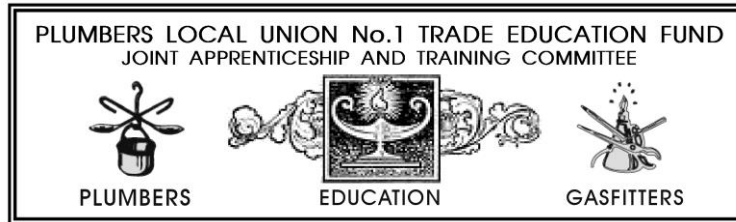


PAUL O'CONNOR
JATC Co-Chair - Labor

Ph. (718) 752 - 9630



VINCENT ASPROMONTE
JATC Co-Chair - Management

Fax (718) 752 - 9634

PLUMBERS & GAS-FITTERS TRAINING CENTER
UA LOCAL UNION No. 1 of NEW YORK CITY
37-11 47th Avenue, Long Island City, N.Y. 11101

ARTHUR O. KLOCK JR.
Director of Trade Education

Via E-Mail to: ATCO@labor.ny.gov

New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 450
Albany, NY 12226

Topic:

United Service Workers Local 355 JATF - PROPOSED HVAC Apprenticeship Program

To:

Roberta Reardon, Commissioner, New York State Department of Labor
Esta R. Bigler, Chairperson, NYS Apprenticeship & Training Council
Christopher White, Deputy Commissioner, Workforce Development
Chris Pinheiro, Director, Apprenticeship and Infrastructure

My name is Arthur Klock, and I am the Training Director for the Plumbers Local Union No.1 Trade Education Fund. Our jointly administered Fund, labor (Plumbers Local 1) and management (Association of Contracting Plumbers of NYC) owns and operates a 40,000 square foot Training Center located in Queens, New York. Under NYSDOL supervision, we currently operate an Apprenticeship Program as Sponsor 10761 with over 500 Registered Apprentices in paid daytime training and generally full employment.

I write to notify you that as active participants and advocates for the Apprenticeship Community in New York, we object to the approval of the pending application for a new apprenticeship program in the Heating, Ventilation & Air Conditioning Mechanic trade submitted by United Service Workers Local 355 JATF, which was posted for public review on August 2, 2024.

Our principle concern about this sponsor is that they already operate four (4) existing Apprenticeship Programs, and to fairly evaluate this new application, the public should be made aware of this sponsor's performance as operator of their four (4) existing programs.

Specifically, each of their four (4) existing programs is required to have regularly scheduled monitoring reviews conducted by the Department. These reviews detail any findings on a form AT-12 "Monitoring Report". A "Finding" is made to identify any area where the sponsor is out of compliance with Labor Law Article 23, Apprenticeship

Regulations Parts 600 or 601, or policy directives, and it needs to be immediately addressed. Additionally, the report will cite any “Observations” which are areas where changes are recommended by the Department in order to improve program quality, service effectiveness, or program results. “Observations” are to be reviewed for inconsistencies, patterns and/or trends which, left unresolved, may lead to a “Finding” which requires corrective action.

A full disclosure of any “Findings” or “Observations” previously discovered by the Department in the operation of this sponsor’s four (4) existing programs and reported on forms AT-12 should be available to the public to fully and fairly evaluate this new application.

While the existing AT-12 documents and any “Finding” letters regarding this sponsor’s four (4) existing programs is extremely relevant for evaluation of this sponsor’s new request for an additional program, and should have been provided to the public as an attachment to the application, this is not the case.

The above-mentioned documents do not appear to be publicly available, but could be obtained under the Freedom of Information Law (FOIL). It is our experience however that NY State Agencies can take up to six months to respond to a FOIL request, and so any attempt to legally obtain this information would likely not be available within the time frame allowed for public review and comment.

