

ELEVATOR MECHANICS LICENSING BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

- Date: Monday, August 7, 2017
- Time: 1:00 p.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813
- Present: Lawrence T. Morinaga, Industry Member, Chairperson
James Wilburn, Jr., Industry Member, Vice Chairperson
Ronald H. Nakamine, Department of Labor and Industrial Relations ("DLIR")
Designee
Jammie Garcia-Paahana, Industry Member
Steve Tsunemoto, Industry Member

Constance Cabral, Executive Officer
Kedin Kleinhans, Executive Officer
Daniel K. Jacob, Esq., Deputy Attorney General ("DAG")
Ronni-Ann Bumgarner, Secretary
- Guest: Marc Yamane – International Union of Elevator Constructors ("IUEC") Local 126
- Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes ("HRS") section 92-7(b).
- Call to Order: There being a quorum present, the meeting was called to order at 1:03 p.m. by Chairperson Morinaga.
- Approval of Minutes: It was moved by Vice Chairperson Wilburn, seconded by Ms. Garcia-Paahana, and unanimously carried to approve the Board meeting minutes of the July 7, 2017 meeting as circulated.

It was moved by Ms. Garcia-Paahana, seconded by Vice Chairperson Wilburn, and unanimously carried to approve the executive session Board meeting minutes of the July 7, 2017 meeting as circulated.
- Legislation: H.B. No. 1381, Relating to Elevator Mechanics (and subsequent drafts)

This bill expands or clarifies various aspects of statutes regarding elevator mechanic licensing and apprentice registration.

Executive Officer Cabral stated that the biggest issue the Board has with H.B. No. 1381 is the apprenticeship training. There are currently two paths of training: formal through a training program, and informal through

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on the job training. The Board recognizes the importance of formal training as everyone gets the same information and training. Executive Officer Cabral also mentioned there has not been any adjudicatory matters regarding those who have been trained under a licensed elevator mechanic. She stated that Senator Baker would like to ensure, since the industry is technologically progressing, that apprentices are aware of new information.

Because the union has its own program, Executive Officer Cabral is not sure if the union bylaws prevent non-union members from attending the apprenticeship program. She referenced when DAG Tam mentioned that the Board cannot treat anybody differently; everyone should be able to pay the same price and get the same training. Mr. Yamane of the IUEC stated that the union offers continuing education ("CE") courses to non-union members, but not formal training.

Mr. Tsunemoto did some research and found that there are online apprenticeship courses available, but he is not sure if they are at the same level as what the union offers. Mr. Tsunemoto thinks that apprentices should go through the DLIR and not the Department of Commerce and Consumer Affairs. Executive Officer Cabral mentioned that some apprentices that undergo on the job training do not go through the DLIR.

Executive Officer Cabral asked the Board if Honolulu Community College were to offer training, would there be enough apprentices to attend? The Board felt that there would not be enough apprentices for the program.

Executive Officer Cabral cited questions previously asked to DAG Tam: If the board were to remove the apprenticeship registration would it be an issue that the Board does not have any authority over them? Would it be unlicensed activity? DAG Jacob stated if the definition of an apprentice elevator mechanic were to be removed from H.B. No. 1381 he does not believe it would be considered as unlicensed activity. As the Statute requires training, it would be difficult to say that the apprentices are practicing without a license.

Mr. Yamane of the IUEC expressed his concerns on the current registration date requirement. He stated that if he has an IUEC member come to Hawaii, who has four years of experience working on the mainland and can furnish proof of hours, his/her hours reset upon registration and he/she will need to start the process from the beginning to sit for the exam. Executive Officer Cabral stated that if she understands Mr. Yamane correctly, removing the requirement to register with the Board would resolve that issue. Monitoring would have to be done through a training program, which needs to be acceptable by the Board, like a didactic program with on the job training, and with a licensed elevator mechanic. Also, to ensure that everyone is up to par in knowledge, the continuing education ("CE") portion with renewal should be added. He advised the Board that the PACE program offers CE.

Mr. Yamane also explained to the Board that because there is a shortage

of licensed elevator mechanics, H.B. No. 1381 proposed to issue temporary permits to apprentices under certain condition.

Apprenticeship
Training:

The Board has concerns that an apprentice with on the job training would not be able to get the full range of training as an apprentice in a formal training program. Executive Officer Cabral asked if CE courses would be able to bring an apprentice up to speed on knowledge and information. The Board does not think so as CE courses are meant to be taken after the baseline education is complete and focuses more on codes. The Board wants the CE requirement changed from ten hours to eight hours.

Executive
Session:

At 2:37 p.m., it was moved Mr. Wilburn, seconded by Ms. Garcia-Paahana, and unanimously carried (by roll call with Chairperson Morinaga, Vice Chairperson Wilburn, Ms. Garcia-Paahana, Mr. Nakamine, and Mr. Tsunemoto voting aye) for the Board to move into Executive Session to consult with the Board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, as provided in HRS § 92-5(a)(4).

At 3:35 p.m., it was moved by Mr. Tsunemoto, seconded by Vice Chairperson Wilburn, (Chairperson Morinaga, Vice Chairperson Wilburn, Ms. Garcia-Paahana, Mr. Nakamine, and Mr. Tsunemoto voting aye) and unanimously carried for the Board to move out of Executive Session.

Elevator Mechanic
Temporary Permit:

Peter L. Shannon

At the previous Board meeting, the Board had asked Executive Officer Cabral if Mr. Shannon held a license in another state since he was applying for a temporary permit. Executive Officer Cabral confirmed that Mr. Shannon does have a license in another state.

It was moved by Vice Chairperson Wilburn, seconded by Mr. Nakamine, and unanimously carried to ratify the Elevator Mechanic Temporary Permit for Peter L. Shannon.

Next Meeting:

Thursday, September 14, 2017
1:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, the meeting was adjourned at 3:48 p.m.

Taken and recorded by,

/s/ Ronni-Ann Bumgarner

Ronni-Ann Bumgarner, Secretary

Reviewed and approved by:

/s/ Kedin Kleinhans

Kedin Kleinhans, Executive Officer

KK:rb

8/29/17

Minutes approved as is.
 Minutes approved with changes; see minutes of _____.