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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 50-30-50
VAC Chapter title(s)	Board for Contractors Individual License and Certification Regulations
Action title	Exam exemption
Date this document prepared	August 10, 2021

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Board for Contractors seeks to exempt all individuals who have successfully completed an apprenticeship program approved by the U.S. Department of Labor or the Virginia Department of Labor and Industry from the requirement to sit for the applicable examination in order to obtain a journeyman license issued by the Board.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

There are no acronyms or technical definitions used in this form that are not specifically identified.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The current regulations allow individuals who have successfully completed certain apprenticeship programs, which have been approved by the Virginia Apprenticeship Council for exemption from examination, to obtain their journeyman license by virtue of graduating from the program.

During 2021, the Board for Contractors, and its committee, have discussed the current eligibility criteria in place for individuals to obtain a journeyman level tradesman license. In June of 2021, the Department of Professional and Occupational Regulation, at the request of the Speaker of the House, convened a work group to explore the efficacy of current licensing laws for construction trades, determine whether greater enforcement is necessary, and whether or not to apply the requirements to a broader scope of the construction trades.

After reviewing the current requirements the work group suggested, among other things, to recommend to the Board for Contractors that it amend its regulations to allow individuals that have successfully completed a trade-related apprenticeship program approved by the U.S. Department of Labor or the Virginia Department of Labor and Industry, be exempt from the requirement to sit for the applicable examination in order to obtain a journeyman license issued by the Board.

At its July 20, 2021 meeting, the Board discussed this public comment and agreed with a unanimous vote to being the process to make this change.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

§ 54.1-1102 of the Code of Virginia provides the Board for Contractors with the authority to promulgate regulations not inconsistent with the statute.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

Apprenticeship programs through the U.S. Department of Labor or the Virginia Department of Labor and Industry must meet certain criteria that generally surpasses the minimum requirements set forth in the regulations. Most apprenticeship programs include four years of on the job training and seven hundred

and twenty hours of vocational training. The minimum requirements within the regulations to obtain a Journeyman electrical, plumbing or HVA license is four years of experience and two hundred and forty hours.

Most individuals that complete these apprenticeship programs are still required to complete the applicable exam associated. Amending 18 VAC 50-30-50 B1 will allow individuals who have completed an approved apprenticeship program to obtain licensure without completed the required examination.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

Currently, only those individuals who complete electrical, plumbing, or HVA apprenticeship programs through employers deemed 'exam exempt' by the Virginia Apprenticeship Council may qualify for the exam exemption in 18 VAC 50-30-50 B1

18 VAC 50-30-50 B1 would be amended to include all individuals who successfully complete an electrical, plumbing, or HVA apprenticeship program through the U.S. Department of Labor or the Virginia Department of Labor and Industry.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No viable alternatives have been identified.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete the paragraph below and insert "This NOIRA is not being used to announce a periodic review or a small business impact review."

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the

Code of Virginia describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Board for Contractors is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Marjorie King c/o Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233, telephone (804) 367-2785, fax (866) 430-1033, email: contractor@dpor.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of proposed regulations, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.