

Reporter: Ann Marie Hollo, CSR
Elevator Safety Review Board Meeting

November 8, 2012

Keefe Reporting Company
618-277-0190 or 800-244-0190
Reporter@KeefeReporting.com

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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 8th day of
November, A.D. 2012, at the approximate hour of 8:30 a.m.

Keefe Reporting Company
11 North 44th Street
Belleville, Illinois 62226
(618)277-0190
(800)244-0190

1 BOARD MEMBERS PRESENT:
2 CHAIRMAN FRANK CHRISTENSEN
AARON ADAMS
3 DAVID DATTILO
JOHN FINCHAM
4 TOM GANIERE
CRAIG GRANT
5 GERALD GROSS
MARK HERTSBERG
6 TOM JIRIK
K. DOUGLAS JONES
7 TONY OTTEN
KELLY WELLER
8
DICK GREGORY, Consultant to the Board
9
10 OSFM STAFF PRESENT:
11 ROBERT CAPUANI, DIRECTOR OF ELEVATOR SAFETY
BILL BARNES, LEGAL COUNSEL
12 ALIX ARMSTEAD, DEPUTY GENERAL COUNSEL
JAMES AUBIN
13 CHET JANUS
CHRIS DIBIASE
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1 CHAIRMAN CHRISTENSEN: I'm going to call
2 the meeting to order.

3 [WHEREUPON THE PLEDGE OF
4 ALLEGIANCE WAS RECITED BY ALL.]

5 MR. CAPUANI: Mr. Chairman, I'd like to
6 ask your permission to move the agenda around.
7 We've got a time limit in this room today.
8 This was passed out, and there's some on the
9 table for the public, if they need it, but I'd
10 like to do new business for special purpose
11 elevators and the CET program to be moved to
12 the top of the list.

13 CHAIRMAN CHRISTENSEN: Is there a motion
14 by a Board member to move it?

15 MR. JIRIK: So move.

16 CHAIRMAN CHRISTENSEN: Is there a second?

17 MR. GROSS: Second.

18 CHAIRMAN CHRISTENSEN: The motion has been
19 seconded. Any questions?

20 [NO RESPONSE.]

21 CHAIRMAN CHRISTENSEN: All those in favor,
22 say "aye."

23 [CHORUS OF "AYES."]

24 CHAIRMAN CHRISTENSEN: All those against?

25 [NO RESPONSE.]

1 CHAIRMAN CHRISTENSEN: We're going to move
2 the presentation discussion of special purpose
3 elevators. Scott Harris?

4 MR. HARRIS: Hi. My name is Scott Harris
5 with Harris Companies. I'm asking for the
6 Board for help in removing the exemption for
7 special purpose for personnel elevators from
8 the Act. Currently, special purpose personnel
9 elevators are exempt under Section 10(c)(17).
10 Special purpose elevators are included in the
11 A17.1 2010 Code, under Section 5.7, and I
12 believe they have been in the code, A17.1 Code,
13 since 1978.

14 There's hundreds of these elevators around
15 the state. Mainly they started out in grain
16 facilities, but now they're in manufacturing
17 plants, coal mines, mining, milling, that type
18 of mill environment. In the past, these ranged
19 anywhere from three hundred to a thousand
20 pounds.

21 As a manufacturer and service
22 organization, Schumacher Elevator Company,
23 which is in Iowa, along with myself, Harris
24 Companies, would like to recommend the State of
25 Illinois to remove the exemption of special

1 purpose personnel elevators under
2 Section 10(c)(17). We see too often in grain
3 processing facilities of these units that are
4 supplied and installed to codes dating back to
5 pre '96. In addition, these units are
6 improperly maintained, tested, and safety is a
7 major concern. We believe that from a
8 liability standpoint, bringing these units back
9 into the state's jurisdiction and up to current
10 codes is best for everyone.

11 CHAIRMAN CHRISTENSEN: Are you asking the
12 Board for recommendation for legislation
13 change?

14 MR. HARRIS: Yes, that's correct. I
15 believe under Section 35(d), they are -- the
16 Board is authorized to do that.

17 MR. GREGORY: Can I make a comment?

18 CHAIRMAN CHRISTENSEN: Go ahead.

19 MR. GREGORY: One of the very first
20 litigation cases that I had was on a special
21 purpose personnel elevator on the outside of a
22 grain elevator in the middle of Illinois
23 somewhere, and it had fallen with a guy in it
24 who fortunately only had a few broken ankles,
25 like two. And I climbed a ladder to the top of

1 the grain elevator, which is a long climb.
2 They thought that if I'd put the fuses back, it
3 will turn it on. I looked over to the side,
4 after I looked at this thing, which was totally
5 unsafe, and I dropped the fuses over the side,
6 and so that it would break, and you couldn't
7 turn it back on. And I have had a number of
8 cases since then, one in Port Aransas, Texas
9 where a guy died on one, and one in the Gulf of
10 Mexico. That's more recently, where three guys
11 were injured. There was one at Rittenhouse
12 Paper Company in Ohio. I mean, I can just go
13 on and on.

14 They should be regulated. Most people say
15 we don't regulate them because OSHA will
16 inspect them, but OSHA will never inspect them
17 unless somebody is killed. And then they will
18 fine you five grand.

19 MR. GRANT: I'd like to ask the presenter
20 a question. You indicated you're from Iowa.
21 What's the State of Iowa's position on this?

22 MR. HARRIS: Schumacher Elevator Company
23 is located in Iowa.

24 MR. GRANT: Which elevator regulation in
25 Iowa related to this grain elevator, examples

1 of the special purpose elevator, are they
2 regulated?

3 MR. HARRIS: Yes, they are regulated in
4 most states around Illinois. Indiana, Iowa,
5 Michigan, Wisconsin, Missouri. They're all
6 regulated.

7 MR. GRANT: So they fall under this Act.
8 Are they actually inspected by companies like
9 yours in Iowa then?

10 MR. HARRIS: That's correct, as well as
11 state inspectors as well.

12 MR. GRANT: So that the industries
13 affected by this are very used to doing that in
14 all of these surrounding states?

15 MR. HARRIS: That's correct.

16 MR. GRANT: That is what you're saying?
17 Thank you.

18 MR. CAPUANI: This wasn't our Act. It was
19 taken out against some opposition from the
20 Grain and Feed Association. So they had the
21 legislators remove it.

22 MR. BARNES: This is Bill Barnes.

23 The Act does permit the Board to recommend
24 amendments of applicable legislation when
25 appropriate to legislators. So, you know, any

1 recommendation that comes out of this Board
2 would go to the legislators directly, not
3 through the Board, but it would come in front
4 of the Board.

5 MR. WELLER: Dick, is there a different
6 code that would cover these types of elevators?
7 Or is there, you know, inside of the code
8 itself, does it exempt these and hold them to a
9 different standard? Or is it to the same
10 standard as the riding public?

11 MR. GREGORY: It's a different standard.
12 You don't need to have as many suspension
13 members. Two suspension members is allowed,
14 but then the speed and capacity is limited.
15 And you're allowed to use hoistway door lock
16 and contacts. If I'm recalling correctly, you
17 know, there's a number of exemptions to make it
18 a less expensive and cheaper unit, because it's
19 felt that the riding public is not going to be
20 using it.

21 MR. GRANT: Would this apply also to
22 what's being used in most of the wind towers as
23 well?

24 MR. GREGORY: The wind towers, there is a
25 new section going in the code for wind tower

1 elevators. Yes, this would apply to wind
2 towers, but the wind tower elevators don't meet
3 this because they do not use guide rails. They
4 guide on wire ropes. And there's a new section
5 going in the code specifically for the wind
6 tower elevators.

7 MR. HARRIS: That's going to be covered
8 under 5.11 of the new standard.

9 MR. GREGORY: Yeah.

10 CHAIRMAN CHRISTENSEN: Is there a motion
11 of recommendation?

12 MR. WELLER: Weller. I make the motion
13 that, with the phrases from the legal counsel
14 here, that we recommend to the legislature to
15 put back in the original language the language
16 that was struck to exempt these special purpose
17 elevators from the code.

18 CHAIRMAN CHRISTENSEN: Is there a second?

19 MR. HERTSBERG: I'll second it.

20 CHAIRMAN CHRISTENSEN: Any questions?

21 MR. GRANT: I'd like to hear from the
22 office from Bob's group how implementation of
23 such a recommendation of identification of the
24 locations covered, the categories and stuff,
25 the implementation and inclusion to wind

1 turbines. I mean, you know, I live in the
2 midst of a 240-turbine wind farm. And so I
3 just would like to also hear from the office
4 the logistics of being able to do this if we do
5 recommend that and it goes forward.

6 MR. CAPUANI: Actually, the special
7 purpose elevators are in our data system and
8 probably in there inactive right now, because
9 when the rules -- or I'm sorry -- when the Act
10 changed, then we just put them all inactive,
11 but they were in our data system already, most
12 of them. I would say 90 percent of them were.
13 So it would be the same thing as an elevator.
14 We would send out the notices. They would have
15 to be inspected yearly.

16 MR. GRANT: Okay.

17 MR. JONES: Bob, just a question, too.
18 Would that fall under the jurisdiction of open
19 territories normally in terms of elevator
20 inspections? In other words, is it going to
21 kind of fall under your staff? Isn't it?

22 MR. CAPUANI: Well, we don't do the
23 inspections. So, yes, it would be in the open
24 areas, most of them, yes.

25 MR. JONES: At least some of these here

1 may not have agreements with you.

2 MR. CAPUANI: Correct. So it would be an
3 open air. They would have to find a company.
4 They would have to find an inspection company
5 to inspect these.

6 CHAIRMAN CHRISTENSEN: Any more questions?

7 [NO RESPONSE.]

8 CHAIRMAN CHRISTENSEN: All those in favor,
9 say "aye."

10 [CHORUS OF "AYES."]

11 CHAIRMAN CHRISTENSEN: All those against?
12 The "ayes" have it.

13 We'll move on to the CET program
14 reconsideration discussion. First, I would
15 need a motion to reconsider. Is there a
16 motion?

17 MR. JIRIK: I'll make the motion.

18 CHAIRMAN CHRISTENSEN: Is there a second?

19 MR. HERTSBERG: I'll second it.

20 CHAIRMAN CHRISTENSEN: Any questions?

21 [NO RESPONSE.]

22 CHAIRMAN CHRISTENSEN: This is just a
23 motion to reconsider.

24 MR. GRANT: Is there a percentage change
25 from simple majority to reconsider?

1 MR. BARNES: No.

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

4 [CHORUS OF "AYES."]

5 MR. WELLER: Quick question, though. We
6 did this last time, though, and we've got to go
7 to somebody who was on the opposite side to --

8 CHAIRMAN CHRISTENSEN: Not on
9 reconsideration, we don't have to do the
10 opposite side.

11 MR. BARNES: Yes, we do.

12 MR. JIRIK: Not on the opposite side. The
13 prevailing side.

14 MR. BARNES: It has to be someone who
15 voted "yes" has to change their vote.

16 CHAIRMAN CHRISTENSEN: I think you're
17 wrong. Under Roberts Rules of Order, I think
18 you're wrong.

19 MR. BARNES: I'm looking at the minutes
20 from last time. So by definition --

21 CHAIRMAN CHRISTENSEN: If you were going
22 to rescind the motion, if you're going to
23 rescind the motion, then you would have to have
24 somebody that voted.

25 MR. BARNES: My understanding of the rules

1 is, is that if you're going to reconsider the
2 vote, there has to be someone in the majority
3 who is changing his or her position.

4 CHAIRMAN CHRISTENSEN: I will repeat this.
5 If you are going to rescind a motion, that
6 would be true. If you're going under the
7 reconsideration of a motion, that is
8 not -- anybody that is on the Board can
9 reconsider the motion.

10 MR. BARNES: Okay. I've given my opinion.

11 CHAIRMAN CHRISTENSEN: Okay.

12 MR. BARNES: And, you know, I'm here on
13 behalf of the office; I'm not here on behalf of
14 the Board. But I would also -- I think it's
15 very important that this motion be done by the
16 rules because of a potential challenge because
17 of the unprecedented nature of this motion
18 coming up a year later after the decision was
19 originally made. So having given my opinion,
20 please proceed as you wish.

21 CHAIRMAN CHRISTENSEN: Okay. There is no
22 time limit under reconsideration.

23 MR. BARNES: I've not seen a time limit,
24 no.

25 MR. GANIERE: If I may. The motion to

1 rescind is made at the same meeting. The
2 motion to reconsider will be made at subsequent
3 meetings, but I do believe both motions require
4 someone who voted in the majority to make the
5 motion. That's my opinion.

6 MR. JIRIK: How about somebody that wasn't
7 here?

8 MR. BARNES: No, that doesn't count.

9 CHAIRMAN CHRISTENSEN: Is there somebody
10 that voted in the majority who would like to
11 reconsider?

12 MR. BARNES: The individuals who voted
13 "yes" the last time were Gross, Giles, Fincham,
14 Jones, Jandora, Wilson, Datillo and Grant.

15 MR. GANIERE: And "yes" to what was the
16 previous motion?

17 MR. BARNES: To accept CET as an
18 apprenticeship, as an elevator mechanic
19 apprenticeship program with standards
20 substantially equal to this Act under
21 Section 45.

22 MR. GANIERE: But that motion failed,
23 didn't it?

24 MR. BARNES: No. It passed, yeah.

25 MR. WELLER: That's the actual verbiage of

1 the motion?

2 MR. BARNES: No, that wasn't the verbiage
3 of the motion, but that was the effect of the
4 motion, the effect.

5 MR. WELLER: No, I disagree with that.
6 I'd like to hear the motion as it was
7 originally made.

8 MR. BARNES: I don't have that.

9 MR. WELLER: Somewhere we've got the
10 minutes, I would assume.

11 MR. BARNES: November 11, 2011.

12 MR. AUBIN: I've got May and February's
13 still. I think it went back to May.

14 [WHEREUPON THE FOLLOWING IS
15 MR. CAPUANI'S RECITATION OF AN
16 EXCERPT FROM THE PREVIOUS
17 MINUTES.]

18 MR. CAPUANI: Is there a motion to accept
19 or not accept the NAEC program, or do you want
20 to recall the CET? Is there a motion?
21 Mr. Gross said that I make the motion to accept
22 the program. Mr. Christensen: Is there a
23 second? Mr. Wilson has seconded it.
24 Mr. Christensen said is there any questions?
25 And Kelly Weller came up with a question. It's

1 more of a statement. I think it's -- but why
2 would I ever be an apprentice? Why would I go
3 through an apprenticeship program? Why would I
4 be trained in the State of Illinois if I can go
5 to Missouri, test, and go back to Illinois?

6 MR. WELLER: Just for point of the
7 conversation, there was nothing in the original
8 motion that mentioned explicitly the
9 apprenticeship program.

10 MR. CAPUANI: No. That is the motion
11 we're looking at here.

12 MR. WELLER: Or certifying or accepting or
13 doing anything with the apprenticeship program.

14 MR. BARNES: No, that's not what he said.
15 That was the effect of it, but he is right.

16 MR. WELLER: Well, we can debate on the
17 effect. The motion doesn't mention anything
18 about that.

19 MR. CAPUANI: We accepted the test. We
20 accepted -- if you passed the NAEC test, we
21 would honor that.

22 MR. WELLER: When you're transferring from
23 state to state?

24 MR. CAPUANI: Right. Go ahead.

25 MR. JONES: My recollection is, in reading

1 this as a subcommittee at the time, if I recall
2 it, Craig Grant, Tom Jirik and myself were in a
3 subcommittee, and we were asked to review the
4 curriculum. And that was the key to what we
5 were voting on, it was my understanding, not
6 the apprenticeship program. So as the motion
7 was set forward, it was to approve the
8 curriculum to see if it was sufficient. That's
9 my understanding.

10 MR. GROSS: The intent, it was the
11 program. It was, you know, the continuing
12 education program. Nothing to do with --

13 CHAIRMAN CHRISTENSEN: There's a lot of
14 people here, I believe, to speak about this.
15 So we open up the questions from the Board, if
16 they have a motion to reconsider of somebody
17 they believe is in the affirmative. So is
18 there a motion from somebody to reconsider?
19 Which I think the recommendation of the Board
20 is that we should, since so many people have
21 showed up.

22 MR. GROSS: I make the motion to
23 reconsider.

24 CHAIRMAN CHRISTENSEN: Is there a second?
25 Is there a second to reconsider?

1 MR. JIRIK: Can I second it?

2 MR. BARNES: Yes.

3 MR. JIRIK: I'll second it.

4 MR. WELLER: Can I ask a question?

5 CHAIRMAN CHRISTENSEN: You can ask the
6 question, any questions.

7 MR. WELLER: What are we reconsidering?
8 I'm all inclined to vote "yes" to reconsider
9 it, but what are we reconsidering?

10 CHAIRMAN CHRISTENSEN: We're reconsidering
11 the vote to accept it or not accept it.

12 MR. BARNES: The test.

13 MR. GROSS: What was the test? The test
14 doesn't change.

15 MR. BARNES: So what are we reconsidering?
16 What has changed since?

17 CHAIRMAN CHRISTENSEN: Well, we're
18 actually reconsidering the motion right now.

19 MR. BARNES: To accept the CET?

20 MR. GROSS: The reason to reconsider is to
21 hear, you know, what the public has to say, I
22 mean, if there's a misunderstanding. Is there?

