -- is there a question on anyone's
17 mind as that's what the Department of Labor
18 certificate actually means?

19 MR. JONES: How is the committee set up?
20 We could table it for now. But how is the
21 committee going to be set up to review this?
22 That's my question, not my concern.

23 CHAIRMAN CHRISTENSEN: Well, I think the
24 committee could ask the Department of Labor. I
25 have a contact person in the Department of

1 Labor that they could contact. We could also
2 see if it's equivalent to meet the standards.

3 MR. JONES: That would be my question.

4 CHAIRMAN CHRISTENSEN: So I'm sure I could
5 get whatever they want from NEIEP. I could
6 look over their standards and see if there's an
7 equivalent.

8 MS. BONNER: If it helps any, I have a
9 copy of the national guidelines that was
10 approved by NEIEP that does approve the work
11 process. You're welcome to compare that to
12 what we have submitted to you there.

13 MR. JONES: So I guess the only question I
14 have is, how is it going to be set up? That's
15 my only question, how.

16 CHAIRMAN CHRISTENSEN: Who am I going to
17 pick?

18 MR. JONES: I'd like to receive that when
19 you get done. I'd like to see it.

20 MR. JIRIK: Let's do the motion, and then
21 you can decide that.

22 CHAIRMAN CHRISTENSEN: So is there a
23 motion? We tabled it. Is there a motion to
24 accept?

25 MR. JIRIK: I second the motion to table.

1 CHAIRMAN CHRISTENSEN: Okay. Did you
2 table it?

3 MR. JIRIK: I thought I did.

4 MR. GROSS: There's no motion.

5 MR. GANIERE: I have one more question.
6 What you're asking for is just for to us say,
7 okay, yes, this meets the guidelines for an
8 apprenticeship program?

9 MS. BONNER: That you recognize us.

10 MR. GANIERE: Recognize.

11 MS. BONNER: Right. To be honest with
12 you, we've had somebody that did approach, I
13 think through Mr. Capuani's office, that wanted
14 to submit their program or wanted to use our
15 guidelines and take it through the
16 apprenticeship process, and they were told for
17 the first step is for NAEC to come here. So
18 that's what we're doing. We are coming here to
19 get you to recognize it so that our members in
20 this state --

21 MR. GANIERE: I understand that. My
22 question is, what is the next step then? Say
23 we say, "Okay, yes, we recognize this program,"
24 and now it's recognized, what's the next step
25 for someone to implement?

1 MS. BONNER: They would need to establish
2 the apprenticeship program within their
3 company, submit it to the Illinois Department
4 of Labor for approval for apprenticeship and
5 then bring it to you.

6 MR. WELLER: So let me ask you the
7 question. So that would mean that every entity
8 in the state would ad hoc put on their own
9 program?

10 MS. BONNER: And go through the approval
11 process.

12 MR. WELLER: Tell me just, in your
13 opinion, what would happen to an existing
14 program that was producing a very high quality
15 output student? I don't care about the
16 orientation, whether they're union or not. I
17 care about the quality of the output of the
18 student.

19 If the contractor can -- and this is just
20 your opinion. If the contractor can only pay
21 for what they utilize, what's going to happen
22 to the existing program in a macro world?

23 MS. BONNER: You mean if every student
24 who's currently enrolled in the program?

25 MR. WELLER: If every contractor only

1 agreed to sponsor what they particularly needed
2 at any one point in time, what's going to
3 happen to the existing program?

4 MS. BONNER: Well, the program, our
5 expenses are --

6 MR. WELLER: No. What's going to happen
7 to the existing apprenticeship program? What
8 would a normal contractor do, union or
9 nonunion?

10 MR. JIRIK: It's a pay-as-you-need basis.

11 MR. WELLER: You go right to pay as you
12 need. So what happens to the curriculum?

13 MS. BONNER: It's currently pay as you
14 need.

15 MR. WELLER: No, I think that there's an
16 ongoing structure, a building with teachers.

17 MS. BONNER: Not our program.

18 MR. WELLER: No, that's my point.

19 MS. BONNER: Our program, we've been
20 established since 2002. We have, if you look
21 at our financials, the association, we have
22 been in the black since the second year.