The Department also has figures regarding “program results”. Without full public disclosure of retention and graduation figures for this sponsor’s four (4) existing programs, no approval should be given for a fifth (5th) program. Without full public disclosure of their record of meeting minority and female participation goals for this sponsor’s four (4) existing programs, no approval should be given for a fifth (5th) program. The public has the right to evaluate the fitness of United Service Workers Local 355 JATF to operate a new Heating, Ventilation & Air Conditioning Mechanic apprenticeship program based upon a transparent and thorough disclosure of the “program results” they have achieved or failed to achieve in their four (4) existing programs.

If you have any other questions regarding this matter, please do not hesitate to call this office at the number indicated above.

Sincerely,



Arthur O. Klock Jr.
Director of Trade Education

CC: Paul O’Connor- Co-Chairman, Labor
Vincent Aspromonte- Co-Chairman, Management
Wendy Salvatierra- Fund Administrator, Plumbing Industry Board
Zakiyya Knox - Representative, New York State Department of Labor
Allan Wishnoff - Head Trade Instructor, Trade Education Fund
File



Enterprise Association of Steamfitters Local Union 638

OF

STEAM, HOT WATER, HYDRAULIC, SPRINKLER, PNEUMATIC TUBE, COMPRESSED AIR, ICE MACHINE, AIR CONDITIONING
AND GENERAL PIPE FITTERS OF NEW YORK AND LONG ISLAND, A.F.L.-C.I.O.

STEAMFITTERS LOCAL UNION 638 OF THE UNITED ASSOCIATION

August 30, 2024

Via Email & Regular Mail: ATCO@labor.ny.gov

NYS Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 450
Albany, New York 12226

Re: **Public Comments on Proposed United Service Workers Local 355 JATF
Apprenticeship Program**

To Whom It May Concern,

I submit this public comment in my capacity as the Business Manager for Enterprise Association of Steamfitters Local 638 (“Local 638”). I write to notify you that Local 638 objects to the approval of the pending application for a new apprenticeship program in the Heating, Ventilation & Air Conditioning Mechanic trade submitted by United Service Workers Local 355 JATF, which was posted for public review on August 2, 2024. Local 638 kindly requests that the Department of Labor (“the Department”) consider our objections as you review the application.

As an initial concern, it appears that the Union Service Workers Union, Local 355, IUJAT (“Local 355”) failed to submit all required information that would be necessary for the Department to approve the application. In Section II(6) of their AT-9 submission, Local 355 stated that, within the past five (5) years, the organization has been the subject of:

Any pending or open investigation of a possible violation, or determination of a violation of any federal law or regulation including, but not limited to, investigations by the National Labor Relations Board (NLRB) or the United States Department of Labor (USDOL) Wage and Hour Division.

Local 355 Form AT-9, Section II(6). As per the instructions to Form AT-9, Local 355 was required to submit a copy of documentation from the applicable agency, including pertinent dates and the current status or outcomes, and to include an explanation on their official letterhead. The documentation posted for public review does not show any evidence that Local 355 submitted any documentation or explanation regarding their pending or determined violation of a federal law or regulation.

If Local 355 failed to provide that information to the Department, the application should be denied on the basis of Local 355’s failure to provide required information. The Department should not approve any application for an apprenticeship program without knowing the nature of pending or determined violations of federal law by applicants.

If Local 355 did provide that information but the Department failed or intentionally chose not to include that information in the public posting, the application should be denied—or, at a minimum, re-posted for an additional period of public comment with that information included—so that the public is provided a fair opportunity to review and comment on the application. Local 638 believes it is improper

www.steamfitters638.org

27-08 40th Avenue, 4th Floor Long Island City, N.Y. 11101

Office: (718) 392-3420

Finances: (718) 392-4074

Fax: (718) 392-3855

for the Department to approve an apprenticeship program without giving the public, including potential apprentices, a fair opportunity to know whether the union sponsor of the program has violated or has been accused of violating federal law.