23 MR. GRANT: No, there's not.

24 CHAIRMAN CHRISTENSEN: Well, for some
25 there is, and some there isn't that are here.

1 MR. GRANT: I guess I'm saying on the
2 Board, there's no misunderstanding of what the
3 vote did.

4 MR. GREGORY: Could you read the motion
5 again, Mr. Chairman?

6 MR. GRANT: You'd like to do the vote
7 over; is that correct?

8 MR. GROSS: No.

9 MR. GRANT: No. I'm asking the purpose
10 for this on here is to reconsider the prior
11 votes result.

12 CHAIRMAN CHRISTENSEN: That's right.

13 MR. GRANT: That's what this is for. And
14 there are members here today from the public to
15 speak about a reason for you to do that, and
16 that only happens with a vote from the
17 affirmative side to reconsider the prior vote.
18 That's what this is, right?

19 CHAIRMAN CHRISTENSEN: Correct.

20 MR. GRANT: I just wanted to be clear that
21 that's what that means.

22 MR. GANIERE: I understand exactly what
23 the motion to reconsider does, but I'm not sure
24 that's what the people that are here to speak
25 on this motion thinks we're doing, and maybe we

1 need to hear what they're going to say so we
2 can know that for sure. Aren't they wanting
3 approval of the apprentice program? Isn't that
4 what they want this Board to do? I guess we
5 just need to hear them talk.

6 MR. JONES: My recollection is we did not
7 talk about the apprenticeship program. It was
8 purely about the CET test. I believe that's
9 what everybody understood at the time. If it
10 wasn't stated correctly in the motion, you
11 know, but that's my impression.

12 CHAIRMAN CHRISTENSEN: There's people here
13 to talk that it isn't equivalent, and there are
14 people here to talk about that it is, as far as
15 I know.

16 MR. GRANT: I do need to ask is that
17 comment from the public that are here not
18 available to this Board under public comment
19 regardless of whether this vote is reconsidered
20 under this motion or not? It is, is it not,
21 available to us that way? Nobody has to have
22 wasted a trip down here to speak about it.

23 CHAIRMAN CHRISTENSEN: I can't tell you
24 what they're going to say or not say.

25 Go ahead, Dick.

1 MR. GREGORY: I think that we're dancing
2 around because we didn't realize it -- we're
3 not so much reconsidering our previous
4 acceptance of the test. The question is,
5 should we recognize the entire program as an
6 acceptable program? If that's what's trying to
7 be done, then we don't need to reconsider the
8 previous motion.

9 MR. BARNES: We can just vote.

10 MR. GREGORY: We can have the
11 presentations made, "yea," a for and against
12 the CET apprenticeship program, and that would
13 take a new motion to accept that because we did
14 not accept that before. We did not. We
15 accepted the test.

16 MR. WELLER: And that's not on the agenda.

17 MR. GREGORY: It is on the agenda. Well,
18 I don't know.

19 MR. WELLER: For us to reconsider?

20 MR. GREGORY: Maybe there was a
21 typographical error.

22 CHAIRMAN CHRISTENSEN: All that's on this
23 agenda, and it was by the public, that we do
24 the CET program, reconsideration of our motion,
25 and that's what's on there. So we've already

1 had a motion made and seconded it. We're on
2 the question.

3 MR. BARNES: Can I add something, Frank?
4 I'm sorry to interrupt, but this was brought to
5 my attention. And it's a discussion of the
6 motion to reconsider, and it's a unique motion.
7 And it can be made by a member who voted on the
8 prevailing side, but it's also subject to a
9 time limit, and it's because this type of a
10 motion enables the majority in a meeting with
11 unlimited time and without notice bring back
12 for further consideration a motion that has
13 already been put to vote. So the motion is
14 subject to time limits. In a session of one
15 day, a motion to reconsider can be made only on
16 the same day the vote to be reconsidered was
17 taken.

18 So, you know, this gives me pause as to,
19 you know, the need to go into the
20 reconsideration route. At the last Board
21 meeting, we discussed, you know, this
22 reconsideration route, but we also discussed,
23 you know, the route of just voting to -- you
24 know, basically based upon a public groundswell
25 against that decision, you know, new facts

1 brought to light, brought to light -- excuse
2 me -- you know, just based upon what I've read
3 here, it sounds to me like the motion to
4 reconsider may be limited to various unique,
5 specific circumstances, such as that specific
6 day when, "Oh, my gosh. We didn't have notice.
7 We didn't get all the information. Let's
8 change our mind. You know, I voted the
9 majority, and now that I learned this, you
10 know, today, I'm going to reverse myself; I
11 want to reconsider." The other alternative is
12 to just bring a vote not to reconsider it, but
13 to consider the viability or to consider,
14 reconsider, for lack of a better term, this
15 test, this curriculum, and based upon public
16 comment, make a new decision.

17 MR. WELLER: I think reflecting on Craig's
18 comments, I think he's spot on, because what we
19 have is an extremely vague motion that says
20 just simply to accept or not accept the NAEC
21 program, or if you want to call it the CET,
22 right? And we voted to accept the program.
23 All of us -- well, I'm not going to speak for
24 all of us, but from what I've heard and what I
25 remember the original debate, that in no way

1 granted any approval of an apprenticeship
2 program, granted any approval of any curriculum
3 for an apprenticeship program. Certified,
4 verified, legitimized -- I don't care what you
5 want to call it -- any other program following
6 it. We accepted a test that the Department of
7 Labor said met substantially equivalent
8 guidelines for tests. So if you're a mechanic
9 in one state, and you move to Illinois, and
10 you're in a state that had this licensing, we
11 would accept it in lieu of having to go back
12 through the whole testing requirement. That's
13 what we voted on. Now, I thought we went too
14 far there, but the majority went there. I
15 don't think the majority even considered an
16 apprenticeship question as part of this
17 program.

18 MR. GRANT: My understanding of that was
19 that those would be reviewed individually as
20 they were developed by participating elevator
21 companies and brought forward to the Board for
22 individual approval of each such program. And
23 that's what my whole question here is, is we
24 haven't done one of those to my knowledge.

25 MR. WELLER: Let's go full circle in this.

1 If we're all -- unless there's some -- I mean,
2 most of us are here, unless there's somebody
3 who meaningfully disagrees with what the intent
4 of what we voted on, then I think we should
5 hold it to, all right, does the test from
6 another state where you have one of these
7 programs in place, are we going to continue to
8 accept that in lieu of having to retest in the
9 State of Illinois? If we're going to put that
10 up for reconsideration, let's put that up for
11 reconsideration, but I don't want to open the
12 debate up around the apprenticeship programs
13 because we didn't vote anything -- it didn't
14 have anything to do with the apprenticeship
15 program.

16 MR. JONES: I don't know if this was read
17 in the minutes. Could I reread it? This is
18 the thoughts we had as the committee,
19 subcommittee.

20 CHAIRMAN CHRISTENSEN: Go ahead.

21 MR. JONES: This is what we had determined
22 as the subcommittee.

23 It's understood by this subcommittee that
24 the requests from NAEC is for the state board
25 to consider the CET program as included in

1 their national guidelines to be considered
2 equivalent in the content of the National
3 Elevator Industry Educational Program, NEIEP,
4 for the purpose of establishing programs in
5 Illinois, as required in Title 41, Chapter 11,
6 Part 1000.8 for appropriate certification.

7 To be clear, our task is not to determine
8 apprenticeship programs, which we feel would
9 solely be under the auspices of the state
10 board, but rather the equivalency of the
11 curriculum. In any endeavor, we have
12 considered this recognition -- that this
13 recognition has already been grandfathered by
14 the U.S. Department of Labor, Office of
15 Apprenticeship. Both CET and NEIEP are listed
16 in the Bureau of Labor statistics in their
17 handbook. Additionally, this program is
18 accredited by the American National Standards
19 Institute. Nothing in our research would
20 indicate that the program would give cause for
21 concern under the Elevator Safety Act. Given
22 the involvement of the longstanding
23 association, we have determined that, to the
24 best of our knowledge, the request from NAEC
25 should be recommended for approval by the state

1 board.

2 That was the recommendation of the
3 subcommittee. I believe that was read in the
4 minutes. I couldn't find it in the minutes
5 necessarily, but I believe it was read in the
6 minutes, and that's what we considered. I
7 don't know the motion is stated exactly
8 correctly, because I think it's vague, but that
9 was the intent.

10 MR. WELLER: Right now we have a motion to
11 reconsider this. It's been seconded. We're
12 still in the debate on whether to open this up
13 for reconsideration. I'm perfectly fine
14 whichever way the majority wants to go. I just
15 want to make sure if we open this up, that
16 we're clear on what the goal is, right? And
17 from what I understand, there's been some new
18 revelations since this about whether that test
19 that we accepted to allow to transfer from
20 state to state is an equivalent test. I don't
21 know whether that's right or wrong. We're
22 going to have to hear the debate on that, but
23 that's substantially material information
24 that's come to us after the vote. I don't know
25 that we even have to reconsider it.

1 Why don't we just, in the vein of this,
2 make a motion that we hear the debate, and we
3 make a decision going forward whether we're
4 going to accept this or not. We don't have to
5 reconsider on the vote. We can make a new one.

6 MR. BARNES: I think it would be a good
7 idea to hear the public comment, you know, to
8 the extent there are new facts, new revelations
9 made that sway the Board in one way or another,
10 but I would advise that the public comment be
11 limited only to the test because that's what
12 the decision was made. And Kelly said there
13 have been no discussions and no decisions made
14 as to the actual apprenticeship programs.

15 MR. JONES: It would seem to me that would
16 have to be an agenda point for another time; is
17 that correct?

18 CHAIRMAN CHRISTENSEN: For anything else.

19 MR. GANIERE: That was my point. I mean,
20 if we vote to reconsider this motion, we can
21 hear whatever public comment that needs to be
22 heard, but in the end, we're just voting again
23 on that previous motion. And under the Open
24 Meetings Act, we don't have anything else on
25 our agenda. We can entertain all the

1 discussion we want about it, but we can't vote
2 on anything that's not on our agenda.

3 CHAIRMAN CHRISTENSEN: If there's no more
4 questions.

5 MR. WELLER: Just one more for clarity.
6 Sorry. So are we on solid ground that if we
7 go, and we pass this motion to reconsider,
8 right, we're inside of our open meetings
9 criteria in discussing? And are we on legal
10 opinion or legal ground to rescind a prior
11 motion?

12 MR. BARNES: Well, I have concerns about
13 that.

14 MR. GRANT: It's not a motion; it's a
15 vote.

16 MR. WELLER: Rescind the vote.

17 MR. GRANT: It's a big difference.

18 MR. BARNES: Yeah. The "reconsideration,"
19 I think, is the wrong term to have because that
20 should have been taken the same day.

21 CHAIRMAN CHRISTENSEN: Not rescind.
22 Rescind is on the same day, no reconsideration.

23 MR. BARNES: No. Reconsideration, that's
24 the language that I read, the unique
25 circumstances for a reconsideration. The

1 recommendation at the last meeting was either
2 to reconsider, and at that time we did not
3 realize that there was this time limit imposed
4 upon the motion to reconsider, but I believe
5 that the other viable option is to vote to
6 revoke or otherwise repeal this acceptance that
7 was provided back in November of 2011. I mean,
8 it would just make a whole new vote.

9 MR. JONES: That would have to be another
10 meeting obviously because it's not in the
11 agenda. But it would seem to me that the
12 public comment we would certainly consider
13 groundwork for that next agenda item at our
14 next meeting, if we choose to do that. Would
15 that seem reasonable? As part of public
16 comment and not part of the agenda.

17 MR. BARNES: To the extent that the quote,
18 unquote "CET program reconsideration
19 discussion" is the same exact discussion as we
20 had under any discussion regarding, you know,
21 revoking, repealing or rescinding of whatever
22 approval we gave in November of 2011, I would
23 agree. And just common sense dictates that we
24 ought to let the people here speak, and that
25 can flavor the vote at the next meeting.

1 CHAIRMAN CHRISTENSEN: So what you're
2 saying is, get rid of the reconsideration vote
3 that we had on the agenda?

4 MR. BARNES: Yes, entertain discussion on
5 the time.

6 MR. GROSS: How about a modification of
7 the motion?

8 MR. GRANT: Is it cleanest in this case
9 for the motion to be withdrawn and hear public
10 comment under the open element on our existing
11 agenda for public comment, prepare your agenda
12 for the next meeting that includes any
13 discussions that that public comment might
14 prompt the Board to wish to have, whether it be
15 a particular action for reversal of a prior
16 Board decision, or whatever the appropriate
17 technique would be? Would that not be the
18 cleanest approach to resolve the issues
19 identified here?

20 MR. BARNES: Well, we can certainly
21 withdraw the motion, but we can hear public
22 comments on the item on the agenda.

23 MR. GANIERE: Absolutely.

24 MR. BARNES: We don't have to take new
25 action just because it says "new business."

1 CHAIRMAN CHRISTENSEN: Is there a motion
2 made to rescind?

3 MR. JIRIK: What's the motion?

4 MR. GANIERE: He's withdrawing his motion.

5 MR. JIRIK: Okay.

6 CHAIRMAN CHRISTENSEN: Okay. We'll move
7 to public comment then. We're going to go
8 to -- on this subject only, we're going to go
9 to public comment, and I'll call out the names.

10 Patti Young, would you like to speak on
11 this?

12 MS. YOUNG: I have no comment on this
13 topic.

14 CHAIRMAN CHRISTENSEN: Terry Shanklin,
15 would you like to speak?

16 MR. SHANKLIN: Good morning. My name is
17 Terry Shanklin, and I was here to speak against
18 the CET.

19 My understanding of the language of
20 Section 45, Item C is that the acceptance of
21 the educational program that would be the
22 equivalent of NEIEP, I thought that was the
23 language in that, okay? And my understanding
24 and my feeling is that there's problems. The
25 whole CET program is problematic and should not

1 be accepted as an equal in the State of
2 Illinois as NEIEP, the National Elevator
3 Industry Educational Program.

4 Now, I don't know whether I can split my
5 while to speak on it now or to speak on it
6 later, but I think that there's some
7 information, that everybody received some
8 e-mails from Bob Capuani regarding this issue,
9 some information? And I don't know if you
10 perused it or you read it? But it pertains to
11 the CET program, okay? And the problems
12 thereof. So if we're going to go to a thing
13 where we're going to revoke it and have a
14 motion to revoke it at the next meeting, then
15 I'll choose not to speak on it today, but at
16 that time I would like to speak on it.

17 MR. WELLER: The challenge is going to be
18 getting the vote to say we're going to repeal
19 it at the next meeting. So if you have
20 meaningful comments that you can share with the
21 people who voted affirmative, I would do it
22 now.

23 MR. SHANKLIN: Well, it's not just solely
24 on the test. My comments are not just solely
25 on the test. It's on the entire program that's

1 problematic. The entire CET program is
2 problematic.

3 CHAIRMAN CHRISTENSEN: I'll allow it. Go
4 ahead, Terry. Go ahead. They need to know
5 what your complaint is about the CET program.

6 MR. SHANKLIN: Okay. My name is Terry
7 Shanklin. I've been in the elevator industry
8 for approximately 45 years. I've been at
9 meetings for 50 occasions. I'd say five or six
10 times, we had representatives of the CET
11 program come up and talk about what the program
12 consists of, right? We understand it was
13 accepted federally by the Department of Labor,
14 okay? And that its standards are more
15 stringent to that of NEIEP. For instance,
16 2,000 hours constitutes one year of the
17 program, where in NEIEP it's 1,700 hours. The
18 entire four-year program is 8,000 hours versus
19 6,800 hours, and they have a ratio of one to
20 one, one journeyman to one mechanic.

21 It was claimed they use the same 1,600
22 questions that NEIP does. How they ascertained
23 that information, I have no idea, but that
24 claim was made here in front of this body that
25 they use the same 1,600 questions. They don't

1 need a classroom. We're told they don't need a
2 classroom, all right? And that the training
3 was on line.

4 The testing and trainings are proctored,
5 and that the usage of books during testing is
6 prohibited, and no one can coach or help. They
7 have a 85 percent, 85 percent pass rate on
8 that. You have to have a percentage of 85 to
9 pass that test. That's pretty strong language.

10 They came to this body not asking for an
11 apprenticeship program. They came here to be
12 accepted under Section 45, Item C, of the Act,
13 saying that they are equivalent of NEIEP
14 training. There's a good reason for that,
15 because if you're a participant, you can move
16 state to state freely without being under the
17 scrutiny of a third party, all right?

18 So you guys got some information in an
19 e-mail from Bob Capuani. I asked Bob to send
20 it out to the Board members, and let's talk
21 about that. There was a letter in there from
22 the Department of Labor of Delaware, to
23 Delaware Elevator Company, all right? Delaware
24 Elevator Company was registered to the
25 apprenticeship program in the State of Delaware

1 and registered, all right? And in May of 2009,
2 they did a spot-check inspection of the work
3 site. On that inspection, they found 21
4 violations. 21, all right? One was an
5 apprentice working alone. 16 violations were
6 apprentices supervising other apprentices, and
7 four violations where they had apprentices
8 supervising apprentices as a mechanic. Pretend
9 mechanic, journeyman, all right? In 45 years,
10 I can't tell you how dangerous that is. We all
11 know that a little bit of knowledge is a very
12 dangerous thing. That is a very dangerous
13 thing to put apprentices to install a
14 conveyance anywhere.

15 2010. Delaware, same employer. There's
16 various employers that buy this program, the
17 CET program, all right? 2010, they went to
18 Maryland. There's some problems there, and
19 inquiries by the State of Maryland to Delaware
20 Elevator Company. There was a letter from
21 Mr. Lou Malone in regards to the answers and
22 responses to interrogatories that were supplied
23 from Delaware Elevator Company to the State of
24 Maryland, all right? And Mr. Malone is a labor
25 attorney that was hired by the IUEC, and he

1 traveled the country to make sure that when the
2 apprenticeship program was implemented from
3 city to city, state to state, that it was, in
4 fact, in compliance with the DOL, and there
5 were no problems.