23 MR. WELLER: You have 15 different
24 apprenticeship programs, and each one of them
25 have to be reviewed by us, and they don't have

1 to be substantially equal to the one we have.

2 MS. BONNER: Correct. I mean, each state,
3 each company would have to do that, yes, sir.
4 Yes, sir. Each company would have to do that.
5 But we are in the education business. We
6 represent companies that don't have a need for
7 an apprenticeship program, don't have a need
8 for licensing, that want to educate their
9 mechanics within their company across the
10 country. Not every person or candidate in this
11 program is in this program because of
12 apprenticeship or because of licensing. There
13 is all sorts of needs for education for the
14 nonunion contractor, and they're utilizing our
15 program for that.

16 MR. POPOWITS: I have a question please.
17 Is your program substantially less expensive
18 for the contractor than the current programs
19 that are in existence?

20 MS. BONNER: Than the union program?

21 MR. POPOWITS: Yes.

22 MS. BONNER: That, I don't know. I can't
23 tell you. I don't know what the union program
24 is. I think it's --

25 MR. POPOWITS: Does anyone know?

1 CHAIRMAN CHRISTENSEN: What's that now?

2 MR. POPOWITS: Would this program be
3 substantially less expensive for the individual
4 contractor than the current program that she's
5 proposing? Or could it be? I'm asking for an
6 opinion.

7 CHAIRMAN CHRISTENSEN: Well, from NEIEP,
8 it's contractor. It's taken out of their
9 hourly wages. It's the company, the members of
10 the union.

11 MR. WELLER: And this question would be
12 for our counsel. To me, if the companies want
13 to do that now, they already can do that. And
14 if a nonunion -- if anybody wants to take the
15 elevator test, they can come in and take the
16 test. And if they've got the requirements to
17 pass it, then they can pass it. I'm not
18 comfortable -- if they've already got -- if the
19 companies already have the ability to do it,
20 let them do it. We don't have to certify that
21 it's the great plan. What we have to do is
22 wait and see if their mechanics pass the test.

23 And if they want continuing education,
24 then we review the continuing education, and we
25 say, okay, their curriculum meets "X." That's

1 what we do.

2 MR. BARNES: Well, what I'm worried about
3 is, I know your proposal sounds like all these
4 companies out there can establish their own
5 programs.

6 MR. WELLER: That's what they want to do.
7 That's what she's proposing.

8 MS. BONNER: That our guidelines as their
9 guidelines.

10 MR. BARNES: I believe that the Board
11 should have some say in the curriculum that's
12 being used, and all that's before us right now
13 is to approve their program. Like you said,
14 each individual company that sets up an
15 apprenticeship program outside the union is
16 going to have to come before us to make sure
17 that they meet the requirements of Section 45
18 C4. I don't believe they're going to do that.
19 There may be one or two, and at that time we're
20 going to have to -- the Board is going to have
21 to come up with the standards that are
22 necessary. Is brick and mortar necessary? And
23 is a mockup of the elevator necessary?

24 MR. WELLER: Well, it's substantially
25 equal. So, yes. The answer is "yes."

1 CHAIRMAN CHRISTENSEN: Hang on just a
2 second. There was a motion made. So you made
3 the motion, Tom?

4 MR. JIRIK: I made the motion to table it.

5 CHAIRMAN CHRISTENSEN: Is there a second?

6 MR. GILLES: I'll second it.

7 CHAIRMAN CHRISTENSEN: Rod Gilles seconded
8 it. Now, we'll take the question.

9 MR. BARNES: I understand --

10 CHAIRMAN CHRISTENSEN: All right. All
11 those in favor, say "aye."

12 [CHORUS OF "AYES."]

13 CHAIRMAN CHRISTENSEN: All those against?

14 [NO RESPONSE.]

15 CHAIRMAN CHRISTENSEN: The "ayes" have it.

16 I will appoint a subcommittee. Doug,
17 you're going to be one of them. Craig, if
18 you're interested. Tom, if you could, and
19 Rick?