Additionally, on the topic of the insufficiency of the public posting, Local 638 believes that the public posting should include information regarding the four active apprenticeship programs currently sponsored by the United Service Workers 355 JATC: Sprinkler Fitter; Steamfitter; Plumber; and Sheet Metal Worker. Without providing any information regarding those four other active programs, the Department has deprived the public of an opportunity to fairly and fully evaluate this new application. Local 638 would be interested, as would the public generally, in knowing information about those programs such as completion rates, the average amount of time it takes for apprentices to complete the programs, and the reported exit reasons for apprentices who do not complete the programs. If, for example, the majority of indentured apprentices have failed to complete the other four apprenticeship programs since their approval dates, Local 638 and the public generally would like to know and consider that information in evaluating this new application by the same sponsor.

The above-mentioned information regarding the four active apprenticeship programs is available to the public via FOIL requests, but in our experience the Department regularly takes much longer than one month—sometimes up to half a year—to provide that information upon request. Even if every interested member of the public requested information about the four active programs on the first day that this new application was posted for public review and comment, it is highly unlikely that anyone would have received the information prior to the September 1, 2024 deadline for submitting public comments. The application should therefore, if not denied outright, at least be re-posted for an additional period of public comment with that information included so the public may properly evaluate and comment on this application.

Finally, Local 638 believes that it would be an unwise duplication of resources for the Department of Labor to approve the application as proposed. The Joint Service Fitters Apprenticeship Committee (“JSAC”) is a long-standing, successful apprenticeship program in the closely related Refrigeration & Air Conditioning Mechanic trade with a proven track record of training and graduating apprentices who move on to gainful employment in the industry. Potential apprentices seeking to enter the industry are not devoid of opportunities to do so. Approval of the application here, which proposes zero (0) apprentices on its Form AT-8 and is sponsored by a union with unknown violations or accused violations of federal law, would require the Department to utilize and expend various resources monitoring a high-risk program providing no readily-discernible or new value to the industry or individuals seeking to enter the industry.

For the foregoing reasons, Local 638 strongly opposes this application for a new apprenticeship program submitted by the United Service Workers Local 355 JATF. Local 638 would kindly request, therefore, for the Department to deny the application for the benefit of the industry, potential apprentices, and the general public of the State of New York.

Very truly yours,



Robert Bartels, Jr.
Business Manager
Local 638



LOCAL UNION 28

METROPOLITAN NEW YORK AND LONG ISLAND

ERIC MESLIN
President and Business Manager

August 30, 2024

Via Email & Regular Mail: ATCO@labor.ny.gov

NYS Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 450
Albany, New York 12226

Re: **Public Comments on Proposed United Service Workers Local 355 JATF
Apprenticeship Program**

To Whom It May Concern,

I submit this public comment in my capacity as President and Business Manager of International Association Sheet Metal, Air, Rail and Transportation Workers Local Union No. 28 ("Local 28"). I write to notify you that Local 28 objects to the approval of the pending application for a new apprenticeship program in the Heating, Ventilation & Air Conditioning Mechanic trade submitted by United Service Workers Local 355 JATF, which was posted for public review on August 2, 2024. Local 28 kindly requests that the Department of Labor ("the Department") consider our objections as you review the application.

As an initial concern, it appears that the Union Service Workers Union, Local 355, IUJAT ("Local 355") failed to submit all required information that would be necessary for the Department to approve the application. In Section II(6) of their AT-9 submission, Local 355 stated that, within the past five (5) years, the organization has been the subject of:

Any pending or open investigation of a possible violation, or determination of a violation of any federal law or regulation including, but not limited to, investigations by the National Labor Relations Board (NLRB) or the United States Department of Labor (USDOL) Wage and Hour Division.

Local 355 Form AT-9, Section II(6). As per the instructions to Form AT-9, Local 355 was required to submit a copy of documentation from the applicable agency, including pertinent dates and the current status or outcomes, and to include an explanation on their official letterhead. The documentation posted for public review does not show any evidence that Local 355 submitted any documentation or explanation regarding their pending or determined violation of a federal law or regulation.