6 His answers -- he said that the answers
7 were vague and referenced marketing material
8 that was purchased from the CET, right? That's
9 a proper organization that created the program,
10 and it pedals it to the companies.

11 His letter also covered the exploitation
12 of the apprentices, all right? And the
13 unclarity of the study time. And it questioned
14 the testing integrity. I think he summed it up
15 best in his letter -- it's like a three-page
16 letter, but he had two paragraphs that summed
17 it up pretty well. It says that it has been
18 shown that virtually every key aspect in the
19 company's apprenticeship program is
20 problematic. There is no discernible wage
21 progression. It does not provide 144 hours of
22 a year of related instruction, and the
23 integrity of the testing and its evaluation of
24 apprentices are significantly flawed.

25 The evidence shows that the final

1 component of the apprenticeship program of the
2 training with respect to the company is equally
3 problematic. The company routinely uses
4 apprentices to supervise and presumably train
5 other apprentices. It does not seem to care
6 whether there is any loose adherence to its
7 approved work process and has regularly
8 instructed apprentices to simply fill out their
9 job training reports in a haphazard and
10 speculative manner, concerned only that the
11 information be filled out, not necessarily that
12 it's correct.

13 The claims that the time records could be
14 used to complete past job training reports is
15 specious, as is a simple comparison to the two
16 forms that are shown and the time sheet that
17 are filled up completely. It could not and
18 does not provide the amount of details
19 necessary to complete on-the-job training
20 reports.

21 From the foregoing, it becomes clear the
22 company does not have a serious commitment to
23 training apprentices. It has obtained a
24 program from a vendor and passes whatever costs
25 associated to the operation of the program on

1 to the apprentices, who is apparently left to
2 fend for himself. There are no instructors,
3 tutors or any other form of assistance given to
4 the apprentices with the intents to master
5 skills that have life-and-death consequences.

6 Given this, the question must be asked,
7 why the company continues to insist on this
8 deception? The painfully obvious answer is
9 that the questions lie in the policy choice of
10 the State of Maryland to provide an economic
11 incentive to employers by participating in the
12 apprenticeship program by allowing their
13 apprentices to be compensated less than the
14 prevailing wage.

15 He sets that up pretty good.

16 Some other information that was
17 rendered, sent to you, was -- excuse me -- I get a
18 little dry here -- the sworn statements of three
19 apprentices that were in the CET program and were
20 working for Delaware Elevator Company and are now
21 organized and working for Otis Elevator, okay?

22 Their sworn testimony states that
23 they had no proctor during testing. They only
24 logged them in, all right? They're allowed to use
25 material during testing, which is a violation of the

1 CET ethics code, all right? And they were allowed
2 to -- which a copy was sent to you, a small portion.
3 And they were given the answers and a book.

4 Thank you.

5 They were given answers in a book
6 that you could purchase on line as of
7 April 25th of 2012 with all the answers for all
8 the questions. But before the guy left, before the
9 proctor left, you know, make sure you miss a few
10 questions so it looks good. They never completed
11 the program. They were in it for seven to eight
12 years. It cost them \$6,000 that they had to pay.

13 MR. CAPUANI: Can you just repeat what you
14 just said about the answers? I didn't catch
15 it. I'm sorry.

16 MR. SHANKLIN: They were given material
17 with the answers, and it was a book that you
18 could buy on line for all the answers of the
19 test, okay? And they were told that they
20 should miss some questions to make it look
21 good.

22 MR. CAPUANI: Thank you.

23 MR. SHANKLIN: These poor guys, these poor
24 individuals never got to finish the program.
25 It cost them \$6,000 to work in there to be a

1 part of this program, all right?

2 They also swore that they supervised other
3 apprentices, all right? They ran jobs under
4 the guise of being a mechanic, and they were
5 subbed out to other companies. That's
6 prohibited no matter where you're at, all
7 right? And they didn't know their pay rate.
8 They didn't know what they were supposed to be
9 paid.

10 The question, if I was a member of this
11 body would be, you know, after five or six
12 appearances, how come I never heard about this
13 before? I mean, five or six times, how come
14 they never told it? How come I was never
15 informed about this stuff going on? Because I
16 assure you it's going on around the country
17 right now, right? Because there's individuals
18 working for employers just like Delaware
19 Elevator, and they're afraid to come up and put
20 their family at risk in order to lose their
21 job. Probably the reason that they didn't tell
22 you is it's embarrassing, all right? There's
23 no fix. There's no system in place to regulate
24 what's going on, all right? There's no third
25 party.

1 When the program is purchased by an
2 employer, so they can go to the Department of
3 Labor of that state and say, hey, we have an
4 apprenticeship program, all right? The
5 apprentice pays for that, all right? The
6 employer has no accountability. The CET didn't
7 ask for the apprenticeship program, all right?
8 Because if it did, if they had an
9 apprenticeship program here, and register with
10 the State of Illinois Department of Labor,
11 they'd fail miserably, most of these employers.
12 I'm not saying all employers are bad, all
13 right? But you've got to protect people
14 against bad, and you have to make sure that you
15 regulate the good, because the good employer is
16 going to say, "Hey, this guy gets away with it.
17 Why can't I?" All right.

18 So by accepting CET as the equivalent of
19 NEIEP under Section 45, Item C, with no third
20 party -- they can come in, freely, get a
21 license, and maneuver throughout the state and
22 other states, and work on conveyances without
23 the proper training, and by doing that you're
24 going to allow them to do business like they're
25 building elevators in a third world country.

1 You know, our standards should be better. We
2 are better, all right?

3 To allow NEIEP as an equal -- or to allow
4 CET as an equal is like telling the fox to
5 watch the henhouse. It's not good for the
6 poultry business. Certainly not good for the
7 hens, and a farmer ain't going to be happy
8 either, all right?

9 So let's review the standards, all right?
10 2,000 hours? They may live up to that, but
11 they don't know what they are getting paid.
12 They couldn't figure out what they are getting
13 paid for that 2,000 hours. That ratio of one
14 to one, what kind of ratio is that when you've
15 got apprentices teaching apprentices? It's
16 like the blind leading the blind, all right?
17 It's not good for anybody, all right?

18 For the 85 percent passing rate, I think
19 they could have moved it to 90 and suffice, all
20 right? And you can set standards. It's a
21 piece of paper, all right? We all set
22 standards, but unless we live up to them,
23 right, we don't have any standards. We're
24 shallow, and it's empty. This program is
25 shallow and empty, right?

1 Who are the real victims? Who are the
2 victims in this? Those poor guys, those poor
3 individuals who all they wanted to be is
4 elevator instructors. They didn't get a break
5 like I did, all right? I was fortunate to get
6 into the IUEC and become an elevator
7 instructor, all right? These guys didn't get
8 that break. So all they want to do is be an
9 elevator instructor because elevators are
10 pretty cool to work on. If you haven't worked
11 on them, they're a challenge every day, okay?
12 But these individuals, that's all they wanted
13 to do, and they were exploited. They were
14 afraid to say anything because they'd lose
15 their jobs, especially in today's economy.
16 It's tough to stand up to do that, okay?

17 And then you've got the qualified elevator
18 constructors and elevator people who are
19 licensed in the State of Illinois. They're
20 losing jobs, all right? And somebody is coming
21 in and doing work that they could do better,
22 that they're more equipped to do, all right?

23 I got in the elevator business in 1969.
24 Back then, it was an idea. It was a thought
25 about sharing, about passing the torch, passing

1 education and make it better, all right? And
2 it was a good thing. And I remember when I
3 first went to school, there was no curriculum.
4 Guys would come in and say, "What do you want
5 to talk about?" And they'd talk about
6 different things on the job. Guys would chip
7 in a buck. Each guy would chip in a dollar to
8 pay the teacher. I left; I went to Vietnam. I
9 came back; it was reality. There was a
10 curriculum, all right? It was voluntary, but
11 it was a curriculum, all right? You had
12 teachers, all right? And you had people who
13 really cared about the well-being of the person
14 who was going to go out and perform these
15 tasks, all right? So it moved quite a bit.

16 In 2001 -- actually, in 2000. But by
17 2001, we started a pilot program at Otis
18 Elevator in Chicago for an apprenticeship
19 program. Now it became mandatory, educational
20 program.

21 NEIEP is college credited. They're not.
22 NEIEP has stood against the scrutiny of not
23 only the employers, not only the customer, but
24 the Department of Labor. And they stood tall,
25 and they stood flawless. And when we thought

1 there might have been a weakness in the
2 program, we changed it. We adapted it. The
3 CET program, when you buy that program, these
4 people go out there, and those apprentices pay
5 for it. There's no system in place. Unless
6 they register with the state, the Federal
7 Department of Labor doesn't have the
8 wherewithal or the ability or the manpower to
9 be able to go out and regulate this stuff, all
10 right? They register with the state, and let
11 the state go in there and do their job and
12 regulate it. But without that, you've got
13 nothing. Without that, you're putting
14 everybody in jeopardy. You're putting -- I've
15 seen fatalities in the elevator industry, and I
16 can tell you right now that they're grisly.
17 They're usually very, very grisly. And the
18 people who die hard are the people who work on
19 it.

20 So in the words of Lou Malone, I would say
21 we need to end this charade. Thank you.

22 MR. GRANT: Do we get to ask questions?

23 CHAIRMAN CHRISTENSEN: Yes.

24 MR. GRANT: I just wanted to thank
25 Mr. Shanklin so that if we see Delaware

1 Elevator Company proposing an apprentice
2 program here that we would have serious cause
3 to question that company's ethics on this. I'm
4 sure that, as Mr. Malone points out, they used
5 the word "company" throughout his entire letter
6 to clarify. I'm sure intentionally that it was
7 malicious intent by the company that violated
8 those standards.

9 MR. SHANKLIN: Absolutely. And I don't
10 mean to imply that every company does that.

11 MR. GRANT: We certainly don't have any
12 additional evidence.

13 MR. SHANKLIN: If there are -- I'm sure
14 there are other companies there. This came
15 under scrutiny because of the fact that the
16 DOL, Department of Labor, did a spot inspection
17 of that site, and I'm sure there's other sites.

18 MR. GRANT: Would that be true if any
19 person who went to the NEIEP program and is
20 actually constructing elevators today, and
21 misinstalls that elevator in some manner, not
22 through an error, omission by just missing it,
23 but actually intentionally didn't do it in
24 accordance with all those standards and laws,
25 would you cast that same dispersion on the

1 NEIEP program as a result of that? It's in the
2 putting of the worker, right?

3 MR. SHANKLIN: Let me explain it. The
4 NEIEP program, as the NEIEP program works --

5 MR. GRANT: I did come up and see it.

6 MR. SHANKLIN: And what happens is that
7 the employer and the union regulate what goes
8 on with the apprentices. And the union and the
9 employer do spot checks, all right?

10 There are employers out there. There are
11 people out there -- there would be no unions.
12 If every employer was a good employer, there
13 would never be a union. There would be no need
14 of it, right? In some cases, the union is a
15 necessary evil to protect those who can't
16 protect themselves.

17 MR. GRANT: I understand that.

18 MR. SHANKLIN: But it's not a union thing.

19 MR. GRANT: It is not, and I certainly
20 hope you understand that.

21 MR. SHANKLIN: I'm talking about safety.

22 MR. GRANT: My question is the program
23 that I'm asking about is one of which training
24 is given to people who will carry on the work
25 and do these things, and I think that's the

1 evidence that you brought to us today was of
2 the company who carelessly, recklessly
3 disregarded that, but that was -- not that it
4 was something in this letter or this
5 presentation about the document. I think the
6 question of whether there is an answer book out
7 there is extremely useful to know, and I very
8 much appreciate you bringing that before us.
9 But I don't think that -- I did not see nor
10 hear any specific example of any other
11 companies. There were maybe references to
12 that, but I would ask that if it is important
13 to clarify, the letter did say it was the
14 company.

15 MR. WELLER: Just to dovetail. Craig, I
16 think you're spot on here. I think if we can
17 continue to see companies or places to where
18 we're letting the people who are licensed
19 transfer into Illinois who have had these kind
20 of state-by-state or company-by-company issues,
21 that we need to know about them so we can kind
22 of pull that aside, right? So I think that's
23 one issue that certainly as it pertains to
24 tests and the transfer of credentials from one
25 state to the next, we need to be aware of.

1 The second the point that I think is more
2 salient -- and I want to make sure that I'm
3 hearing it right -- the way this is done is the
4 employer and the individual employer can buy a
5 training program and to individually train
6 employees without any -- essentially any
7 trigger to self-police themselves, other than
8 the liability that could be caused from an
9 issue for manufacturing or development.

10 So to me, that's the crux of it that I
11 see. Because the way I heard it approached to
12 us in Illinois, that it was a consortium of
13 employers that were putting -- were wanting to
14 put together a program so there would be, not a
15 bias for an employer to circumvent training
16 process, which is where your issue is.

17 MR. SHANKLIN: My issue is, they don't
18 register with the state. There's no third
19 party.

20 MR. WELLER: Well, we're saying the same
21 thing. We're just saying it a different way.

22 MR. SHANKLIN: The climate is the same,
23 that this could happen again and again.

24 MR. WELLER: You want to take the bias
25 away from the employers to self-regulate their

1 training program, and that's a very clear
2 point. That's a perfect point, so.

3 MR. DATILLO: May I ask you something? I
4 appreciate your presentation. So what I'm
5 confused about, we looked at the curriculum and
6 not the implementation. And what I'm hearing
7 you say is nothing about the -- excuse me. I
8 heard nothing about the curriculum. I hear a
9 lot about the improper implementation of the
10 program; is that correct?

11 MR. SHANKLIN: I'm not going to -- look.
12 There's nothing wrong with education, wherever
13 it comes from. And I understand that.

14 What I'm saying is that I can't speak
15 specifically on the curriculum, all right? But
16 the standards are great if they live to them.
17 If there was a third party in place that would
18 ensure that the employer lived up to those
19 standards, I would have no problem with it.

20 MR. DATILLO: Do you think that this Board
21 should have gone further beyond the curriculum?

22 MR. SHANKLIN: No. It's my opinion that
23 there should be a third party involved. I
24 think that if somebody is ready to get a
25 license from somebody who could be an enigma

1 from another state who you know nothing about,
2 you know nothing about their quality, their
3 character, and that in fact, if an employer in
4 the State of Illinois wants to install
5 elevators, then they should register in that
6 state where a state has the ability and the
7 wherewithal to regulate that.

8 MR. DATILLO: And is that not the employer
9 and not the company providing the curriculum?

10 MR. SHANKLIN: Yes, it is. Yes, it is.
11 But the curriculum, the CET program, once they
12 purchase that, they're done with them. They
13 say, well, we'll de-register you --

14 MR. DATILLO: I think you already answered
15 my question. Thank you. I appreciate it.

16 MR. SHANKLIN: Thank you.

17 MR. DATILLO: Thank you.

18 CHAIRMAN CHRISTENSEN: Is there any other
19 questions?

20 [NO RESPONSE.]

21 CHAIRMAN CHRISTENSEN: Thank you, Terry.

22 MR. SHANKLIN: Thank you.

23 CHAIRMAN CHRISTENSEN: John O'Donnell?

24 MR. O'DONNELL: Members of the Board, my
25 name is John O'Donnell. I'm the National

1 Director of Education for the National Elevator
2 Industry Educational Program out of Attleboro
3 Falls, Massachusetts. I came here today to
4 discuss and to be clear what the intent of the
5 Board is today. I'll keep my comments to the
6 lineage of the exam and the control of the
7 program itself.

8 We've been in existence since 1967 with
9 the intent of rolling out a standardized
10 program across the country for education. It's
11 standardized not only in text material and
12 curriculum, labs, classroom experience,
13 instructor training, but also in the control of
14 the program from the onset of the
15 apprenticeship, from the onset of the
16 probationary individual getting into our trade,
17 to the point where they have matriculated to
18 our program and are eligible to sit for our
19 mechanic's test.

20 In the late '70s, early '80s, we developed
21 enough curriculum that was based on the core
22 task analysis of what an elevator constructor
23 does in the industry. And we applied for a
24 third-party verification and validation of our
25 program in the development of a nationally

1 standardized mechanic's exam. The validation
2 that we achieved in 1983 established that the
3 curriculum was developed based on the task
4 analysis that was performed -- excuse me -- by
5 a third party. It was the third party who went
6 out, and they interviewed individuals in our
7 trade to find out exactly what task they
8 performed in order to become a registered or a
9 certified elevator mechanic in our trade, how
10 do we go about that.

11 A published report in 1983 validated our
12 exam, and the lineage of that particular exam
13 in the eyes of the third-party consultant that
14 does this and monitors our exam on a five-year
15 basis, is all of the items that are in that
16 question pool for that exam has to be derived
17 from actually the curriculum that's there and
18 what the guys do in the field. So we developed
19 text material based on the task analysis. Unit
20 exams and final exams are based on that task
21 analysis and the type of things that the
22 elevator constructor does in the trade. From
23 that, our final exams and our year-end exams
24 are based on that information, as well as the
25 question pool for the national standardized

1 exam.

2 In 1983, the late '70s, 1977 through 1983,
3 we started the testing of -- our exam, provided
4 that validation study. The exam is given in a
5 proctored environment by individuals that are
6 not local. They're individuals that are
7 brought in from my office in Attleboro Falls.
8 If we have an individual that is in direct
9 relationship with that local, they're not
10 allowed to administer the test in that local.

11 We do another exam -- oh, and then under
12 controlled exam environments in an established
13 amount of time. And we graduate just about a
14 thousand individuals a year since 1983 through
15 this program.