20 MR. JANDORA: I'm hiding.

21 MR. BARNES: Did we give you --

22 MS. BONNER: It's inside that folder.

23 I would say that for someone to use our
24 program and use our guidelines and use our
25 standards, we will require that that company

1 use our educational program.

2 What we will not do is set their wage. We
3 will not set their affirmative action plan, but
4 we do require that they do use our educational
5 program. And that is a program -- it's a
6 four-year program. And I would say that that
7 is a program that would be more stringent, more
8 rigorous than possibly any program that they as
9 a small company do and develop on their own.
10 So that is the advantage of using our
11 guidelines and our standards is that four-year
12 education program.

13 MR. GRANT: I have a question for the
14 petitioner, if I could. Would you be -- the
15 subcommittee that was just appointed, would you
16 be able to obtain contact points for companies
17 which had used your program elsewhere? So that
18 we can see what was developed by using these
19 guidelines, what was put together, and read it,
20 so that we could look at that as an example?

21 CHAIRMAN CHRISTENSEN: Would you like two
22 months? Okay.

23 MS. BONNER: Absolutely.

24 CHAIRMAN CHRISTENSEN: If you could give
25 them your information.

1 MS. BONNER: Inside that folder is a
2 business card. Thank you.

3 CHAIRMAN CHRISTENSEN: Okay.

4 MR. CAPUANI: Excuse me. I want to
5 caution this Board the OSFM will not grant a
6 variance for this. We feel it's a distraction
7 for people riding escalators, and it is against
8 the code. So the OSFM will not grant that
9 exception or variance. So he does have an
10 option, which I explained to him before he
11 appeared before this Board.

12 MR. WAHIDUDDIN: I brought this with me
13 for the presentation. I just have a few
14 copies.

15 Good morning. Thank you for the
16 opportunity to present. I won't take more than
17 5 or 10 minutes. I just wanted to present an
18 option where recently the City of Chicago, I
19 know it follows a different escalator code. It
20 has actually approved this for the escalator,
21 specifically in the Chicago O'Hare Airport.
22 And currently I'm working with the City of
23 Chicago on approval plans. We are trying to
24 get the process of approving escalator for
25 advertising on handrails. And the maintenance

1 records that we're using for the presentation
2 are currently being used in countries like
3 Australia, Canada, Japan.

4 And I have some reference sheets here from
5 shopping malls that have hundreds of
6 escalators. So I can pass it on, and you can
7 circulate it. This is where these things have
8 been installed. And there's been no issue of
9 anything against the escalator compliance
10 safety issues. I did not research to compare
11 and see if there is a higher incidence of
12 accidents with escalators' handrail advertising
13 versus ones without. I honestly could not find
14 anything.

15 CHAIRMAN CHRISTENSEN: How long have you
16 been doing this?

17 MR. WAHIDUDDIN: This one? I haven't done
18 anything in Illinois yet.

19 CHAIRMAN CHRISTENSEN: No, no. How long
20 have you been putting advertising on handrails?

21 MR. WAHIDUDDIN: On the handrails?

22 CHAIRMAN CHRISTENSEN: Yes.

23 MR. WAHIDUDDIN: In India, we've been
24 doing it for the past one year, but the supply
25 I'm working with, they have been doing it for

1 the last six, seven years. And they're the
2 ones who give us the reference.

3 CHAIRMAN CHRISTENSEN: But it's kind of
4 hard to give a reference over one year to see
5 about accidents, because accidents on
6 escalators happen every day.

7 MR. WAHIDUDDIN: Yeah. I would say, I
8 think the material is so important. That's why
9 I wanted to give that reference.

10 The good thing is, is this doesn't stay
11 for more than 30 to 60 days. You remove it.
12 There's no issue of tearing or getting jammed
13 or anything. But the fact is, it has been
14 installed in seven countries. It's been used
15 over there. And, again, they installed one in
16 Chicago, the O'Hare Airport, and that's the
17 reason why the City of Chicago approved, so.