If Local 355 failed to provide that information to the Department, the application should be denied on the basis of Local 355's failure to provide required information. The Department should not approve

500 Greenwich Street, Suite 502, New York, NY 10013
Tel: (212) 941-7700

any application for an apprenticeship program without knowing the nature of pending or determined violations of federal law by applicants.

If Local 355 did provide that information but the Department failed or intentionally chose not to include that information in the public posting, the application should be denied—or, at a minimum, re-posted for an additional period of public comment with that information included—so that the public is provided a fair opportunity to review and comment on the application. Local 28 believes it is improper for the Department to approve an apprenticeship program without giving the public, including potential apprentices, a fair opportunity to know whether the union sponsor of the program has violated or has been accused of violating federal law.

Additionally, on the topic of the insufficiency of the public posting, Local 28 believes that the public posting should include information regarding the four active apprenticeship programs currently sponsored by the United Service Workers 355 JATC: Sprinkler Fitter; Steamfitter; Plumber; and Sheet Metal Worker. Without providing any information regarding those four other active programs, the Department has deprived the public of an opportunity to fairly and fully evaluate this new application. Local 28 would be interested, as would the public generally, in knowing information about those programs such as completion rates, the average amount of time it takes for apprentices to complete the programs, and the reported exit reasons for apprentices who do not complete the programs. If, for example, the majority of indentured apprentices have failed to complete the other four apprenticeship programs since their approval dates, Local 28 and the public generally would like to know and consider that information in evaluating this new application by the same sponsor.

The above-mentioned information regarding the four active apprenticeship programs is available to the public via FOIL requests, but in our experience the Department regularly takes much longer than one month—sometimes up to half a year—to provide that information upon request. Even if every interested member of the public requested information about the four active programs on the first day that this new application was posted for public review and comment, it is highly unlikely that anyone would have received the information prior to the September 1, 2024 deadline for submitting public comments. The application should therefore, if not denied outright, at least be re-posted for an additional period of public comment with that information included so the public may properly evaluate and comment on this application.

Finally, Local 28 would also request, in the event that the application is not denied outright, that the period for public comments be extended to provide an opportunity for further relevant information to be submitted by the public prior to the Department closing the submission and making a final determination. Local 28 is currently in the process of collecting testimony from former members of Local 355, who we anticipate will be able to provide written statements regarding their experiences with Local 355, their existing apprenticeship programs, and potentially one or more of the employers seeking to sponsor this new proposed program. Particularly given that the sponsoring union for this proposed new program has unknown violations or accused violations of federal law within the last five years, we believe that the insight provided by workers who are personally and intimately familiar with Local 355 would be valuable for the Department to make a fully informed decision regarding the approval or denial of the application.

For the foregoing reasons, Local 28 strongly opposes this application for a new apprenticeship program submitted by the United Service Workers Local 355 JATF. Local 28 would kindly request,

therefore, for the Department to deny the application, or at least extend the period of public comment, for the benefit of the industry, potential apprentices, and the general public of the State of New York.

Very truly yours,

ERIC MESLIN

Eric Meslin
Business Manager
Local 28

August 30, 2024

Via Email & Regular Mail: ATCO@labor.ny.gov

NYS Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 450
Albany, New York 12226

Re: **Public Comments on Proposed United Service Workers Local 355 JATF
Apprenticeship Program**

To Whom It May Concern,

I submit this public comment in my capacity as the Co-Director of Education for the Joint Service Fitters Apprenticeship Committee ("JSAC"). I write to notify you that the JSAC objects to the approval of the pending application for a new apprenticeship program in the Heating, Ventilation & Air Conditioning Mechanic trade submitted by United Service Workers Local 355 JATF, which was posted for public review on August 2, 2024. The JSAC kindly requests that the Department of Labor ("the Department") consider our objections as you review the application.