16 Every five years, the outside observer
17 comes in. They capture all of our data from
18 each element, each question in our exam pool.
19 They take a look at that question to make sure
20 that the pass-fail ratio for each question is
21 indeed derived from our curriculum, from our
22 trade, and to make sure that they're not
23 compromised in any way. What I mean by
24 "compromise," it is the pass-fail ratio for
25 each one of those items cannot fall below or

1 above a certain window.

2 Every five years, we entertain new
3 curriculum as the trade evolves. We add new
4 questions to the pool based on the curriculum
5 we develop, and we provide that information to
6 a third party. The expert, he takes care of
7 that, analyzing those questions. We add the
8 questions to the pool, and then it becomes part
9 of the exam every five years.

10 So it's a tedious process. It's very
11 expensive, but what it does is it provides that
12 third-party oversight as to how an individual
13 gets in our trade, masters their craft, and
14 really finds the comfort level what they do for
15 a living.

16 Our exam, five years ago, was brought by
17 the Department of Labor under the direction of
18 Tony Schoop (sp) at that time, and is a model
19 for competency for the modification for
20 Title 29, the language in Title 29 with regard
21 to competency based programs. The exam, the
22 duration of that exam and the development of
23 the program based on what the elevator
24 constructor does in the trade was key to that.
25 And one of those elements was built -- these

1 are some of the changes in Title 29, the
2 Federal Register, and that's how we ended up
3 with the accepted changes.

4 Are there any questions on the program
5 itself, of the test?

6 MR. WELLER: I just had one quick
7 question. We've got a lot of information sent
8 to us over the last -- I don't know -- quarter,
9 regarding some employers who abused your
10 program, the CET?

11 CHAIRMAN CHRISTENSEN: He's NEIEP.

12 MR. WELLER: Oh, you're NEIEP? Okay,
13 good. I guess that wasn't the right stuff,
14 okay?

15 CHAIRMAN CHRISTENSEN: Anybody else?

16 MR. GANIERE: Just so I have it right, the
17 initial exam was validated in 1983, and then
18 every five years since then, you've added
19 questions and reevaluated? Is that right?

20 MR. O'DONNELL: Yes. We don't do the
21 validation; we don't do the oversight. That's
22 the third party that does that.

23 MR. WELLER: I'll make the question fair
24 for both sides. That way I can be on record of
25 being fair because I didn't know which side

1 you're on.

2 So we see all this anecdotal company
3 specific bad behavior that, you know, may or
4 may not be an indication of the overall
5 effectiveness in the curriculum. How does your
6 program kind of self-police that you don't get
7 these bad actors and these bad people who are
8 going into the pool?

9 MR. O'DONNELL: Our program, since the
10 onset of validation in 1983, the administration
11 became exempt itself. The rules that are
12 revolved around having to sit for the exam are
13 quite stringent. The individual has to qualify
14 for the exam at first. They have to meet
15 the -- not only do they have to meet their ONJ,
16 on-the-job, as well as they have to meet
17 satisfactory completion of all the curriculum
18 in all four segments of our program. When they
19 get to that point, they're eligible to apply to
20 sit for that exam.

21 When they apply to sit for that exam,
22 they've got all the certs in hand. They've
23 completed the program to the best of their
24 abilities so the minimal score is 70 percent of
25 each one of those elements. And we get the

1 registrations in, and we go out and we send our
2 people out.

3 When they administer the exam on a local
4 level, we collect their IDs. Our people,
5 again, are not directly associated with a local
6 they're assigned to give that exam in.

7 And the individuals fill out a two-part
8 sheet. One sheet indicates who they are, where
9 they're from, what company they work for. The
10 other sheet is simply the ABCs and Ds that they
11 have to fill out on the exam.

12 The time factor is the unique identifier
13 on the answer sheet itself, as well as that
14 sheet they filled out with their name. When
15 our proctors leave, they separate those two
16 sheets. And the names stay with the local, and
17 we take those answer sheets back to Attleboro.
18 We process the exam grades. We print a report
19 that shows the score, the exam number, and
20 that's it. That's all we know. We send that
21 back to the local. And they put names and the
22 numbers back, and notify the individuals
23 whether they passed or not.

24 So truly it's a blind exam from our
25 standpoint. We don't know that it's anybody in

1 the room that took the exam. It eliminates the
2 level of bias that can be perceived in somebody
3 locally giving the exam. It kind of sets
4 apart -- those parameters are not foreign to
5 any validated exam. If you go into a proctor
6 center and -- Sylvan Learning Systems, they
7 will use the same procedure.

8 Truly, blind exams. There's no bias.
9 When the local gets that information about the
10 pass fail, they send us back the packet with
11 the information of each of the individuals in
12 the room that took the test. We process that,
13 put the names back with the numbers, and
14 provide them with the information whether they
15 passed or not.

16 So in that case, you have no external
17 influence on the process. It's an -- ideally,
18 it was from our instructors on a local level,
19 our administrators on a local level, and it's
20 brought as a third-party entity into the local,
21 administered, brought back, processed, and then
22 watched by third party, the performance
23 associates, to take a look at our pass-fail
24 ratios, as well as how we did on the individual
25 question pool. So that kind of sets it apart.

1 MR. DATILLO: It almost sounds like you've
2 got a failsafe. What do you do when you have a
3 breakdown?

4 MR. O'DONNELL: I'm sorry?

5 MR. DATILLO: The process, procedure
6 almost sounds like it's a failsafe. Nothing is
7 going to go wrong. We know that doesn't
8 happen. What do you do when you find a
9 breakdown in the process?

10 MR. O'DONNELL: If in fact a scan sheet is
11 corrupt to the point that we can't process an
12 exam sheet, the students themselves in the exam
13 booklet has the unique identifier in the
14 booklet. And they typically go through the
15 booklet, they circle the questions in the
16 booklet. They fill out their scan sheet. So
17 in the event, say, if that entire packet were
18 to disappear, we'd have the exam booklets in
19 hand. We can go back to the local, and we
20 would re-proctor that exam based on what they
21 had in their books, and let them fill out the
22 scan sheets. We take a hands-off attitude as
23 far as anybody from our administrative level
24 touch those exams. So it can stay pretty much
25 in the hands of the test taker themselves.

1 MR. DATILLO: Thank you.

2 MR. JIRIK: How many times can they sit
3 for the test?

4 MR. O'DONNELL: There has always been a
5 period of remediation. That's been required
6 since 1983. The individuals can only take the
7 test once a year per local. Should they fail,
8 they go before the educational committee, which
9 is now the joint apprenticeship committee.
10 They're evaluated. They speak to the
11 individual about their strengths and weaknesses
12 in the program, and they are assigned a course
13 of study in order to provide remedial education
14 so they can qualify to sit for the exam in the
15 fall of the following year.

16 MR. JIRIK: Maybe you can answer this
17 question. I'm not sure. How many attempts can
18 you take the CET test?

19 MR. O'DONNELL: I don't know.

20 MR. WELLER: A hypothetical. You don't
21 have to answer it, but you seem like you know
22 this pretty well.

23 Our debate here, you were given a test to
24 say, you know, these two tests are equivalent,
25 right? Here's the vacuum that they exist in.

1 These two -- I mean, we have not had a debate
2 about the implementation of the results of the
3 test, which is coming. But, you know, as we
4 look at these two tests, all right, in
5 fairness, is there tests -- because let's put
6 it all down on paper, right? You're going to
7 walk in. You're going to test at some point,
8 not how you got to the test, not the
9 implementation of the test, the test itself.
10 Is it an equivalent test?

11 MR. O'DONNELL: I don't know, to be honest
12 with you. I don't know the curriculum of the
13 test.

14 MR. WELLER: All right. So really no
15 opinion?

16 MR. O'DONNELL: Right.

17 MR. WELLER: Okay.

18 CHAIRMAN CHRISTENSEN: John, I have a
19 question for you. The way I understand the
20 CET, it is done off the computer, correct?

21 MR. O'DONNELL: Yes.

22 CHAIRMAN CHRISTENSEN: And NEIEP is not?
23 NEIEP is done in class?

24 MR. O'DONNELL: Correct.

25 CHAIRMAN CHRISTENSEN: Okay. How often do

1 your teachers go back to school to teach?

2 MR. O'DONNELL: We bring them back either
3 every year or every other year. We have a
4 formal instructor training program, and make
5 sure that they have the training they need to
6 get into the classroom program and administer
7 the program based on what they're teaching. We
8 do two levels of instructor training -- basic
9 trainer training and advanced trainer to
10 trainer. We also do workshops with the
11 individuals for -- depending upon what course
12 they apply to teach for. And they have to come
13 in and take those workshops, required to, to
14 teach those courses. So part of the instructor
15 training is important to make sure that we're,
16 again, standardized across the country, and
17 that, well, from our standpoint, we need to
18 protect the portability of our trade.

19 If we've got an apprentice in the State of
20 California that's going through our program,
21 it's important for us to be able to -- in a
22 down economy like we've been experiencing for
23 the past couple of years, to be able to
24 transplant that individual from the State of
25 California back up to Massachusetts or down to

1 Florida, and plug that individual into the
2 program based on the curriculum. And the only
3 way to do that is to have a standardized
4 curriculum format across the country, and to
5 have your instructors be on the same page all
6 across the country.

7 So it's imperative not only from a
8 practical standpoint from the industry, but
9 from a financial standpoint, from a business
10 aspect for NEIEP to make sure that we do have a
11 standardized program and that we can utilize
12 these guys across the country in any way that
13 we need to, and plug them back into the system.

14 CHAIRMAN CHRISTENSEN: I have one more
15 question. Now, I heard it several times that
16 NEIEP is college accredited.

17 MR. O'DONNELL: That's correct.

18 CHAIRMAN CHRISTENSEN: And if we are going
19 to go to an equivalency of a test, why is not
20 CET college accredited? Or maybe they are.
21 Maybe you can tell us that.

22 MR. O'DONNELL: I don't know. We've
23 enjoyed 52 college credits since 2005. We have
24 two institutions that recognize us through an
25 articulation agreement right now. We've had a

1 great number of members go through that program
2 and enjoy Associate's degrees, and moved on,
3 and using those 52 credits to get them a leg
4 up, if you will, in those programs.

5 CHAIRMAN CHRISTENSEN: Okay.

6 MR. GRANT: I'm sorry. For that
7 accreditation, did you guys have to seek that?
8 Or did they just bring it to you? Or you
9 sought college accreditation?

10 MR. O'DONNELL: Yes, we did.

11 MR. GRANT: Thank you.

12 MR. GANIERE: As to the validation of the
13 exam, do you have -- is it a third-party
14 testing company that validates the exam? Or
15 who validates the exam?

16 MR. O'DONNELL: We do. Performance
17 Associates out of Tennessee takes care of the
18 validation and the oversight. They register
19 the results of the exam with the Department of
20 Labor every five years.

21 CHAIRMAN CHRISTENSEN: Go ahead.

22 MR. ADAMS: It seems the NEIEP program,
23 one of the most important parts of it, is not
24 only the content of the exam, but also the
25 partnership of the administration with regards

1 to the local administrators with an employer.
2 Has NEIEP implemented any place that doesn't
3 involve the local or take that third party out
4 of it? Is that the crux of the problem?

5 MR. O'DONNELL: When the individuals
6 between the INA and IUEC back in 1967, when
7 they sat down to devise what they envisioned as
8 standardized training for the industry back
9 then, they realized that there was a disconnect
10 between the way people were being taught in
11 Chicago as opposed to the way we were being
12 taught in Boston. And for them to really
13 promote their employees as being standardized
14 professionals in the field, they decided to
15 come up with this standardized program, the
16 curriculum itself. So in order to -- the best
17 way to do that was for the entire industry to
18 get together and decide, hey, what's the best
19 tactic we can take to move forward with the
20 national standardized education program?
21 That's kind of where it came from. I don't
22 know if that answers your question.

23 MR. ADAMS: My question is, it seems like
24 there's the failsafe that separates the program
25 that you're speaking about, and any other seems

1 to be that that third-party watchdog or the
2 relationship between the employees and the
3 employer going to the program saying they both
4 recognize that we want to meet certain
5 standards with regard to education in the
6 elevator industry. You as employees, have a
7 responsibility to make sure we do that, plus as
8 employers. So just taking the exam portion out
9 of it completely, that all things being equal
10 to the exact same exam, is there a way to
11 implement that exam without having that
12 partnership involved? I mean, in your
13 experience, what is that?

14 MR. O'DONNELL: I believe the industry did
15 it, because, again, there's a liability that's
16 involved with this as well. If you were to
17 develop your own exam packet for your
18 individuals, and you were to apply that exam,
19 and God forbid something would happen, and
20 somebody would get hurt. We are always
21 enjoined on some level in those lawsuits, and
22 that's part of the equation.

23 Can it stand alone just having an exam all
24 by itself? And to be consistent for a company
25 and within a trade? We certainly can do that,

1 but when you start to look at the overall
2 protection of what you're doing, particularly
3 in our trade, it's important that you do have
4 that third-party oversight. If you don't, and
5 you go back to the situation where how do you
6 know that you covered all these bases, and
7 these individuals are being truly taught to the
8 extent, and the defendability of your
9 educational program when something does happen
10 in the field, which unfortunately it does. It
11 happens. But, yeah, you could do it at a risk.

12 MR. WELLER: If you couldn't tell, I'm not
13 in the industry. I'm a public member who sits
14 on this Board.

15 So if I want to be a lawyer, it doesn't
16 matter where I go to college. The bar exam is
17 going to determine whether I can practice or
18 not, right? If I'm going to be an accountant,
19 the CPA exam is going to determine whether I
20 can be a CPA. We're talking about the exam.
21 At no point in time are we talking about the
22 college, the ability, the curriculum that gets
23 you up to take the exam. We're talking about
24 the exam itself. So as we are continuing these
25 conversations, it would seem to be drifting off

1 into the curriculum and things that are, you
2 know, more about how you get to the exam. What
3 we voted on was the exam. And I'm looking for
4 help from the speakers to tell me that that
5 exam either is or isn't something that should
6 be a final decision making, whether you can
7 practice your craft, right? And that's really
8 the ultimate thing that we've got to come up
9 with. Do we accept it, or do we not? We have.
10 To say that we agree that this tells you that
11 you can master your craft. So we're clear, we
12 have not talked about the curriculum to
13 practice your craft. Just the test.

14 CHAIRMAN CHRISTENSEN: You're talking
15 about a test that you're also asking how it's
16 administered, and you come up with a great test
17 on both sides, but if one is just given the
18 answers and given that test, that test means
19 nothing.

20 MR. WELLER: Fair enough. I mean, we've
21 got to figure that out.

22 CHAIRMAN CHRISTENSEN: That's right.
23 Thanks, Jeff.

24 MR. O'DONNELL: Thank you.

25 MR. GRANT: I think you made an important

1 point. If you cheat on an exam, is your
2 examination grade valid to allow you to work in
3 the State of Illinois? That's why I'm here,
4 along with all the rest of you, is nobody who
5 doesn't measure up in the profession should be
6 doing it, right? That's important.

7 CHAIRMAN CHRISTENSEN: David Smarte.
8 Mr. Smarte? David, before you start, as the
9 Board and everybody knows, we have to be out of
10 this room at 10:30.

11 MR. WATTS: Excuse me. I'm Jim Watts.
12 I'm chief of staff, and you don't have to be.
13 I made other arrangements. You can stay here.

14 MR. SMARTE: My name is David Smarte.
15 Mr. Shanklin and Mr. O'Donnell obviously had a
16 lot of time to prepare for this. I'm here
17 really representing NAEC as a volunteer to try
18 and answer some questions, along with staff
19 over here.

20 I do work for Delaware Elevator, and I'm
21 along to hear some of this. I know there was
22 some pickups in the beginning of the program.
23 Ellie Webb is here with Delaware Elevators.
24 She's here to address all these concerns
25 about it.

1 CHAIRMAN CHRISTENSEN: I have one question
2 for you. You said you're a volunteer. Do you
3 hold a position for them?

4 MR. SMARTE: I am currently just nominated
5 on the Board of Directors for NAEC.

6 MR. ADAMS: Real quick, just nomenclature.
7 NAEC, is that --

8 MR. SMARTE: That's the National
9 Association of Elevator Contractors who owns
10 the CET program, okay?

11 MR. ADAMS: Thank you.

12 MR. SMARTE: One thing I would like to
13 address to Mr. Shanklin, if I can, just to
14 answer one of his questions. When I was in the
15 trade, I came through the IUEC. I was with
16 them for 21 years. I was what they called the
17 temporary mechanic for three years. I was in
18 the school program, and I was operating as a
19 mechanic teaching other people. So it has
20 happened on both sides. I will tell you with
21 the advent of the apprenticeship programs, it
22 has strengthened that. It is not allowing it,
23 okay?

24 Is any program perfect in the beginning?

25 No. We're learning. IUEC has had many, many

1 more years in experience doing it. I will tell
2 you I resent the fact that everybody is saying
3 there's cheating and things like that, and
4 Ellie Webb is going to address all that. That
5 has not occurred.

6 I will tell you as we're growing, we
7 learned new ways of doing things. The computer
8 testing that you're asking about, it has a
9 password, a log-in. You have to give federal
10 IDs. It's a secured test. When they bring it
11 up on that computer, it's done from somewhere
12 else. It wipes out anything else that can be
13 done on that computer. Only that test comes
14 up. It's a psychometric built test done by
15 educators.