18 MR. WELLER: How do you pronounce your
19 name again?

20 MR. WAHIDUDDIN: Aqeel.

21 MR. WELLER: Aqeel? You heard Bob's
22 opening comments. So it's a high standard to
23 get over.

24 MR. WAHIDUDDIN: I read that it has to be
25 so many inches away from the entrance of the

1 handrail to the exit.

2 MR. WELLER: I would suggest to you that
3 you're currently having more luck with the City
4 of Chicago than you're probably going to have
5 with this Board at this point in time. My
6 suggestion is that you ask us to table this so
7 that you don't lose your variance fee, and come
8 back to us when you have an installation that
9 has 10 years to it. It might make Bob feel
10 more comfortable about his opening statement,
11 and it might save you the cost of the variance,
12 rather than having us vote, and you have
13 something that's probably not going to be what
14 you want.

15 MR. WAHIDUDDIN: I'm actually aware of
16 that. That's why I wanted to come here first.
17 Honestly, I didn't expect it to be approved. I
18 just wanted an initial education process, but I
19 want to establish credibility with the City of
20 Chicago because I think the people of the City
21 of Chicago and Schaumburg, if I can meet their
22 safety standards, and there's been no
23 incidents, I feel a lot more comfortable to
24 show you guys. I'd like you to know that what
25 I have is approved from other vendors and other

1 countries.

2 MR. WELLER: Your strategy is excellent.
3 Would you like us to table this?

4 MR. WAHIDUDDIN: Yes.

5 MR. WELLER: I'd like to make a motion to
6 table.

7 MR. GRANT: I have a question, if I may.
8 Is there a technical criteria for the rail on
9 the escalator that is imperative in regard to
10 this?

11 MR. GREGORY: No.

12 MR. GRANT: Is that a concern? So it's
13 merely the distraction?

14 MR. CAPUANI: It's more the distraction.
15 Yeah, I did talk to the mechanics at O'Hare
16 Airport, and the problem they had was people
17 peeling it off, trying to peel it off.

18 MR. GRANT: People playing with it?

19 MR. CAPUANI: Right. What it is, is a
20 distraction. And all their accidents basically
21 are distractions. I'm sure Dick could -- I
22 mean, out of all the accidents in Illinois, I'd
23 say 90 percent are just neglect on the riders.

24 MR. GRANT: For escalators.

25 The reason I ask is, I am a little

1 concerned that there would be a large disparity
2 between an exempted municipality that we chose
3 to exempt from this act. If you really thought
4 this was the contributing factor to safety,
5 would we need to reopen this act? Maybe we
6 better talk about whether that level of
7 disparity between everywhere else in the state,
8 in the City of Chicago for these safety related
9 issues that we're talking about here, be met.
10 Because when we look at issues like this, if
11 you feel this really is not appropriate for
12 variances based on the actual installations
13 that are occurring in Illinois, that causes me
14 to wonder why there is an exemption for them,
15 especially if they now have a program that's
16 actually in place.

17 So I guess that was an editorial, just
18 following up on the question. That's what I
19 wanted to know, what the issue was. Thank you.

20 CHAIRMAN CHRISTENSEN: There's been a
21 motion made to table. Is there a second?

22 MR. GANIERE: Second.

23 CHAIRMAN CHRISTENSEN: Seconded it? All
24 those in favor, say "aye."

25 [CHORUS OF "AYES."]

1 CHAIRMAN CHRISTENSEN: All those against?

2 [NO RESPONSE.]

3 CHAIRMAN CHRISTENSEN: The "ayes" have it.

4 MR. WAHIDUDDIN: You set the motion for
5 table? So like several months from now when
6 we're more established, we can come then?

7 CHAIRMAN CHRISTENSEN: Yes, you can always
8 come.

9 MR. WELLER: You can always come. My
10 recommendation -- I'm just one member of 16,
11 but if you brought back some empirical evidence
12 that Bob is more comfortable with, then we'll
13 go from there.

14 MR. WAHIDUDDIN: Okay. Just if anybody
15 wants to see what it looks like, this is the
16 actual handrail with advertising, but thank you
17 for the opportunity.