As an initial concern, it appears that the Union Service Workers Union, Local 355, IUJAT ("Local 355") failed to submit all required information that would be necessary for the Department to approve the application. In Section II(6) of their AT-9 submission, Local 355 stated that, within the past five (5) years, the organization has been the subject of:

Any pending or open investigation of a possible violation, or determination of a violation of any federal law or regulation including, but not limited to, investigations by the National Labor Relations Board (NLRB) or the United States Department of Labor (USDOL) Wage and Hour Division.

Local 355 Form AT-9, Section II(6). As per the instructions to Form AT-9, Local 355 was required to submit a copy of documentation from the applicable agency, including pertinent dates and the current status or outcomes, and to include an explanation on their official letterhead. The documentation posted for public review does not show any evidence that Local 355 submitted any documentation or explanation regarding their pending or determined violation of a federal law or regulation.

If Local 355 failed to provide that information to the Department, the application should be denied on the basis of Local 355's failure to provide required information. The Department should not approve any application for an apprenticeship program without knowing the nature of pending or determined violations of federal law by applicants.

“There is no substitute for a skilled craftsman”

If Local 355 did provide that information but the Department failed or intentionally chose not to include that information in the public posting, the application should be denied—or, at a minimum, re-posted for an additional period of public comment with that information included—so that the public is provided a fair opportunity to review and comment on the application. The JSAC believes it is improper

for the Department to approve an apprenticeship program without giving the public, including potential apprentices, a fair opportunity to know whether the union sponsor of the program has violated or has been accused of violating federal law.

Additionally, on the topic of the insufficiency of the public posting, the JSAC believes that the public posting should include information regarding the four active apprenticeship programs currently sponsored by the United Service Workers 355 JATC: Sprinkler Fitter; Steamfitter; Plumber; and Sheet Metal Worker. Without providing any information regarding those four other active programs, the Department has deprived the public of an opportunity to fairly and fully evaluate this new application. The JSAC would be interested, as would the public generally, in knowing information about those programs such as completion rates, the average amount of time it takes for apprentices to complete the programs, and the reported exit reasons for apprentices who do not complete the programs. If, for example, the majority of indentured apprentices have failed to complete the other four apprenticeship programs since their approval dates, the JSAC and the public generally would like to know and consider that information in evaluating this new application by the same sponsor.

The above-mentioned information regarding the four active apprenticeship programs is available to the public via FOIL requests, but in our experience the Department regularly takes much longer than one month—sometimes up to half a year—to provide that information upon request. Even if every interested member of the public requested information about the four active programs on the first day that this new application was posted for public review and comment, it is highly unlikely that anyone would have received the information prior to the September 1, 2024 deadline for submitting public comments. The application should therefore, if not denied outright, at least be re-posted for an additional period of public comment with that information included so the public may properly evaluate and comment on this application.

Finally, the JSAC believes that it would be an unwise duplication of resources for the Department of Labor to approve the application as proposed. The JSAC is a long-standing, successful apprenticeship program in the closely related Refrigeration & Air Conditioning Mechanic trade with a proven track record of training and graduating apprentices who move on to gainful employment in the industry. Potential apprentices seeking to enter the industry are not devoid of opportunities to do so. Approval of the application here, which proposes zero (0) apprentices on its Form AT-8 and is sponsored by a union with unknown violations or accused violations of federal law, would require the Department to utilize and expend various resources monitoring a high-risk program providing no readily-discernible or new value to the industry or individuals seeking to enter the industry.

The
Steamfitters' Industry
Training Center

DIRECTOR OF EDUCATION
Daniel Knights

"There is no substitute for a skilled craftsman"

For the foregoing reasons, the JSAC strongly opposes this application for a new apprenticeship program submitted by the United Service Workers Local 355 JATF. The JSAC would kindly request, therefore, for the Department to deny the application for the benefit of the industry, potential apprentices, and the general public of the State of New York.

Very truly yours,



Daniel Knights
Director of Education
JSAC