16 And if I would have had more time to
17 prepare, I could have given you all the proper
18 verbiage that you needed. You know, I'm sorry
19 I'm not as prepared as they were, but I can
20 assure you they are moving now in having
21 third-party testing done at the universities,
22 instead of it being done with two proctors
23 where you have notarized statements, picture
24 IDs, making sure nothing is improper. They are
25 moving away from that and moving into the

1 colleges to be sure there's no possibility of
2 any somebody accusing -- I don't believe it
3 happens as much as what we're led to believe.
4 I know it's not happened when I've been
5 proctoring. Again, I'll let Ellie answer that.
6 There are colleges that do accept that.
7 There's articulation agreements with colleges
8 with the NAEC program.

9 I guess if you have questions, I guess
10 this is the best way to make it go forward here
11 is let me answer some of your questions. If I
12 can't answer them, I'll certainly get staff up
13 here to help.

14 MR. JIRIK: How many times can you take
15 that test?

16 MR. SMARTE: Four times.

17 MR. JIRIK: Four times a year?

18 MR. SMARTE: You take it once. You have
19 to wait 30 days. Take a second time, 30 days.
20 Third time, 30 days. And the fourth time, I
21 think you have to wait a significant amount of
22 time, 60 days. After that you have
23 to -- you're done. You can't take it. You
24 have to go back to the whole program again.

25 As far as the concern on test -- a book

1 with test questions, 1,600 questions, there was
2 early on in the stage, they had to have a
3 starting point. They had a line in the sand.
4 They didn't have the IUEC's program. The IUEC
5 had to start at a certain point, too. They
6 developed the test. And it was the worst
7 thing -- they named it, and it was called the
8 grandparenting test. And for a certain amount
9 of time, they allowed them to take this
10 grandparenting test. There was a study guide
11 produced. That is no longer even -- hasn't
12 been for years. That book is still floating
13 out there. We can't control when somebody has
14 purchased something. Is there some really good
15 information in those books? Yeah. I mean,
16 there's a lot of good questions in there, but
17 that's not what these new tests are based upon,
18 not even close. It's an entirely different
19 kind of test now.

20 MR. GRANT: I'd like to ask, on a retest
21 with that first one in 30 days, is it a
22 different set of questions?

23 MR. SMARTE: No, sir. It's a
24 psychometrically built test. When they got
25 their screen, they get the pass or fail, and it

1 doesn't tell them if they failed or if they
2 passed. What it does is it breaks it down into
3 10 sections -- enclosures, machine rooms,
4 traction, hydraulic. And it says what percent
5 safety. It gives them a percentage of how they
6 did in those sections. But it does not give
7 them, you've got this question wrong; you've
8 got this question right. They're not allowed
9 to take -- they can take paper and a pencil in
10 there, but they can't take anything out with
11 them.

12 MR. JIRIK: But you're taking the same
13 test four times?

14 MR. SMARTE: I believe they are, yes, sir.
15 I've never seen the test, even though I've
16 proctored it, because I don't want anybody to
17 accuse me of saying I know what's on that test,
18 and I'm teaching it.

19 MR. JIRIK: How is that comparable to
20 NEIEP then?

21 MR. SMARTE: Well, when I took my NEIEP
22 test, it's a lot different than what they are
23 doing now. When I took my NEIEP test, I was in
24 the union hall with union people.

25 MR. JIRIK: I'm not concerned with that.

1 I'm concerned with what's going on now. NEIEP,
2 you can take it once a year. Now you're
3 telling me with CET, you can take the same test
4 four times.

5 MR. SMARTE: And you have to do the whole
6 program over again. That doesn't make it bad;
7 that doesn't make it bad. It doesn't make
8 yours better. It's a different thought
9 process. There's many ways to build a car. GM
10 does it one way; Ford does it another way. It
11 doesn't make theirs wrong or theirs right.
12 It's a different path.

13 Again, when I'm in fire school, I'm
14 learning hands-on. I go do the set curriculum,
15 and then I can do the hands-on. And their
16 belief is, yes, they do a lot of things on
17 line, but they're working day in and day out
18 with a mechanic who is certified to get the
19 hands-on experience. Yes, they've got an OJT
20 sheet. It covers certain things. They are
21 approved by DOL. They've also got to apply for
22 each unit they are in. They have to
23 successfully complete these skills, and will
24 not be signed off on until the CET -- they have
25 completed that task.

1 Now, I know there was some concerns about
2 on line. Each company handles that their own
3 way. Each company takes this template. Say,
4 ABC Elevator Company wants to come to Chicago,
5 and they want to use the CET program. They
6 have to take that template, go to that state,
7 and cut and paste whatever is pertinent to that
8 particular state of what they want to meet
9 their regulation.

10 MR. WELLER: Are you a firefighter in this
11 state?

12 MR. SMARTE: Not in your state.

13 MR. WELLER: What state are you --

14 MR. SMARTE: Maryland.

15 MR. WELLER: In Maryland, when you go to
16 get your firefighter I, firefighter II, EMT,
17 where do you go test?

18 MR. SMARTE: My EMT, I took the classes,
19 and then I had to run -- to make 10 runs under
20 supervision of a paramedic to get my EMT, and
21 then I took the test, a written test.

22 MR. WELLER: Where?

23 MR. SMARTE: It was at the Humphrey
24 Center, Maryland Fire and Rescue Center.

25 MR. WELLER: So there was a standardized

1 testing center?

2 MR. SMARTE: Yes, sir.

3 MR. WELLER: Okay.

4 MR. GANIERE: Just as an example. Does
5 that test you took in Maryland allow you to be
6 a paramedic or an EMT in Illinois?

7 MR. SMARTE: No, sir. I have to do the
8 national registry.

9 MR. GANIERE: If it's only at the national
10 registry, it is accepted in the state?

11 MR. SMARTE: That's correct.

12 MR. WELLER: So you see, we're talking
13 about some of the same things.

14 MR. SMARTE: I understand all of your
15 concerns and where you're at, but I also
16 understand a traction elevator built in
17 Florida, sometimes Florida might have their own
18 specialities. Like fire service keys are a
19 little different there in Florida from the
20 national code versus what it might be in
21 Chicago. Chicago might say, hey, we want this,
22 but they all use the ASME A17.1 to install
23 their elevators. And an elevator is an
24 elevator. It goes up and down. Otis has
25 certain characteristics and patents. Thyssen

1 has certain things. Kone has certain things.
2 The independents have certain things, but the
3 idea is to put it in safety under the code
4 under A17.1. And that's what the
5 elevator -- that is the intent.

6 NAEC is comprised of both IUEC and
7 independents, 700 companies, and it's equal.
8 Sure. The big internationals, as I call them,
9 the big independents, they may not be
10 associated with NAEC, but all small
11 independents are. And they all came wanting
12 good education.

13 The IUEC program, I'm never going to take
14 away from. It's great education. I went
15 through it. I had the opportunity to do that.
16 I'm also on this side now, trying to provide
17 for the business owners so their liability is
18 protected. A well-trained individual is a
19 productive and safe individual, protecting the
20 liabilities. They had to come up with
21 something, and they're working hard. And every
22 five years, we met -- all the curriculum is
23 reviewed. It's also been reviewed by ANSI.
24 ANSI is one of the top certifiers.

25 MR. WELLER: Again, we're not talking

1 about how you get there. We are talking about
2 the test, the application of the test and the
3 implementation of the test.

4 MR. SMARTE: The test was built by
5 educators, psychometrics -- I can't use the
6 word now. Psychometrics. Different educators,
7 experts in the industry and manufacturers, they
8 all came -- I mean, this thing was huge, and a
9 lot of input went into it. And they followed
10 the stringent guidelines of ANSI, which is
11 huge.

12 Several colleges. Again, like I said, we
13 went to them. So we would like to get college
14 credits, and we did our articulation review.
15 They saw the value in it. I understand your
16 concern on the test, but that's one of the
17 reasons why, because people do have concerns.
18 Okay. We'll do -- we'll make sure it is
19 absolutely thorough.

20 No disrespect to Mr. O'Donnell and them,
21 but if they were third party, they would be
22 able give a test for -- like for Metrics (sp)
23 or whatever, the companies that are out there.
24 They can only do it for their union, for their
25 own people that pay for it themselves. We're

1 moving a step further. We want two third
2 party. We've gone to several colleges. They
3 have agreed to do testing. The next move is,
4 they're going around the country, and all
5 colleges. Pro Metrics (sp) is working with
6 people. So testing, leave that on the shelf.
7 So there's nothing concerning that.

8 MR. WELLER: This is where we're at in the
9 continuum, all right? So just based on what
10 you just told us, right, we know where you're
11 going. Love it. Think it's great. But we
12 have already voted based on what you've done.
13 So now we're kind of in a box because we're
14 getting conflicting --

15 MR. SMARTE: I don't think there's
16 any -- look. The speed limit is 55 out there
17 on the highway. I bet you there's days you're
18 going 60, 65. The laws are there. If people
19 choose to break them, and they get caught, they
20 get penalized.

21 I know for a fact all these things they
22 said earlier were never brought to NAEC's
23 attention. They were never brought to me. Our
24 HR handles it. And I think if you talk to
25 anybody that knows me, I try to be honest,

1 upfront, and sometimes I'm a little blunt. I
2 want the highest standard. I think that's what
3 the employee deserves.

4 I do know that Delaware Elevator's policy
5 on pay is that they take it out of their
6 paycheck, but once they successfully graduate
7 from the program, they're given all their money
8 back with interest. If they leave the company
9 because they've been solicited by somebody else
10 to go there, they lose that money. If they're
11 laid off or they have a hardship, that money is
12 given back to them. It's for the company to
13 keep their investment there while they're
14 training them. If they choose to be lured
15 away, why should the company be out of that
16 money to train that individual to go over
17 there? Once they graduate, they get all that
18 money back with interest. And I don't see a
19 problem with that, but each company does
20 something different. That's what Delaware
21 Elevator does.

22 CHAIRMAN CHRISTENSEN: Dick Gregory has a
23 question.

24 MR. GREGORY: You have a test that has "X"
25 number of questions, like a thousand or two

1 thousand? You have a lot of questions.

2 MR. SMARTE: There's a whole bunch of
3 question banks, yes.

4 MR. GREGORY: So you have a lot of
5 questions. Now, I go and sit for the test, and
6 I don't pass it.

7 MR. SMARTE: Mr. Gregory, I've got to stop
8 you there. There are a lot of test questions,
9 but that's not the certifying test. The
10 certifying test has nothing to do with those
11 1,600 questions.

12 MR. GREGORY: The certifying test is what
13 we voted on here in the past, and I'm trying to
14 point us in this direction. So the certifying
15 test, you have a bunch of questions.

16 MR. SMARTE: No, sir. There's a set
17 psychometric -- I'll let Amanda talk about it
18 because she's the expert on that.

19 CHAIRMAN CHRISTENSEN: She's going to be
20 the next one up.

21 MS. SMITH: I'm Amanda Smith with NAEC. I
22 work personally with the developers of the
23 test, as well as our ANSI accreditation in
24 getting our certification.

25 And to answer Mr. Gregory, we do have a

1 pool of questions. However, our test is
2 reviewed annually. We do a psychometric
3 evaluation for ANSI. We have guidelines for
4 every five years with a curriculum, and our
5 certification program is reviewed. The
6 industry as a whole, we solicit to everyone to
7 make sure we're meeting the current standards,
8 the changes in the technology and the
9 education, so we can evolve our program.

10 When our test is reviewed annually, there
11 were concerns about the same questions being
12 there. The questions are reviewed; questions
13 are replaced. So while you may see it this
14 go-around, in six months' time, we have all the
15 questions. So it's not the same test year to
16 year to year to year, due to that evaluation.

17 MR. GREGORY: But if I take the test
18 today, and I don't pass, and I come back after
19 Thanksgiving or whenever I can, Christmas, and
20 take the test again, are they the same
21 questions or different questions?

22 MS. SMITH: They would be the same
23 questions, yes.

24 MR. GREGORY: That's my total question.

25 MR. GRANT: That would be correct, unless

1 the annual review fell within the timeframe
2 that it would rotate, regardless. You're not
3 guaranteed to take the same set of questions if
4 it evolves, if it evolves --

5 MS. SMITH: Right.

6 MR. GROSS: It only does that annually?
7 That is correct?

8 MS. SMITH: We do evaluate it twice a
9 year, the actual test, to make sure we've
10 reissued the test annually.

11 MR. GRANT: Why do you choose to do that,
12 that way?

13 MS. SMITH: It's the requirement of ASO,
14 our ANSI ASO. To keep our standard with the
15 international standard, we have to undergo a
16 one-year evaluation every year with the
17 psychometrics to make sure our tests are
18 performing to the psychometric standards.

19 MR. GRANT: So is that very much the same
20 as the ACT test standard is, or does that vary?
21 Because you've got to take it over and over
22 again. You get a score that equates to some
23 known entity, but the psychometrics that you
24 refer to is one that shows adequate competency,
25 correct?

1 MS. SMITH: Yes.

2 MR. GRANT: Understandability and so
3 forth? I guess what I'm asking is, they
4 mandate that you keep that for that next test?
5 I understand you don't know which ones you
6 missed, but you're required to keep the same
7 pool of questions for that duration?

8 MS. SMITH: Not necessarily. I mean, we
9 evaluate it twice a year, and we adjust, you
10 know, accordingly to the evaluation. We watch
11 how our statistics are going. We have an X
12 amount of number. We're a small program. So,
13 you know, we wait until we have 20 people to
14 take the test. So we may encounter that after
15 one month, or it may take us two or three
16 months.

17 MR. SMARTE: I also will say on that test,
18 the way I've been led to believe is there's a
19 hundred and fifty questions. Without those
20 hundred and fifty questions, they're sent other
21 questions for other things, and don't
22 necessarily count as your score.

23 MS. SMITH: Right. Individuals do not
24 know which questions are --

25 CHAIRMAN CHRISTENSEN: I've got one

1 question.

2 MR. CAPUANI: Excuse me for standing.

3 So you're saying it's possible that I
4 could take the same test four times in a year?

5 MS. SMITH: Due to the timing of the
6 retest, I don't believe so. We have not had
7 anyone.

8 MR. CAPUANI: Well, you said that I can
9 take it -- if I took it today, I had 30 days to
10 take it the second time, 30 days to take it the
11 third time, correct?

12 MS. SMITH: Yes.

13 MR. CAPUANI: And then 60 days?

14 MS. SMITH: Correct. I guess if you took
15 it right after the new test.

16 MR. CAPUANI: There is a possibility I
17 could take the same test both times?

18 MR. SMARTE: Most people take it in that
19 30-day time because they try to study. On
20 average, probably my guys take it two, two and
21 a half months in between times.

22 MR. CAPUANI: So it is possible? That's
23 my question.

24 MS. SMITH: Right.

25 MR. GANIERE: You use words "we've

1 reviewed" and "we've evaluated." Who is "we"?

2 MS. SMITH: We have a third-party
3 psychometrician, who does the evaluation. He
4 is contracted out from NAEC. It has nothing to
5 do with the actual program. He is an ANSI
6 certified inspector, auditor, and so we
7 contract that out.

8 MR. GANIERE: Who validates your exams?

9 MS. SMITH: The ANSI, the third-party
10 accreditation program.

11 MR. GANIERE: Not a test evaluation
12 company?

13 MS. SMITH: No.

14 MR. GANIERE: Okay.

15 MS. SMITH: We use a third-party company
16 so nothing is done. We do not distribute
17 scantrons or anything in our office. It is a
18 third-party vendor that does that and does the
19 actual -- houses the testing material. We
20 contract that out.

21 CHAIRMAN CHRISTENSEN: Did you have
22 something else to add?

23 MS. SMITH: Fielding any questions
24 regarding the exam. And, David, are you done?

25 MR. SMARTE: If anybody else has any

1 questions? Again, I want to assure you that we
2 are doing things the right way. I'll let Ellie
3 answer those charges. I know everything was
4 resolved. It was sent to me by the supervisor,
5 who thought he had something that he didn't on
6 that Delaware thing, and that went away. And
7 that was just one way, even though there was no
8 charges, because it's every day. And then on
9 the other thing, with the Maryland, all that
10 was gone. It was rescinded.

11 MR. GREGORY: Frank, Delaware Elevator is
12 not applying for anything here?

13 CHAIRMAN CHRISTENSEN: No.

14 MR. GREGORY: Thank you.

15 MR. CAPUANI: I'd like to know how many
16 states are you licensed with Delaware Elevator?

17 MR. SMARTE: Delaware Elevator is
18 licensed. I know we have an apprenticeship
19 program in D.C., Maryland and Delaware. I know
20 we operate in Virginia, Pennsylvania,
21 New Jersey, Florida, California.

22 MR. CAPUANI: Do you hold a license in
23 each one of those states?

24 MR. SMARTE: Yes, sir. Thank you.

25 CHAIRMAN CHRISTENSEN: Thank you.

1 MS. POWELL: Would you like me to speak?

2 CHAIRMAN CHRISTENSEN: Is this Faye
3 Powell?

4 MS. POWELL: I'm Faye Powell. I can
5 entertain any questions that you have. I would
6 like to make a couple of points.

7 Delaware, the State of Delaware was
8 mentioned earlier, and we were before that
9 board yesterday. And they did confirm us the
10 next day as accepted. The CET program was
11 accepted.

12 MR. SMARTE: No, the test.

13 MS. POWELL: The whole program. As well,
14 Delaware did opt to go with the alternative
15 proctoring with the University of Delaware.
16 That is our place. We have an agreement with
17 that university. And we do that throughout
18 the -- if there's a statute that requires that,
19 we have no problem. We can move in that
20 direction. And we are -- that's
21 really --

22 THE REPORTER: I can't hear you.

23 MS. POWELL: I'm sorry. Those are just
24 the points I wanted to reiterate. I would
25 entertain the questions.

1 MR. DATILLO: I have a question. When you
2 talk about the program, is that the curriculum
3 and the testing?

4 MS. POWELL: To us, it is, because the
5 curriculum prepares you for the exam.

6 MR. DATILLO: The program is the
7 curriculum and the test or the testing?

8 MS. POWELL: There is a program that
9 educates you, and there is a certification
10 exam.

11 MR. DATILLO: That's part of the program?

12 MS. POWELL: It is a program. It's not a
13 part of the curriculum. You graduate from
14 college, and you take the bar exam after
15 completion.