18 CHAIRMAN CHRISTENSEN: I'm going to open
19 up for public comment. Dan O'Donnell? Patty
20 Young?

21 MS. YOUNG: I have a couple comments.
22 Patty Young.

23 First, I wanted to address 5A, which was
24 related to Gerald's concerns with the ADA. In
25 the conversation, I did not hear -- is Bill

1 with us?

2 MR. CAPUANI: No.

3 MS. YOUNG: He's off for the day?

4 So, Bob, I'll bring it to your attention.

5 Is that between you and Bill, you might want to
6 refer to older meeting minutes, because you
7 know, since I attend all these, I recall
8 conversation regarding the Illinois
9 Accessibility Code. So I just wanted to make
10 sure that we do have some history on this
11 conversation.

12 MR. CAPUANI: That was with John Fennel,
13 right.

14 MS. YOUNG: And you recalled the
15 discussion about this?

16 MR. CAPUANI: That was with John Fennel, I
17 believe.

18 MS. YOUNG: It was with John Fennel. I
19 think it was in 2008, I'm guessing. And I know
20 it was specifically about the Illinois
21 Accessibility Code, not necessarily the federal
22 one, per se.

23 MR. CAPUANI: Right.

24 MS. YOUNG: So I just wanted to share that
25 with you.

1 This one probably -- I didn't realize Bill
2 had left. I just wanted to get confirmation.
3 He said that the rules were late by three days.
4 Was that correct?

5 MR. CAPUANI: Correct.

6 MS. YOUNG: So I'm not sure if you can
7 answer this, Bob, or we have to refer to Bill.
8 Does that mean that we have to completely start
9 over? We have to go through a whole another
10 45-day public comment?

11 MR. CAPUANI: That's my understanding.

12 MS. YOUNG: We're back to ground zero,
13 Bob?

14 MR. CAPUANI: That's my understanding,
15 correct.

16 MS. YOUNG: I just needed a confirmation
17 on that.

18 Then my last comment is regarding about
19 the escalator advertising. So the position is
20 that that is not acceptable? And I was
21 inquiring if OSFM will be issuing a letter
22 regarding that, since it was brought up as a
23 Board item. And I know I'm aware of it because
24 it came to me, and that's how I started working
25 through the channels, but I don't know if any

1 other inspection companies -- you know, we need
2 to make sure all are aware of this?

3 Partially because, Aqeel, it seems like
4 your focus is in shopping centers for the most
5 part? Yes? So I'm thinking malls by
6 St. Louis, malls in every big town. You know,
7 I mean, I cover a lot of malls in this area,
8 but we don't all cover everything.

9 MR. CAPUANI: We'll word something on our
10 Web site. We'll put some wording together on
11 our Web site.

12 MS. YOUNG: I've already warned my people
13 to be on the lookout for this.

14 MR. CAPUANI: Okay.

15 MS. YOUNG: Okay. So something for the
16 Web site. Okay. That's all I have. Thank
17 you.

18 CHAIRMAN CHRISTENSEN: Betsy Ceriello?

19 MS. CERIELLO: No comment.

20 CHAIRMAN CHRISTENSEN: Craig Buckley?

21 MR. BUCKLEY: No comments today.

22 CHAIRMAN CHRISTENSEN: Ed Aubin? Missing?
23 Okay. I think that's it.

24 Ed, did you want to speak, or no?

25 MR. ED AUBIN: No comment.

1 CHAIRMAN CHRISTENSEN: Okay. Is there a
2 motion to adjourn?

3 MR. WOLIN: I'll do it.

4 CHAIRMAN CHRISTENSEN: Is there a second?

5 MR. WILSON: I'll second it.

6 CHAIRMAN CHRISTENSEN: "Ayes?"

7 [CHORUS OF "AYES."]

8 CHAIRMAN CHRISTENSEN: The "ayes" have it.

9

10 [MEETING WAS ADJOURNED.]

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CERTIFICATE

I, ANN MARIE HOLLO, a Certified Shorthand Reporter for the State of Illinois, CSR# 084-003476, do hereby certify that the foregoing is a true and correct transcription of the foregoing proceeding.

IN WITNESS WHEREOF, I have hereunto set my signature on July 15, 2011.

Ann Marie Hollo