16 MR. DATILLO: Help me out.

17 MR. GRANT: When the State of Delaware, if
18 I'm understanding this correctly, they
19 recognize the training curriculum that you
20 offer and will accept passing examinations for
21 these various categories of skill, proctored
22 through the University of Delaware?

23 MS. POWELL: That is correct.

24 MR. GRANT: And they elected to apply that
25 standard for proctoring to address an issue

1 that they felt was important, and that's how
2 they dealt with closing the whole -- that we
3 were discussing here in terms of
4 self-regulation of examination?

5 MS. POWELL: We do accept third party.

6 MR. GRANT: Is that why they did that?

7 MS. POWELL: That is an option that they
8 exercise in that state that they used.

9 MR. GRANT: Did they say that's why they
10 were doing it?

11 MS. POWELL: As the agency asked if you
12 would be willing to accept that. Absolutely.
13 That's been in place for many years.

14 MR. GRANT: So with that program's
15 curriculum, administrative proctoring the
16 examination for that, can be done that way
17 without -- I mean, it's done elsewhere, and it
18 could be done that way? Thank you.

19 MR. SMARTE: I think we were discussing,
20 because we're hearing more of it, that's what
21 they're going to go back to the certification
22 board to, an independent of NAEC, and suggests
23 that's what they now implement everywhere.

24 CHAIRMAN CHRISTENSEN: I'd like you to
25 come up to the podium and speak. It's just me,

1 but that's how I do things.

2 MR. SMARTE: That's fine. Okay.

3 CHAIRMAN CHRISTENSEN: No more questions?
4 Okay. Ellie Webb?

5 MS. WEBB: I'm Ellie Webb with Delaware
6 Elevator. Dave touched on several of the
7 issues. A lot was thrown out there. I was
8 trying to make some notes, and I didn't bring
9 my whole file cabinet with me, but I do have
10 several pieces of paper. If you give me an
11 e-mail address, instead of me just sitting here
12 telling you how all these allegations are
13 false. The three sworn statements, I don't
14 believe I see any of the gentlemen here. There
15 may only be two now. One of the gentlemen just
16 passed away two weeks ago. But I'm sure it's
17 the same individuals. This happened between
18 2008 and 2011 in Maryland.

19 I was just wondering, along with that
20 e-mail, did you get the copies of the minutes
21 on May 11th that indicated everything was
22 thrown out? They, too, put together a
23 subcommittee, because honestly, the council got
24 tired of hearing us. It became a circus every
25 time we went to an apprenticeship council

1 meeting. Us being the largest non-union
2 company, it's just never going to stop. We'll
3 be here today; we'll be somewhere else next
4 month.

5 CHAIRMAN CHRISTENSEN: I have a question
6 for you. What action did you take over the
7 three apprentices? What action did you take
8 once you heard that this happened?

9 MS. WEBB: Okay. Three sworn statements
10 from people indicating there was cheating and
11 on-the-job training and taking tests, and these
12 were the exact same allegations that were
13 brought up in Maryland. I have several minutes
14 with me of those meetings. It might be the
15 same one. Maybe it's something else, and if it
16 is, I really need to know what it is so that I
17 can show you the backup and proof.

18 But on those particular ones in Maryland,
19 the three sworn statements -- I mean, I have
20 their names here. I can tell you or e-mail
21 them or whatever. But like I said, if it's the
22 same three, there's now only two, because one
23 just passed away.

24 What were some of the things he was
25 saying? But, again, it was the same thing. No

1 proctoring, getting answers. Oh, the best one,
2 it was just funny. They were given the answers
3 to take a test, but to purposefully get a
4 couple wrong so it doesn't look suspicious?
5 That's just weird. I mean, these are all
6 just -- they're people that are no longer with
7 us. They said themselves they went to the
8 union --

9 CHAIRMAN CHRISTENSEN: I'm going to ask
10 you the same question I asked you before. When
11 you heard about this, what action did you take?

12 MS. WEBB: We had an audit. We welcomed
13 the council to come in for a desk audit and do
14 whatever. And I will welcome any one of you to
15 come back with us. I don't know what time
16 you're looking for, but there's nothing -- they
17 tried to figure out how we do our system. This
18 allegation, it's just not possible. You can't
19 falsify your own job training sheets. So,
20 again, we welcomed the council to come and do
21 an audit, and they did. And then it switched
22 on a couple months later to a new allegation,
23 or affirmative action, EEOC.

24 Again, the subcommittee was formed and
25 finally just said let's put a rest to this.

1 It's just getting old. They could not back up
2 any of these allegations that were said. And
3 when it was brought to our attention, of
4 course, we could sit there and say it's not
5 true, but we were, like, come on. You know,
6 meet our people, interview our people, and they
7 did. You know, we didn't pick people to say go
8 meet these five people. Don't talk to them.
9 You know, they went wherever.

10 And in Delaware, the incident in Delaware,
11 we did make a mistake. There was a violation,
12 but, again, I'd like to give you the full
13 records of it. I can sit here and tell you,
14 but I'd like to give you the statement, what
15 the violation was. It sounds so great. It was
16 like 21 of one thing and 14 of another. It was
17 one person, but each day he counted it as a
18 violation. And we're wrong. It was a seasoned
19 mechanic, but we wanted to put him through the
20 apprenticeship program, the school portion of
21 it. And that was not the right thing to do at
22 the time.

23 And we accepted our responsibility. I
24 think we committed for like a year of just
25 random audits, which they do anyway. We don't

1 know when they're going to show up on the job.
2 But, again, we do have all that documentation.
3 I'd rather give you the actual facts of what
4 apprentice it was, what mechanic, what
5 happened, the certified payroll, the job,
6 everything. So you get a true understanding.
7 And we did -- we were at fault. And we fixed
8 it, and we haven't had problems since. We get
9 reviewed with Delaware, Maryland, and D.C.
10 every year for our apprenticeship program.

11 So if I can get an e-mail address or
12 something, I'd like to be able to give you that
13 normal, you know, actual information to back up
14 his allegations, but a lot was said.

15 MR. GRANT: I'd like to ask that we do get
16 that information, and it does get distributed.
17 Just for clarification, we are talking about --

18 MS. WEBB: John Bowers (sp) is the one
19 that just passed away.

20 MR. GRANT: And William Savage (sp)?
21 You're saying, you're refuting that these
22 declarations don't show the entire picture? Is
23 that what's going on? I'd like to make sure
24 that if we get shared information like that,
25 that we would get this information.

1 MS. WEBB: You could probably speak with
2 the council on -- I mean, I didn't see all of
3 their investigations that they went out and
4 did. I am sure you can request it from public
5 information.

6 MR. GRANT: Only if it goes to the office
7 that Mr. Capuani heads up, and it can be
8 distributed to the Board before any other
9 meeting on this.

10 MS. WEBB: On that particular one, I have
11 that right now electronically that I can send
12 to you, how there's three, you know,
13 plaintiffs. Their statements were thrown out.

14 MR. CAPUANI: I will give you my e-mail
15 address before I leave.

16 CHAIRMAN CHRISTENSEN: Mark Urban.

17 MR. URBAN: It's still morning. Good
18 morning all. I stand before this Board this
19 morning surrounded by some of my former
20 brothers from the union. I got my training at
21 NEIEP. It is the finest program and is
22 excellent. Every one of these -- Terry for
23 years has been interested in safety. He has
24 done everything he can to keep the riding
25 public safety on conveyances and elevators as

1 well as the constructors. They are absolutely
2 committed to that.

3 Okay. I now work in management for a
4 non-union company. It's a small shop. We
5 don't have access to those resources anymore.
6 All we're asking for is to head up the solid
7 curriculum -- pardon me?

8 [WHEREUPON THERE WAS A
9 DISTURBANCE IN THE AUDIENCE.]

10 CHAIRMAN CHRISTENSEN: Please don't do
11 that.

12 MR. URBAN: To have access to a solid
13 curriculum for safety-minded companies who want
14 to do the right thing, both for their
15 employees, constructors, as well as those who
16 use the conveyances that we install. And
17 that's really all we're looking for. We're
18 looking for the basis. Let us have that
19 curriculum. It's a solid curriculum. And then
20 let us apply for, if need be, an apprenticeship
21 program. We don't have an apprenticeship
22 program set up yet. NEIEP is the only one with
23 an apprenticeship program. We just want that
24 core to build off of at the time it becomes
25 necessary, and we want to bring new

1 constructors in and train them, not taking
2 anything away from the NEIEP program.

3 CHAIRMAN CHRISTENSEN: Mark, can I ask you
4 a question?

5 MR. URBAN: Sure.

6 CHAIRMAN CHRISTENSEN: You're the
7 operations manager for Garaventa?

8 MR. URBAN: Yes, sir.

9 CHAIRMAN CHRISTENSEN: Have you been
10 involved with the CET testing of one of your
11 apprentices or helpers or whatever? Have they
12 went through, and have you watched the tests?

13 MR. URBAN: I have not. I haven't been
14 involved. All I've done is looked, taken a
15 look at some of the curriculum. I've not been
16 involved in any of the testing.

17 MR. WELLER: Well spoken. Thank you for
18 coming. And, you know, again, our concern is
19 kind of an independent overview is that the
20 testing process itself, right, is meeting some
21 kind of substantial equivalency to the test
22 that John is talking about, right? You've got
23 to have some restrictions and policies in place
24 so that we can have confidence that at the end
25 of the training, which is, again, not on the

1 table here, but the actual process of taking
2 the test, and the test itself is equivalent,
3 all right?

4 So when we're asking all of these
5 questions, if we're really not getting good
6 answers -- I hear that we're going to do it.
7 I've hear that we've had some mistakes. That's
8 great. I understand that. But we have an
9 affirmative acceptance of the test, knowing now
10 that there was some holes in it, right? And
11 granted, you guys have got to bring to
12 us -- because it's not merely our
13 responsibility, other than to look at the
14 facts. Yes or no, is it equivalent? But you
15 guys have got to come together with a better
16 story. I appreciate where you're at, right?
17 But right now, there's some challenges, and you
18 can retake the test four times? Yeah, it might
19 not happen.

20 You know, so appreciate where we're at.
21 It's not a union, nonunion. It's not a small
22 business, big business. It's got nothing to do
23 with that. And I guess there's the illicit
24 jokes, but in my opinion, it's not about that.
25 It's about the efficacy of the exam itself.

1 It's about the efficacy of the craftsmen that
2 we put into the marketplace, right? And if we
3 are going to compromise that, I'm not going to
4 vote for it. Until you can convince me we're
5 not compromising it, I'm a "no."

6 MR. URBAN: CET has done -- to your point,
7 CET is going to have to assure you in some way
8 better than they have thus far?

9 MR. WELLER: Thank you.

10 MR. URBAN: And present more information.

11 I guess what I'm saying, let's keep the
12 dialogue going so that there is a way so that
13 the nonunion companies can have a chance in
14 educating their constructors, so everybody can
15 be protected under the same kind of safety
16 standards that NEIEP has.

17 CHAIRMAN CHRISTENSEN: Doug?

18 MR. JONES: Just a thought in terms of the
19 process here. These people really haven't had
20 a chance to do their due diligence. If I'm an
21 attorney, I'd want time to answer the questions
22 that were presented. And I think that's fair
23 to them to be able to do that because they had
24 a lot of things shot at their program. I think
25 it's fair that this body recognizes the fact

1 that they haven't had time to prepare the
2 answers that I would want if I were in their
3 shoes.

4 CHAIRMAN CHRISTENSEN: I'm sure that's
5 going to come up at the next meeting. Thank
6 you.

7 Patrick Edwards?

8 MR. EDWARDS: What's your last name? I'm
9 sorry.

10 MR. WELLER: Weller.

11 MR. EDWARDS: Weller? You're the only guy
12 without a nametag besides Frank.

13 CHAIRMAN CHRISTENSEN: Mine is here.

14 MR. EDWARDS: I have to ask some questions
15 because there is not agreement from you guys
16 what the motion was in November of last year.
17 Apparently you read what the committee came up
18 with about the CET program. In your opinion,
19 was that about the CET curriculum, so to speak?

20 MR. GREGORY: No.

21 MR. JONES: May I answer that question,
22 Mr. Chairman?

23 That's what we were charged with as a
24 committee. Whether we voted on that as a
25 motion and how it was placed, I can't answer

1 that question, but as a committee, we're
2 talking about curriculum, right?

3 MR. GRANT: Yeah. If I may, what we
4 looked on, that was whether or not there
5 appeared to be a requirement to demonstrate
6 competency in the skills necessary to sit for
7 an examination, that if properly passed, could
8 assure you that that individual had received
9 appropriate training. The execution of the
10 exams and the proctoring of that exam, as
11 described in their handout and their code of
12 ethics, is what we looked at, without any field
13 example from some other location of a violation
14 of those codes of the conduct or ethics.

15 MR. EDWARDS: But in the process of that
16 committee looking into the CET program, which I
17 would have to say includes the curricula and
18 the test, did you look at the curricula? Did
19 you look at the content? Or did you just look
20 at and see that it had ANSI certification?
21 What was it that convinced you?

22 MR. GRANT: The range of the categories
23 within the blocks or sections of those, but I
24 did not -- and I don't believe anybody else has
25 taken one exam and another exam and looked to

1 see whether those --

2 MR. JIRIK: I disagree with these two
3 gentlemen on that committee because the
4 question to the committee was if it was a
5 comparable program to NEIEP, and I disagree.

6 MR. EDWARDS: But it's still a comparable
7 curriculum. Is that your understanding? Or is
8 it a comparable test?

9 MR. JIRIK: I'm talking about the whole
10 program.

11 CHAIRMAN CHRISTENSEN: Please stay behind
12 the podium.

13 MR. EDWARDS: Do you include curriculum in
14 that?

15 MR. JIRIK: I personally do.

16 MR. EDWARDS: That's my point. You,
17 Mr. Weller, talked about some test. Some of
18 you have used the word "apprenticeship," and
19 some used the word "curriculum." You, as a
20 Board, need to decide what it is that we're
21 talking about. What I thought we were talking
22 about is the curricula. The curricula, not the
23 test, not an apprenticeship training program,
24 which is a DOL union based thing. The word
25 "apprenticeship" to me is union, just like

1 journeyman, erector. That's union. To me that
2 has nothing to do with what we're doing here in
3 the state.

4 Nonetheless, is it the curricula? Is the
5 information provided in the textbooks what the
6 law says substantially is saying or equal to
7 what's provided in the NEIEP program? I'm not
8 going to stand up here and say that how the CET
9 and CAT information is being presented in
10 different companies in different ways, be it an
11 apprenticeship training program, or be it as in
12 many states if your company has people enrolled
13 in the technician certification program, once
14 you complete that -- and I presented this at
15 the last meeting. Once you complete that
16 certification, that is grounds for getting a
17 license.

18 There are other states like Illinois that
19 wanted to be a part of an apprenticeship
20 program, okay? So the question -- again, the
21 way I understood it is, as a first step, since
22 the apprenticeship -- excuse me. Since the DOL
23 has already accepted the amount of information
24 and the hours to be an acceptable
25 apprenticeship program, that's what the DOL

1 decides, not this Board. This Board decides
2 whether the information provided is sufficient.

3 MR. WELLER: Well, is it an apprenticeship
4 program or not an apprenticeship program?

5 MR. EDWARDS: Pardon me?

6 MR. WELLER: You just said that DOL
7 decides whether it's an acceptable
8 apprenticeship program or not.

9 MR. EDWARDS: That's right.

10 MR. WELLER: You just told me it wasn't.

11 MR. EDWARDS: I said you've got --

12 MR. WELLER: You called me out, and you
13 made it a point. So I'm going to tell
14 you -- should we read it back? Read it back
15 where he said it's not an apprenticeship
16 program.

17 THE REPORTER: Can you give me just a
18 minute?

19 MR. WELLER: Well, if you're going to call
20 me out.

21 MR. EDWARDS: I'll hear what I said.

22 While she looks it up, I can --

23 MR. GANIERE: We have a court reporter
24 here who can take everything down. You can't
25 talk while she is looking.

1 [WHEREBY THE REQUESTED PORTION
2 OF THE RECORD WAS READ BY THE
3 COURT REPORTER.]

4 MR. WELLER: So it's not about an
5 apprenticeship program. So let's go back. Is
6 it about or not about an apprenticeship
7 program?

8 MR. EDWARDS: Is what about?

9 MR. WELLER: What you're asking us for.
10 For the clarification.

11 MR. EDWARDS: No. That's not my job to
12 tell you what to do. What I'm saying is, that
13 as a member of the public and listening to the
14 Board members speak, you as a Board do not
15 understand what you're talking about today.
16 You always bring up the test. He brings up the
17 curricula. You two are not in agreement. You
18 keep on talking about transferring from another
19 state. To me, that's not even on the table.

20 So it's important -- to me, the role of
21 the Board is to determine whether the
22 curricula -- this is the point I was trying to
23 make. I apologize if I didn't say it clearly.
24 The role of the Board is to determine if the
25 curricula is adequate. If the skills that

1 those curricula intend to teach are adequate.
2 The DOL takes care of the wage rates, the
3 amount of hours, how you record it, auditing,
4 all that type of thing. The Board won't be the
5 auditor of any particular companies or any
6 particular companies' or organizations'
7 apprenticeship program. That's a separate
8 situation.

9 Now, are we talking about this test? You
10 know, there is a test. If you work as a -- if
11 you work in the industry as a helper, you have
12 to be licensed as a helper here in the state in
13 order to even work on anything, right? So the
14 law says -- and, Bob, maybe you know this
15 better. I mean, you definitely know this. How
16 many years do you have to work before you can
17 sit for a test?

18 MR. CAPUANI: You have to have three
19 years.

20 MR. EDWARDS: Three years experience.

21 MR. CAPUANI: Working under the direction
22 of a licensed mechanic.

23 MR. EDWARDS: Okay. So where do those
24 test questions come from?

25 MR. CAPUANI: CET.

1 MR. EDWARDS: Thank you. So we already
2 have a test that you can take after three years
3 experience instead of how many thousands of
4 hours, okay? You don't even have to -- suffice
5 it to say, that that's not congruent to me,
6 okay? This is such a different standard.

7 But I'm going to go back, because I
8 understand that I'm attacking you, and I don't
9 want to be in that mode. I agree with Dave,
10 and I'm glad he held his temper. The NEIEP
11 program is awesome. Second to none in the
12 world, I'm sure. But I'm a small businessman.
13 I don't have access to NEIEP. I can't send a
14 guy through NEIEP because I choose not to be in
15 a union. I'm a merit shop. I need an
16 opportunity to provide my people with training.
17 I would rather not have to put them in an
18 apprenticeship program because for the reasons
19 I stated before. But it's the law here. Until
20 we change that, that's the way it has to be.

21 So what I need to know now, the
22 reason -- and there isn't anybody in the State
23 of Illinois -- there is no company in the State
24 of Illinois that has an approved apprenticeship
25 program because we don't know what the target

1 is. Last year you approved it, and then
2 whatever that meeting was when you decided
3 whether you're going to rescind it or not
4 rescind it, or whatever, and so here we are.
5 What are we supposed to be doing in the
6 meantime? The only way we're getting away with
7 it is because most of us are using helpers at
8 the present time with our licensed people that
9 were grandfathered in, and the economy sucks.
10 So we're not hiring new people.

11 CHAIRMAN CHRISTENSEN: We're not talking
12 about the apprenticeship program. And I've got
13 to differ with you when you say that the
14 apprenticeship program is a union program. ABC
15 has been approved for an apprenticeship
16 program. That is a nonunion contractor. So
17 the CET program has been approved for
18 apprenticeship program.

19 MR. EDWARDS: The CET curriculum, Frank.
20 See, that's the point.

21 CHAIRMAN CHRISTENSEN: Right now, we need
22 to stay on the testing, and instead of going
23 through the apprenticeship program. We could
24 just go on and on about this.

25 MR. EDWARDS: I don't need to talk about

1 the apprenticeship training program anymore.
2 Let's narrow it down to the two. Are we
3 talking about the final test, or are we talking
4 about the curriculum? I guess the rhetorical
5 question is, when the committee presented their
6 findings that the CET curricula was acceptable,
7 did the Board accept that? Was that the basis
8 of that motion?

9 MR. WELLER: So here's how it typically
10 works.

11 MR. GREGORY: I can read it.

12 MR. WELLER: Well, here's how it typically
13 works. When you have an education program, how
14 in the past we've done it since the beginning,
15 it's brought in front of the Board. You bring
16 the binders in. You bring the books in.
17 Everything comes in, and we look at it and we
18 go, "Does this meet the educational needs of
19 the purpose of it?" All right? So that's how
20 we've always done it.

21 So when we made the vote -- and I'll speak
22 for myself, all right? That education
23 component, the underlying pieces of that
24 puzzle, which was never voted on, because that
25 has to be done on an individual basis. If you

1 want to bring an education program forward,
2 you've got to put that program together and
3 bring it to us. That's how it gets done.

4 MR. EDWARDS: So, Mr. Weller, you're not
5 in agreement with these two gentlemen?

6 MR. WELLER: I guess not.

7 CHAIRMAN CHRISTENSEN: Doug?

8 MR. JONES: Going back to the report that
9 we had on November 3rd of last year from Keefe
10 Reporting Company, Ms. Bonner asked this
11 question: We're asking you to look at our
12 educational program to determine that it is
13 equivalent to the NEIEP educational program.
14 And that's what we were discussing at that
15 time.

16 My understanding -- and I think Mr. Grant
17 will agree with me -- what we were tasked as a
18 subcommittee was to determine whether or not
19 the curriculum was the same, and that's what we
20 discussed. We didn't discuss apprenticeship
21 programs or testing. That was not the issue.
22 The issue was, is their curriculum the same.
23 That's my understanding. I was not given any
24 information by anyone that would give me pause
25 to think that it wasn't. I asked every member

1 of the subcommittee is there something in this
2 investigation that would give us pause, and
3 nobody told me or anyone else anything about
4 the curriculum. That's my understanding. And
5 when I voted for the motion, that's what I was
6 looking at. Now, if it wasn't stated
7 correctly, I don't -- I can't deal with that.

8 MR. GRANT: I'd just like to clarify.

9 I think, Kelly, it was my understanding
10 that the continuing education programs where
11 individual elevator companies would be able to
12 offer that training in-house. We've never
13 reviewed the NEIEP program's content when it
14 was added to the Act as an apprenticeship
15 equivalent. That was the only one that was
16 available to us at the time the Act went into
17 place, and that's the one that was
18 incorporated.

19 MR. WELLER: You'll have to go back, but
20 NEIEP was brought in front of this committee at
21 some point.

22 MR. GRANT: You know, perhaps it was
23 before I was appointed to the Board. I should
24 probably clarify that, but that was done
25 perhaps at the inception of that requirement

1 within the Act. It was a recognized available
2 program to be able to demonstrate
3 qualifications to sit for an exam since we were
4 licensing elevator mechanics in the state.

5 MR. EDWARDS: That's a great point. Now
6 I've got two. The NEIEP program was part of
7 the law that was passed here in the state. It
8 never received the scrutiny of the Board,
9 period.

10 My last point is, I think I'm missing
11 something because the NEIEP people have been
12 talking about a third party, okay? There's
13 NEIEP, which is part of the union, and there's
14 the company. Who is the third party? There
15 isn't any. The CET program is the only program
16 that has a third party, ANSI. It's been
17 certified by ANSI. NEIEP has not. ANSI is an
18 international organization that certifies a
19 whole bunch of other people. Thank you.

20 CHAIRMAN CHRISTENSEN: I'm going to ask,
21 John O'Donnell, can you come up to the podium
22 please. My question is, to just put it to you,
23 he says is there a third party for NEIEP?

24 MR. O'DONNELL: There is. It's been since
25 the late '70s. Holmes Associates (phonetic) is

1 the third party that oversees the curriculum,
2 the duration, as I discussed with the Board
3 earlier, and the validation of the exam.

4 CHAIRMAN CHRISTENSEN: Okay. Thank you.
5 We're going to take a 10-minute break, and then
6 we'll come back to this.

7 [WHEREBY A SHORT BREAK WAS
8 TAKEN.]

9 CHAIRMAN CHRISTENSEN: I'm going to call
10 the meeting to order. Jim Chapman?

11 MR. CHAPMAN: Thank you. My name is Jim
12 Chapman. I'm with the International Union of
13 Elevator Constructors. I'm the national
14 organizer. I am here to discuss the issue of
15 the CET, and I think there's -- I put some
16 thoughts together, and hopefully they're
17 organized through the discussions we've had
18 today. I'll be as brief as possible, but there
19 are some things I want to touch on.

20 As a national organizer, I cover the
21 states of Kansas, Missouri, Illinois, Indiana,
22 Ohio, Kentucky and West Virginia, and we have
23 licensing in several of those states. And I've
24 been part of these discussions and evaluations
25 of the NEIEP program and of the CET program.

1 And I think the question and the confusion
2 that's centered around here today really is
3 about what's in the Act, and whether NEIEP and
4 CET are equivalent programs. And hopefully
5 we'll have an opportunity in the future to
6 address this particular concern.

7 I think one of the most important things
8 is you're not going to hear me come up here and
9 talk about union or nonunion, and you're not
10 going to hear me bad mouth the CET curriculum.
11 I think from what I know of the curriculum and
12 what I've been exposed to, it's a fairly good
13 curriculum, but that's actually where it stops.
14 And I think the word "implementation" of that
15 program is the key component to what is about
16 equivalency with NEIEP.

17 One of the things about the equivalency
18 part that I want to address -- and I think
19 there's been a good showing of what it is about
20 the apprenticeship program and the term
21 "apprenticeship." I was just -- Mr. Edwards
22 made a comment that apprenticeship was a union
23 issue. Apprenticeship is not a union issue.
24 Whether you're a union contractor, a nonunion
25 contractor, you can apply for an apprenticeship

1 program.

2 We have a nonunion contractor here,
3 Delaware Elevator, that did indeed say they are
4 part of an apprenticeship program. The good
5 component about being a registered
6 apprenticeship program is that third-party
7 oversight where now you have standards that are
8 equivalent for all apprenticeship programs.
9 Whether you're a union contractor, whether
10 you're a nonunion contractor, the
11 apprenticeship sets the guidelines and allows
12 the parameters to be put in place so that there
13 is equality between the two programs. And I
14 think that's the important part about the term
15 "equivalency" that's in your Act. That's what
16 separates NEIEP and the CET, because there's no
17 parameters. There's no guidelines for the CET
18 program. We have guidelines.

19 We need -- and John O'Donnell very
20 eloquently said in explaining the NEIEP program
21 in a Reader's Digest version. He talked about
22 third-party oversight and the testing. But the
23 CET program talks about their oversight, ANSI.
24 I'm not going to speak because I'm a pro on
25 ANSI or that knowledgeable of how it's done,

1 but I know you take a program, a stack of
2 books, the curriculum, the program. You give
3 it to somebody, and they evaluate that
4 particular program, and they give a
5 certification if that particular program is a
6 good program, but it doesn't take in the
7 implementation of that program. It doesn't
8 evaluate how a contractor that purchases the
9 CET implements it to his employees. That's a
10 key difference between registered
11 apprenticeship program and oversight is the
12 Department of Labor actually will audit. We
13 heard about the audits with Delaware Elevator.
14 Our union contractors, they get audited. It's
15 oversight. And to me, that is a key component
16 in the equivalency language that's in the Act
17 that the CET program should meet.

18 Now, there's some confusion on this Board
19 about what we're talking about, whether it's an
20 education program, whether it's an
21 apprenticeship, whether it's a certification
22 program. Well, in my opinion, I think it's by
23 design, because if you go to the NAEC website,
24 and you go to the education tab, and you pull
25 it up, there's all three terms. There's the

1 CET education program, there's the CET
2 certification program, and there's the CET
3 apprenticeship program. Now, I'm not going to
4 speak on behalf of why they're there, but I am
5 going to speak on my experiences with the
6 development of that over the last maybe four
7 years.

8 Four or five years ago when I became an
9 organizer, I went to that tab, and the first
10 thing that popped out under the education was
11 the grandparenting test. And what that
12 grandparenting test was, was if you could
13 document you'd worked so many hours in the
14 elevator industry, and an employer vouched for
15 you with a letter, then you could take the
16 special circumstances or the grandparenting
17 test. Now, that grandparenting test is a
18 single test. I think it was a hundred and
19 fifty questions, and I'm not going to -- a
20 hundred and twenty, hundred and fifty, separate
21 it. I'm not going to get into those. It was a
22 test you could take. You didn't go through the
23 program, and you didn't go through all four
24 years. You just took the test, and you got a
25 certification.

1 That is, to me, one of the biggest
2 implementation issues that's out there. When I
3 saw that, I thought wait a minute. You're
4 advertising an education program, which in my
5 mind -- because I did come from the IUEC, and I
6 was part of a training program and
7 apprenticeship program that there was four
8 years. Actually, when I went through them, it
9 was five years. You had five years of
10 classwork you had to go through, and then you
11 took your mechanic's exam. I was under that
12 assumption. Clearly I was wrong, because at
13 that point in time, four years ago, maybe five
14 years ago, they didn't even have a full
15 program. It was just two years. You couldn't
16 have completed the full program.

17 So the majority of the people went and
18 took this grandparenting test, and it was
19 supposed to expire in 2007. Well, actually, it
20 was supposed to expire in 2004. Then they
21 extended that particular time period to 2007 to
22 say if you had 10,000 hours of work experience,
23 you could take this special circumstance test.
24 It's no longer called the grandparenting test.
25 And they went before boards like yourself and

1 said we're going to do away with the
2 grandparenting test. We've got a real good
3 program. We've got a program, and here's the
4 books. Here's the curriculum. It's a good
5 program. Still didn't have all four years of
6 the program. And the majority of the folks
7 were still taking this, what is now called the
8 special circumstance test.

9 And the reason I'm making this point on
10 this particular exam is that you have a
11 program, but nobody is going through it.
12 Nobody is actually going through all four years
13 of the program. They're just taking the test
14 at the end. To me, that's not a program.

15 I was at the meeting. NAEC was there.
16 They handed out pamphlets. They handed out a
17 booklet, which I have with me today. It has
18 the program description with it, and it talked
19 about some of these issues. And Ms. Bonner,
20 who I think has been before this Board in my
21 presence, and I don't know if she is still with
22 the NAEC or CET, I posed her this question in
23 Missouri because they were boasting about
24 having over 600 certified elevator technicians.
25 And I asked her how many of those have finished

1 all four years of the program? And she said
2 74. Now, in their point that this is a new
3 program, I recognize that, but you don't have a
4 full program. You're advertising over 600
5 CETs, but only 74 have gone through and
6 completed all four years.

7 There was an article in Elevator World
8 that supports this same statement. It was an
9 article that was also in their handout that
10 made similar numbers. And part of that process
11 and part of that quote was they did this to get
12 licenses. They did it to get a license.

13 Now I'm trying not to jump around because
14 there's some things that I want to really touch
15 on, and I wanted to be brief.

16 In my personal opinion, I think that the
17 CET certification and some of the things we're
18 discussing today isn't truly about training,
19 but it's about getting a license, and it's
20 about reciprocity. They want -- one of these
21 folks that's never gone through the program
22 that has a certificate to be able to go into
23 another state and get that CET, those three
24 letters, in a bill, or get that in a rule, so
25 that they don't have to train. That's my

1 opinion.

2 I'm an organizer. I deal with some of
3 these folks that are either outside the IUEC or
4 folks that we brought into the IUEC. I know of
5 one entity that has utilized the CET program to
6 its fullest, and that was the University of
7 Purdue. And I have to think that the majority
8 of those 74 folks that graduated from that
9 program did it through the University of
10 Purdue. And I think it's important that the
11 University of Purdue did a very good job of it,
12 I must admit.

13 We have a few of those folks that went
14 through that program working within our
15 organization now, and they're doing a fantastic
16 job, but they did it as an apprenticeship.
17 They did it as an apprenticeship program. They
18 followed those guidelines as a higher
19 education. They did it the right way, and they
20 did a pretty good job of it. They are the
21 exception.

22 Now, can you pose these same questions to
23 the folks from CET and NAEC about how many guys
24 have completed this program in its entirety?
25 And I hope you do. But I hope that this Board

1 who's here to govern for the folks of the State
2 of Illinois recognize that there's an
3 underlying issue about reciprocity. And I know
4 it's been an issue in this state to try to
5 control and evaluate the skill sets of all
6 elevator constructors within this state. And
7 this is about reciprocity. This is about
8 somebody coming into the State of Illinois that
9 really hasn't completed the program.

10 And this holds true -- and some of you
11 guys may know this, an individual by the name
12 of Luke Nolan. Luke Nolan came to the State of
13 Illinois, had his three years' experience, took
14 the test, which is the CET test, and then went
15 over the border into Indiana and said, "Guess
16 what, Indiana? I'm a CET." Now, there was a
17 suit filed. There was some interpretations. I
18 think the Board ultimately did not recognize
19 him as a CET after a fight and discussion and
20 investigation. Ultimately, he did get a
21 license unfortunately, and I think there was
22 some concern about that.

23 Again, I think this isn't about training.
24 It's about reciprocity.

25 One of the things -- and, again, I want to

1 reevaluate or kind of explain the testing piece
2 and the implementation issues that we have with
3 the CET. In the same article, in the handout
4 that I got about the CET program from
5 Ms. Bonner, was another article in the Elevator
6 World. And actually a quote by Mr. Smarte
7 where he said, "Hey, it's a good program. And
8 I can even take an individual candidate and
9 give him the test in the machine room of a
10 job." And to me, that's not a good place to
11 take a test. I don't know if it's a safe place
12 to take a test. I don't think it's a proper
13 location for a test. We talked about these
14 testing criteria. I question that
15 implementation. I'm not going to question the
16 curriculum. I'm questioning the implementation
17 of it.

18 We heard again with the Delaware issue,
19 and I'm not going to -- please don't take this
20 out of context. In the format of having a
21 recognized apprenticeship program, when they
22 are issues that are not acceptable, or outside
23 the scope of the parameters of an
24 apprenticeship program, there is somebody that
25 addresses that problem. They did it in the

1 State of Delaware. They do it with union
2 contractors. They come in and make sure the
3 paperwork is done properly. They go to
4 our -- to our NEIEP. They audit those
5 guidelines. But if you don't have anybody to
6 monitor, it's a free-for-all.

7 And I think if you ask the folks from the
8 CET how many people complete the program, I
9 would question probably maybe no more than 74,
10 75 right now, and that's been almost a year ago
11 when that question was posed.

12 So the testing issues that came up -- and
13 another piece that separates the equivalency
14 from the CET and NEIEP is also the retake
15 issue. There was some discussion about that.
16 You can -- I don't know if it was a Freudian
17 slip, but the comment was made you had to wait
18 30 days. Well, the 30 days' waiting period is
19 only for the special circumstance test. If
20 you're actually completing the program, and
21 you're going through your year one, year two,
22 year three, year four, then that's a 15-day
23 waiting period. And I think these folks are
24 probably more in line to dealing with the
25 special circumstance test instead of somebody

1 going through year one, year two, year three
2 like any other apprenticeship program.

3 Now, as I stated earlier, one other thing
4 I wanted to make sure is that, again, there's
5 the four retakes, big difference. There's also
6 a fee that individual has to pay, a hundred
7 dollars for each retake, and this is fee
8 driven. And, listen, in the IUEC, our members
9 pay for our education. Whether you're union or
10 nonunion, there's a cost to these programs,
11 okay? I'm not going to get into one is more
12 than the other or what the costs are. The
13 costs are what they are, and whether you're
14 union or nonunion, you pay.

15 But, again, I think it's important that
16 you guys understand that there is -- they're
17 circumventing the program in the majority of
18 the cases in order to just get that CET.

19 And, again, we talked about
20 implementation. If somebody -- you're an
21 employer, and you need a guy to get a license,
22 and you write a letter. I don't know who's
23 evaluating? Who is overseeing this work
24 experience? Thank goodness, I think this is a
25 good thing in the State of Illinois, you guys

1 track your apprentices. Now, I haven't done an
2 evaluation. I shouldn't say "apprentice."
3 "Apprentice/helper." And I haven't done it in
4 some time. But to my knowledge, the only
5 registered helpers or apprentices are those
6 that are enrolled in an apprenticeship program
7 that are union, that work for union
8 contractors.

9 It was mentioned earlier I believe by
10 Mr. Edwards -- and I shouldn't -- there was
11 somebody that earlier mentioned that they used
12 the grandfathering to get their guys in, and
13 they hadn't hired. So that's, to me, the point
14 that his guys are actually licensed mechanics.

15 One of the things that, I guess, I kind of
16 want to wrap this up and give you guys an
17 opportunity to ask me any questions, but this
18 is about training. This is about an education.
19 This is about actually doing the work and to
20 evaluate these two programs. They should be
21 equivalent. They should have the parameters
22 set forth in the apprenticeship program because
23 that's what we do in NEIEP. They have the
24 opportunity to do it with the CET. I've got a
25 pamphlet that's got the standards, and it says,

1 "Put your name right here." You can submit
2 those standards to the DOL. You don't have to
3 rewrite those standards. There was a comment
4 made that because you have a registered program
5 that you have to pay the union wage rate.
6 That's not true.

7 These are the things I think you need to
8 know. I hope that you will reconsider the
9 equivalency piece of the Act. And I truly
10 believe that it isn't the objective of this
11 Board to get into the apprenticeship business.
12 That's what -- in the State of Illinois, that's
13 what the Department of Labor does. But it is
14 your role to evaluate whether the CET program
15 is equivalent to NEIEP. And part of NEIEP is
16 those apprenticeship standards. And I would
17 hope this Board would consider that at the next
18 meeting to understand that that plays a major
19 role in the equivalency piece in order to get a
20 license in the state.

21 Any questions?

22 MR. WELLER: Very articulate. Awesome.
23 Thank you. You helped to clear it up in my
24 mind to some degree, because it is about three
25 things. And, you know, I believe that I voted

1 on the end result, the test, or the actual
2 reciprocity. You called it reciprocity? When
3 we took the vote, I thought we had framed this
4 in such a way that we were going to recognize
5 the education and the equivalency for someone
6 coming from another state and to this state who
7 had that equivalency. Passed that program. In
8 other words, we were voting what I
9 thought -- you used the term "reciprocity,"
10 right? And de facto with that reciprocity, we
11 voted that the -- and we call it curriculum. I
12 think you called it two different things?
13 Certification or education, all right? So that
14 is two different things.

15 MR. CHAPMAN: I don't want to speak out of
16 school, and I don't want to be inaccurate in my
17 statement. If you go to the website and
18 evaluate what the program description is, the
19 only difference that I see on the NAEC website
20 for the CET, the only difference I see between
21 their educational piece and their certification
22 piece is the special circumstance test that I
23 was speaking of, where you could forego taking
24 the whole, full program. You can just get to
25 the end of the test, where you just take one

1 test, and all of a sudden, you're the CET.

2 NEIEP does not allow that. We do allow
3 the challenging of two years of the program.
4 If you've come from the Navy, or you had an
5 industry background that's similar to the IUEC,
6 there is a challenging period, and you
7 have -- you can do it. It's tough. We don't
8 give you the answers. You can't go on line and
9 buy the answers or buy the book. You have to
10 take it. And the success rates, I can't speak
11 of, but I know it's tough, depending on what
12 course you take, but you've still got to
13 complete it. We don't hand out mechanics'
14 cards. We don't hand out mechanics'
15 certifications. You've got to go through the
16 program. You've got to take the test.

17 And I don't want to get off on another
18 subject, but there was -- Mr. Smarte made a
19 comment about temporary mechanics, and don't
20 let that mislead you either. But that's a
21 collective bargaining issue, and we're not here
22 to talk about the collective bargaining issue.
23 If Mr. Smarte would like to talk about the
24 collective bargaining issue, I will do that
25 outside this, but that does not belong in this

1 room, because it's about our program, and it's
2 about our NEIEP and how we become mechanics.
3 That's it. Collective bargaining agreement, in
4 my opinion, does not belong in state law. And
5 I've been vocal about that in other states.

6 MR. GRANT: I am confident that we have
7 given documentation from the U.S. Department of
8 Labor that the CET training program -- I'm sure
9 it wasn't the special circumstance question or
10 the grandparenting exam in question, but the
11 full program was declared a qualified
12 apprenticeship program, but I did not think
13 what you said would acknowledge that. Is that
14 true?

15 MR. CHAPMAN: That is true.

16 MR. GRANT: Okay.

17 MR. CHAPMAN: And to that point, has
18 anybody registered that, an employer, and
19 utilized that in the state? That's the point
20 I'm making.

21 MR. GRANT: That would be coming back here
22 for us to authorize is how I understood that,
23 and that is what's in our purview, I believe.
24 We discussed that at the time we voted.

25 MR. WELLER: I hope -- that's what I

1 thought we were doing.

2 MR. GRANT: That's what we did do. On the
3 committee that I participated on and presented
4 in that position statement was the fact that
5 that was nationally recognized to provide that,
6 and it was evaluated on its educational content
7 to do that. Administration of all of the
8 different elements of that program, and the
9 manner by which some elevator company came to
10 this Board and asked us to accept their entire
11 use of that apprenticeship program, to that end
12 would come back and be heard on a case-by-case
13 basis, okay? I just wanted to be sure. Thank
14 you.

15 MR. JONES: Just again to reiterate a
16 statement we made. Specifically to be clear,
17 our task is not to determine apprenticeship
18 programs. That, we feel, still would be in the
19 auspices of the state board, but rather the
20 equivalency of the curriculum. So that's what
21 we talked about.

22 CHAIRMAN CHRISTENSEN: David, I don't
23 usually have somebody -- would you like to
24 speak?

25 MR. SMARTE: I just want to clarify two

1 things. My intent was not to go into a
2 waiting, or you know, negotiating contracts or
3 anything. It was just saying that one of our
4 supervisors made the mistake thinking about
5 allowing a very experienced apprentice on the
6 job who didn't understand the rules. It wasn't
7 trying to get into union or nonunion. I don't
8 want to do that either.

9 But I would implore this -- with
10 everything going on and all the questions are
11 coming, I would implore this committee here,
12 this Board, to write out all the questions,
13 concerns that they have and give them to us so
14 we make sure that when we come back here, we
15 address in detail everything that you will need
16 to know, and we will answer everything honestly
17 and accurately. I think sometimes there's a
18 lot of misinformation that gets out there that
19 becomes fact when it's not really fact, or
20 misunderstanding, because they don't have a
21 clear view of everything. If you want to do
22 that, we can do that.

23 MR. CHAPMAN: Well, you made a statement
24 about facts. Here's the booklets that they
25 were actually supplied by the NAEC where I got

1 my facts from. These are things that you
2 supplied, Mr. Smarte, you and Ms. Bonner. My
3 point about my study guide, here's my receipt
4 that I ordered on line just recently to get the
5 test, and I was --

6 MR. SMARTE: But to clarify --

7 CHAIRMAN CHRISTENSEN: Hang on. We're not
8 going to have it go back and forth here.

9 MR. CHAPMAN: I've got the chair.

10 CHAIRMAN CHRISTENSEN: He's got the chair,
11 and I'll allow you to speak afterwards. In
12 fact, please sit down for now.

13 MR. CHAPMAN: I just recently ordered
14 this. And the nice young lady at Elevator
15 World told me that she would e-mail the NAEC
16 and ask me what company I worked for. I had to
17 tell her what company I worked for in order to
18 get it. Now, I did this with the highest
19 integrity. I didn't try to mislead anybody
20 when I did this because I don't think that's
21 good business, but it's still out there. I
22 mean, it's right here. They're just only
23 giving it to the people they want to give it
24 to.

25 MR. WELLER: Well, one quick question.

1 Northern Illinois University or the University
2 of Illinois -- pick one of the major schools
3 here -- put this on the curriculum like Purdue
4 did and deployed this training program, all
5 right? And then all of a sudden we voted "yes"
6 or "no." If all of us -- if that program was
7 deployed by a reputable university, was put
8 together through some independent program, you
9 know, I think that all of us would embrace the
10 fact that that's a training program that
11 is -- you know, I don't want to say it's
12 equivalent, but would meet the test that we
13 were asked to vote on. So, you know, you asked
14 me what I would want to see from a Board
15 perspective? Bring me someone who is going to
16 administer this program from an independent
17 point of view who has a foundation for
18 education somewhere, all right? And that's a
19 great way to start, in my thought. So that
20 sounds great, Purdue doing that. How could I
21 say "no"?

22 MR. CHAPMAN: The point to be made on the
23 Purdue example was that in the State of
24 Indiana, they have to license those
25 individuals, and Purdue has a -- there's a

1 clause in the Act that exempts the university
2 and gives them different rights from a regular
3 contractor. So that was why Purdue had to
4 implement that particular program in the way it
5 did. So I don't want to be misleading into
6 that point. These were individuals that
7 went -- this was an individual -- I guess you
8 could look at Purdue in that context as a
9 contractor, so to speak, but those individuals
10 just worked at the university.

11 CHAIRMAN CHRISTENSEN: Are you done?

12 MR. CHAPMAN: Yeah.

13 CHAIRMAN CHRISTENSEN: Because I think we
14 can just keep on going back and forth again.
15 And with some of the new stuff that has come to
16 us, I'm going to appoint a subcommittee again
17 to go over this one more time and report to us
18 at the next meeting.

19 So, Tom Ganier and Mark Hertsberg and
20 David and Kelly. I knew he wouldn't like that,
21 but that's what we're going to do.

22 MR. BARNES: I think we need to have some
23 direction, some specificity as to what exactly
24 they're looking for, because the previous one,
25 I think, we were under certain pressure.

1 CHAIRMAN CHRISTENSEN: It didn't come out
2 that way in the motion.

3 MR. BARNES: Correct.

4 CHAIRMAN CHRISTENSEN: So I guess it would
5 be over their education and their testing.

6 MR. WELLER: Can we frame it to -- because
7 I think it's fair. You know, the gentleman,
8 even though we kind of got off on the wrong
9 start, he does have a point. The motion is
10 very vague, and we started with it being very
11 vague. Maybe the subcommittee's task would be
12 going back on the interpretation on the motion
13 that passed, so that we can maybe add that to
14 the definition, make a recommendation to repeal
15 it or overturn it, but I think it should be
16 around the actual motion because that's where
17 all this is coming from. And I think it's
18 coming from the fact that it's too vague. All
19 of us kind of viewed it from a different lens,
20 and maybe we just need to have some more
21 clarity around the motion, and the motion needs
22 to be refined or appealed for the vote, I
23 guess.

24 CHAIRMAN CHRISTENSEN: To let the public
25 know, if you have any information, to get that

1 information over to Bob Capuani.

2 MR. CAPUANI: And I look forward to all
3 your information and so do all of the Board
4 members.

5 MR. GANIERE: When is our next meeting?

6 MR. CAPUANI: February, I want to say the
7 8th or the 9th. It should be posted on our
8 website. It should be the first Thursday in
9 February.

10 MR. GANIERE: February 7th.

11 MR. CAPUANI: February 7? Okay.

12 MR. GREGORY: February 7th.

13 MR. CAPUANI: I'll send out the schedule.
14 I'll send out schedule to the Board members.

15 MS. YOUNG: Did you say it was on the
16 website for the agenda for 2013?

17 MR. CAPUANI: I believe so.

18 MS. YOUNG: I don't see it on there. I
19 just wanted to let you know that.

20 MR. CAPUANI: We'll post it, but I believe
21 it's the first Thursday in February.

22 CHAIRMAN CHRISTENSEN: We're going to move
23 on to the minutes from August 9, 2012. Has the
24 Board had a chance to review those minutes? Is
25 there a motion to accept the minutes?

1 MR. GANIERE: I'll move.

2 CHAIRMAN CHRISTENSEN: Is there a second?

3 MR. HERTSBERG: I'll second it.

4 CHAIRMAN CHRISTENSEN: Is there any
5 addition or corrections?

6 [NO RESPONSE.]

7 CHAIRMAN CHRISTENSEN: None being, all
8 those in favor, say "aye."

9 [CHORUS OF "AYES."]

10 CHAIRMAN CHRISTENSEN: All those against?

11 [NO RESPONSE.]

12 CHAIRMAN CHRISTENSEN: The "ayes" have it.
13 Nothing for old business? Okay.

14 Is there anybody that put in a sheet for
15 public comment that wishes to speak? Patti?

16 MS. YOUNG: I have a question. Are we
17 going to address the 4B, the rules update for
18 Mr. Barnes? Because I don't think we've
19 covered that.

20 MR. BARNES: We can if you want.

21 The rules update is that the rules were
22 promulgated on October 1st over a month ago.
23 The OSFM has undertaken efforts to revise the
24 existing municipality agreement to reflect
25 changes to both the proposed that was reflected

1 in the new rules and other matters, which are
2 left to the discretion of the State Fire
3 Marshal as the administrator of the Act. Those
4 revised municipal agreements have been sent
5 out, and the thought is that they are to be
6 returned to our office no later than
7 March 1st of 2013. That should be sufficient
8 time for review. Obviously Bob can answer any
9 questions on behalf of the municipalities, but
10 I think that's it, unless you have any specific
11 questions.

12 MR. GRANT: Just one. On the local
13 agreements, if I understood that right, I
14 thought they had to have an equivalent -- as
15 stringent of a standard as we had for the state
16 board. Were they allowed to exclude the
17 performance based code and the local agreement
18 if they felt that was not as stringent? Did we
19 ever decide that? Because there was a lot of
20 question about the performance based approach
21 to things, if you'll remember, before us. I
22 just wondered if individual municipal
23 agreements were permitted to exclude that
24 inclusion.

25 MR. CAPUANI: I would say we would not

1 have the ability.

2 MR. BARNES: I don't think they even have
3 to adopt. They have to enforce and the
4 equivalency -- let me take a look.

5 MR. GRANT: You know what I'm saying? Is
6 that some things are more demanding and others
7 are more flexible under performance based, so.
8 I'm sorry. If you don't think --

9 MR. GREGORY: Just a point of interest for
10 people. If you go on Google or whatever your
11 browser is, and you look up Nova -- you know,
12 Nova is a TV program? And you look up the
13 program. It was November 2nd, "Trapped in an
14 Elevator." It's very interesting. It's an
15 hour-long program, but it's very interesting.
16 It gives you a lot of elevator information, in
17 addition to the guy in New York who was trapped
18 for 41 hours.

19 MS. YOUNG: What does that have to do
20 with -- Craig was talking about something
21 for --

22 MR. GREGORY: It has nothing to do with
23 it, Patti.

24 MS. YOUNG: I just wanted to see where we
25 were going.

1 MR. GREGORY: Zero, nada. I'm filling the
2 time while they find the answer.

3 MS. YOUNG: And you're back on Tuesday.

4 MR. BARNES: The Act says requires local
5 municipalities to enforce the applicable
6 provisions of the Act. And let me find it.
7 There's no real equivalency.

8 MR. GRANT: They can't go more stringent?
9 They're limited.

10 MR. BARNES: No.

11 This is my last meeting with the Board.
12 I'm leaving the OSFM. And the future meetings,
13 the chair will be helmed by Alix, my deputy
14 general counsel. He's been recommended to the
15 governor's office as acting general counsel and
16 will act as general counsel.

17 And thank for your time. It's been
18 interesting, to say the least, but I have
19 learned a lot. And I'll be heading to the
20 Department of Corrections.

21 MR. GREGORY: Do they have elevators
22 there?

23 MR. GANIERE: As a resident?

24 MR. BARNES: Oh, yeah.

25 MR. WELLER: Thank you. Thanks, Bill.

1 CHAIRMAN CHRISTENSEN: Anything else? Is
2 there a motion to adjourn?

3 MR. GREGORY: So move.

4 CHAIRMAN CHRISTENSEN: You can't do that.

5 MR. GANIERE: I move.

6 CHAIRMAN CHRISTENSEN: Is there a second?

7 MR. JIRIK: I second it.

8 CHAIRMAN CHRISTENSEN: Say "aye."

9 [CHORUS OF "AYES."]

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11 [END OF PROCEEDING.]

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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 November 16, 2012.

Ann Marie Hollo